

COVID-19 Daily Update

May 8, 2020

Summary

The United States has 1,271,775 confirmed COVID-19 cases and 76,368 reported related deaths. The United States lost 20.5 million jobs in April and the unemployment rate soared to 14.7%, both record highs. Professional and business services lost 2.1 million jobs, a sign that layoffs that largely began in retail and restaurants have spread to white-collar fields. FDA granted emergency authorization for the first at-home saliva collection kit to test for COVID-19. An aide to Vice President Mike Pence tested positive for COVID-19, one day after a military valet to President Trump tested positive. President Trump announced that he and his aides will now be tested for COVID-19 on a daily basis. TSA will require employees to wear facial protections at airport security checkpoints. TSA describes the action as “an additional measure to... help raise the overall health and safety level inside the airport environment.”

Data show that the three largest cities in the United States, New York City, Los Angeles, and Chicago, are the primary generators of new COVID-19 cases. Several states will ease additional social distancing policies on Friday, May 8. Alaska will re-open bars, gyms, libraries, and theaters. Iowa will re-open dental offices, campgrounds, and drive-in theaters will. Arizona will allow barbershops and salons to re-open with limited capacity. Pennsylvania will lift stay-at-home restrictions for nearly two dozen counties. California Governor Newsom identified a nail salon as the origin of the COVID-19 outbreak in California. New Jersey Governor Murphy stated that he would be “shocked” if beaches are not opened by Memorial Day weekend, the start of the summer season on the Jersey Shore. Amtrak plans to partially restore its Acela rail service in the Mid-Atlantic and Northeast on June 1; Amtrak will offer three roundtrips every week day “in response to anticipated increased demand.” A Pew Research Center poll found that two-thirds of Americans are concerned that state governments will re-open their economies too quickly.

New York reported 216 deaths on Friday. Governor Cuomo expressed that New York is “ahead of” and “in control of the spread of the virus” for the first time. Governor Cuomo extended New York State’s moratorium on commercial or residential evictions for an additional 90 days, until August 20. New York City reported its first known death related to “pediatric multisystem inflammatory syndrome,” a rare syndrome that causes life-threatening inflammation in children and that may be linked to COVID-19. New York City’s public hospital system, Health and Hospitals, will lead the City’s COVID-19 tracing efforts, in a sharp departure from past practice. The City’s Health Department has conducted contact tracing for decades for diseases such as tuberculosis, HIV, and Ebola. Mayor de Blasio announced that, starting this weekend, the police will limit crowds at two piers at Hudson River Park in Greenwich Village and at Domino Park in Brooklyn.

Presidential updates

- [*President Trump Comments on Department of Labor Job Report*](#), May 7
 - The United States economy lost 20.5 million jobs in April and the unemployment rate soared to 14.7%, both record highs. In a press [interview](#) on Friday, President predicted that “those jobs will all be back and they’ll be back very soon” and that “next year, we’re going to have a phenomenal year.”
 - A White House press release [highlighted](#) that temporary layoffs may explain the increase in the unemployment rate from March to April. The release asserted that many furloughed “workers could return to their previous jobs as economic activity picks up” that “bonds between employers and employees remain even while many Americans are not working.”
- [*Executive Order on Promoting American Seafood Competitiveness and Economic Growth*](#), May 7
 - President Trump issued an executive order removing barriers to domestic fishing, combatting illegal and unreported fishing, creating pathways to obtain aquaculture permits, and establishing a new task force on international seafood trade.
 - President Trump [asserted](#) that the order will “solidify our Nation’s food security, protect American jobs in the seafood industry, and create new jobs in the United States.” President Trump also announced \$300 million in funding to support fishermen and related businesses affected by COVID-19.

World Health Organization (WHO)

- [*WHO COVID-19 Updates*](#), May 7
 - WHO recently [updated](#) its Strategic Preparedness and Response Plan. The plan estimates that WHO will need an additional \$1.2 billion to respond to COVID-19 in 2020.
 - WHO Europe Director Kluge [expressed](#) concern over the rising number of COVID-19 cases in Eastern Europe, especially in Belarus, Kazakhstan, the Russian Federation, and Ukraine.
- [*COVID-19 and the use of angiotensin-converting enzyme inhibitors and receptor blockers*](#), May 7
 - WHO published a scientific brief on whether the use of angiotensin-converting enzyme inhibitors (ACE inhibitors) and angiotensin receptor blockers (ARBs) increase susceptibility to COVID-19.
 - Millions of people around the world take ACE inhibitors and ARBs for hypertension, heart failure, coronary artery disease, or kidney disease.
 - WHO reviewed 11 observational studies of patients with lab-confirmed COVID-19. WHO concluded that “there is low-certainty evidence that patients on long-term therapy with ACE inhibitors or ARBs are not at higher risk of poor outcomes from COVID-19.”

U.S. Centers for Disease Control and Prevention (CDC)

- [*Interim Guidance for Mass Gatherings or Large Community Events*](#), May 7
 - CDC recently highlighted its interim guidance on how to reduce the spread of COVID-19 at large events and mass gatherings.

New York State

- [*Governor Cuomo Holds Daily Press Conference on COVID-19*](#), May 8
 - New York State reported 216 deaths on Friday, a drop from the previous four days when about 230 people died per day. Governor Cuomo expressed that New York is “ahead of” and “in control of the spread of the virus” for the first time.
 - Governor Cuomo noted that the majority of new infections in New York are in minority communities. Of the 21 communities with the most new cases, 20 communities have a greater-than-average black or Hispanic population.
- [*Governor Cuomo Extends Moratorium on COVID-Related Evictions Through August 20*](#), May 7
 - Governor Cuomo extended New York State’s moratorium on commercial or residential evictions for an additional 90 days, until August 20.
 - The State announced that it will bar late fees for missed rent payments and allow renters facing financial hardship due to COVID-19 to use their security deposit as payment. Renters will be able to repay their security deposit over time.
 - The State’s Nourish New York Initiative has purchased food from more than 2,100 New York farms and provided support to nearly 50 food banks, soup kitchens and food pantries. Within the next week, more than 20,000 households across the State will receive Nourish New York products.
- [*New York Attorney General Secures New Security Safeguards for Zoom Users*](#), May 7
 - New York Attorney General James announced an agreement with Zoom Video Communications to provide new security measures for platform users.
 - Many schools, governments, and private companies now use the application for work, education, prayer, and socializing. The sudden surge in the volume and sensitivity of data passing through the platform exposed several security flaws, including a lack of end-to-end encryption, leaks of personal information, and uninvited participants disrupting conferences.
 - Zoom agreed to implement and maintain a comprehensive data security program, enhance its encryption protocols, and enhance privacy controls for free accounts.

New York City

- [*NYC to limit crowds at two parks amid concerns over unequal social-distance policing*](#), May 8
 - Mayor de Blasio announced that the police will limit crowds at two piers at Hudson River Park in Greenwich Village and at Domino Park in Brooklyn.
 - The Mayor asserted that racial disparities in social distancing enforcement are unacceptable.
 - Last weekend, two photos of social distancing enforcement in New York City circulated widely on social media. One showed a dense crowd of mostly white people

sunbathing in Hudson River Park. Another showed a police officer beating a black man in a confrontation over social distancing rules. Many people pointed to the two images as evidence that the police were engaged in a racial double standard when enforcing social distancing.

- [*De Blasio Strips Control of Virus Tracing From Health Department*](#), May 8
 - Mayor de Blasio announced a new COVID-19 contact tracing program in New York City which will hire more than 1,000 contact tracers.
 - In a sharp departure from past practice, the City’s Health Department will not lead contact tracing efforts. The Department has conducted contact tracing for decades for diseases such as tuberculosis, HIV, and Ebola. The City’s public hospital system, Health and Hospitals, will lead the new COVID-19 tracing efforts. Health and Hospitals will also oversee the hotels for housing those who cannot quarantine at home.
 - Dr. Mitchell Katz, the head of Health and Hospitals, said that the move was made because his agency, a public benefit corporation rather than a city department, could more quickly hire contact tracers and enter into contracts for testing and other needed services.

- [*5-Year-Old Child Dies of Rare Inflammatory Syndrome Linked to COVID-19*](#), May 8
 - A 5-year-old in New York City died on Thursday, May 7, from “pediatric multisystem inflammatory syndrome,” a rare syndrome that causes life-threatening inflammation in children and that may be linked to COVID-19.
 - It is believed to be the first known death in New York related to the syndrome. New York now reports 73 affected children. The New York State Health Department is investigating other possible cases.

- [*Mayor de Blasio Launches Citywide Antibody Survey*](#), May 7
 - New York City announced a partnership with BioReference Labs to conduct an antibody survey at testing sites in Morrisania, East New York, Upper Manhattan, Concord, and Long Island City.
 - The survey will test approximately 70,000 New Yorkers over an initial two-week period, with the capacity to administer up to 5,000 tests per day. Individual test results will be available within 24 to 48 hours.

- [*Department of Health Guidance on Alcohol Use During the COVID-19 Pandemic*](#), May 7
 - The New York City Department of Health (NYCDOH) issued guidance on alcohol use during the pandemic.
 - NYCDOH highlights that many may be drinking more alcohol as a response to sudden loss in income, loss of loved ones, boredom, or being unable to practice other coping strategies.

Other Related Updates

- [*Department of Labor Issues Employment Situation Summary*](#), May 8
 - The Bureau of Labor Statistics issued a monthly employment report for April 2020.
 - The United State economy lost 20.5 million jobs in April, far exceeding the 8.7 million jobs lost during the Great Recession in 2008.
 - The unemployment rate soared to 14.7%, the highest level since the Great Depression. The unemployment rate hit a record low in February of 3.5% before rising to 4.4% in March amid the early effects of the pandemic.
 - The hospitality industry was hit hardest, with 7.7 million jobs lost, or nearly half its total employment. Professional and business services lost 2.1 million jobs, a sign that layoffs that largely began in retail and restaurants have spread to white-collar fields.
 - Of the 20.5 million workers, 18 million stated that they were on a temporary layoff, indicating that many positions could be reinstated once businesses re-open. Still, many forecasters [expect](#) the unemployment rate to remain elevated through at least 2021.
- [*NIH-supported research survey to examine impact of COVID-19 on rare diseases community*](#), May 7
 - National Institutes of Health (NIH) launched a new online [survey](#) to find out how COVID-19 affects individuals with rare diseases, as well as their families and caregivers. Rare diseases collectively affect an estimated 30 million people in the United States.
- [*Researchers Find Coronavirus in Semen*](#), May 7
 - A recent [study](#), published in JAMA Network Open, a peer-reviewed open-access medical journal, found that the coronavirus may linger in semen. The virus has previously been detected in saliva, urine, and feces.
 - The doctors tested semen from 38 patients at Shangqiu Municipal Hospital in China. All subjects previously tested positive for COVID-19. Researchers detected genetic material from the coronavirus in the semen of six patients. Four patients with positive semen samples “were at the acute stage of infection.”
 - There is still no evidence that COVID-19 can be sexually transmitted. Further studies are needed to confirm whether the virus remains infectious when found in semen.
- [*FDA COVID-19 Update: Daily Roundup*](#), May 7
 - FDA [issued](#) an emergency use authorization (EUA) for the first COVID-19 diagnostic test with the option of using home-collected saliva samples.
 - FDA released a [test report](#) from an independent validation study which evaluated several COVID-19 antibody tests. FDA used this data to inform decisions on whether to grant EUAs for the antibody tests.
 - FDA issued a [EUA](#) to Sherlock BioSciences for its CRISPR SARS-CoV-2 Kit, a COVID-19 diagnostic test. The test looks for target RNA or DNA sequences of the SARS-CoV-2 virus in upper respiratory specimens from individuals suspected of COVID-19.
 - FDA re-issued a [EUA](#) for non-NIOSH-approved respirators manufactured in China. FDA revised EUA eligibility criteria following quality assessment reports which found

that many respirators did not meet expected performance standards. FDA plans to increase surveillance and sampling of all respirators imported from China.

- FDA issued [guidance](#) on reporting and mitigating animal drug shortages during the pandemic.
- [Lessons from CEOs: Health Care Leaders Nationwide Respond to the COVID-19 Crisis](#), May 8
 - An article in the New England Journal of Medicine collected insights from health care company CEOs on how their organizations are adjusting to the pandemic and their perspective on what to expect from the future of health care.
- [Observational Study of Hydroxychloroquine in Hospitalized Patients with COVID-19](#), May 7
 - An observational study, published in the New England Journal of Medicine, examined the association between hydroxychloroquine use and intubation or death at New York–Presbyterian Hospital.
 - The study observed 1376 patients and found that 811 (58.9%) received hydroxychloroquine. 45.8% of the patients were treated within 24 hours after presentation to the emergency department, and 85.9% were treated within 48 hours.
 - The study concluded that “hydroxychloroquine administration was not associated with either a greatly lowered or an increased risk of the composite end point of intubation or death.”
- [Trial of Lopinavir–Ritonavir in Adults Hospitalized with Severe COVID-19](#), May 7
 - Researchers conducted a clinical trial of lopinavir–ritonavir of hospitalized patients with severe COVID-19. 199 patients were randomly assigned to receive either lopinavir–ritonavir twice a day for 14 days, in addition to standard care, or standard care alone. The results were published in the New England Journal of Medicine.
 - The study concluded that “no benefit was observed with lopinavir-ritonavir treatment beyond standard care.” Mortality at 28 days was similar in the lopinavir–ritonavir group and the standard-care group. The percentages of patients with detectable viral RNA at various time points were similar. Lopinavir–ritonavir treatment was stopped early in 13 patients (13.8%) because of adverse events.
- [Department of Health and Human Services COVID-19 Updates](#), May 7
 - The Department of Health and Human Services (HHS) [deployed](#) 50 portable kidney dialysis machines to intensive care units in New York City and Long Island. HHS notes that COVID-19 “has caused acute kidney injury” and increased the need for dialysis. The portable machines can manufacture dialysis fluid on demand using tap water.
 - The Health Resources Services Administration (HRSA) [awarded](#) nearly \$583 million to 1,385 HRSA-funded health centers in all 50 states, the District of Columbia, and eight U.S. territories to expand COVID-19 testing. Nearly 88% of HRSA-funded health centers report testing patients for COVID-19; more than 65% offer walk-up or drive-up testing.

- HHS [extended](#) the deadline for health care providers to attest to the receipt of payments from the Provider Relief Fund and accept the terms and conditions. Providers will now have 45 days, increased from 30 days, to respond.
- [*Internal Revenue Service Highlights Three Tax Credits for Businesses Affected by COVID-19*](#), May 7
 - IRS highlighted three tax credits available for employers affected by COVID-19, including employee retention credit, paid sick leave credit, and family leave credit.
 - Employee retention credit is designed to encourage businesses to keep employees on their payroll. Eligible employers may receive a refundable tax credit of 50% of up to \$10,000 in employee wages.
 - Employees are entitled to paid sick leave and paid family leave for [qualifying reasons](#) related to COVID-19 under the Families First Coronavirus Response Act (FFCRA). Eligible employers are entitled to receive a tax credit in the full amount of any required COVID-19 sick leave and family leave, plus related health plan expenses and the employer's share of Medicare tax on the leave, for the period of April 1, 2020, through Dec. 31, 2020. Ropes & Gray prepared a [client alert](#) with more detailed information on the FFCRA.

Other Related Updates

Other recent events covered in detail elsewhere:

- [Five-Phase “Restore Illinois” Plan Announced to Re-Open State](#), May 8
- [COVID-19, Data Analytics & the FCA: Big Response, Big Data, Big Risk](#), May 8
- [COVID-19 Issues and Considerations for AMCs](#), May 7
- [Accessing New Research Funding Opportunities During and After COVID-19](#), May 7
- [Life After Lockdown: The Challenges of Creating a Safe \(and Smart\) Working Environment in the UK](#), May 7
- [FDA Walks Back Enforcement Discretion for Commercially Manufactured Serology Tests](#), May 6

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