

November 19, 2020

### Summary

The United States has 11,573,758 confirmed COVID-19 cases and 251,328 reported related deaths. Pfizer announced that it plans to apply for an emergency use authorization (EUA) for its COVID-19 vaccine candidate “within days.” Last week, Pfizer reported that a preliminary analysis indicated that its candidate is more than 90% effective; on November 18, Pfizer reported the complete results indicated that the candidate is actually 95% effective. Pfizer’s analyses have not been peer-reviewed. A recent Gallup poll showed that 58% of adults surveyed are willing to be vaccinated for COVID-19, up from 50% in September. FDA issued an EUA for the first at-home COVID-19 test kit. For now, the kit will be available by prescription only. American Medical Association (AMA) and several other provider organizations published an open letter urging President Trump to share government data regarding the pandemic with President-elect Biden. Biden’s transition team may not access non-public data until the Trump Administration certifies him as President-elect, which it has refused to do. Senator Chuck Grassley announced that he tested positive for the virus. Grassley is third in line of succession to the presidency.

CDC urged Americans not to travel for the Thanksgiving holiday. States throughout the country have imposed patchwork responses to the ongoing COVID-19 spike. Rhode Island governor Gina Raimondo announced a two-week “pause” beginning November 30, closing colleges, bars, and recreational venues, limiting other venues, and immediately restricting social gatherings to same-household only in anticipation of Thanksgiving. Iowa imposed a statewide mask mandate, while Mississippi expand an existing mask mandate. Maryland ordered all bars, restaurants, and nightclubs closed by 10 p.m. Ohio imposed a nightly 10 p.m. – 5 a.m. curfew, though Governor Mike DeWine said it will be “loosely enforced.” California governor Gavin Newsome said the state was “pulling the emergency break” on reopening, while Los Angeles County imposed a curfew for businesses. Pennsylvania and Nevada each broke state records for hospitalizations.

New York reported 31 deaths, 2,276 hospitalizations, and 437 COVID-19 patients in intensive care on Thursday, November 18. Approximately 5,310, or 2.7% of the 195,239 tests administered in New York on November 18 were positive for COVID-19. Governor Cuomo joined other regional governors in encouraging residential colleges to provide testing to all students before they leave for Thanksgiving break. Governor Cuomo enlarged or raised the level of several micro-cluster zones. New York City schools will close Thursday and remain closed at least through the end of November. City hospitals have begun preparing for a second wave by cross-training personnel and screening them for mental health issues. MTA announced it could lay off up to 9,000 workers as it reduces service to meet a budget deficit. Shootings in the City have nearly doubled and arrests have dropped 13% this calendar year.

## Presidential updates

- [Health Care Establishment Urges President Trump to Share COVID-19 Data With President-Elect Biden](#), November 17
  - American Medical Association (AMA), American Nurses Association (ANA), and American Hospitals Association (AHA) published an open [letter](#) urging President Trump to share “all critical information related to COVID-19” with President-elect Biden.
  - President-elect Biden has begun [planning](#) his administration’s pandemic response. However, Biden and his transition team cannot begin working with current government officials or accessing nonpublic data, including data regarding the pandemic, until Government Services Administration (GSA) certifies Biden as the President-elect. GSA has refused to do so.
  - Earlier this week, President-elect Biden [expressed](#) concern that the delay may negatively affect the Biden Administration’s ability to manage the pandemic and may lead to unnecessary COVID-19 deaths. Biden expressed particular concern that the delay may hamper efforts to distribute COVID-19 vaccines.
  - In their letter, AMA, ANA, and AHA warned that the nation is “experiencing a new surge of COVID-19 cases, hospitalizations, and deaths.” The organizations also expressed that “[a]ll information about the capacity of the Strategic National Stockpile, the assets from Operation Warp Speed, and plans for dissemination of therapeutics and vaccines needs to be shared as quickly as possible to ensure that there is continuity in strategic planning so that there is no lapse in our ability to care for patients.”
  - On November 19, dozens of public health experts, including the Dean of the Yale School of Public Health, published a separate [letter](#) to GSA Administrator Emily Murphy urging her to certify Biden as the President-elect to ensure the Biden administration is able to prepare to manage the pandemic.

## World Health Organization (WHO)

- [WHO COVID-19 Updates](#), November 19
  - WHO published technical [guidance](#) on maintaining surveillance of influenza and monitoring SARS-CoV-2 by adapting the Global Influenza Surveillance and Response System (GISRS) and sentinel systems.
  - Dr. Mike Ryan, executive director of WHO’s health emergencies program, [warned](#) during a live Q&A event that any vaccine will arrive too late to help countries beat back the current wave of infections this winter.

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

- [CDC Interpretation of Forecasts of New Deaths and Hospitalizations](#), November 19
  - CDC [consolidated](#) data from 36 models projecting the COVID-19 death rate. Predicted rates of increase differ among the forecasts, depending on assumptions about the prevalence and rigor of social distancing behaviors.
  - CDC’s national ensemble forecast indicates that COVID-19 related deaths will likely increase over the next four weeks. CDC predicts that the number of cumulative COVID-19 deaths will be between 276,000 and 298,000 by December 12.
  - CDC [consolidated](#) data from nine models projecting the number of daily COVID-19 hospitalizations. Three models predict an increase in daily hospitalizations over the

next four weeks, one model predicts a decrease, and two models are uncertain about the direction of the trend. The forecasts estimate 3,200 to 19,000 new hospitalizations per day by December 7.

- [CDC Urges Americans to Avoid Traveling for Thanksgiving](#), November 19
  - CDC published new [guidance](#) warning Americans that traveling for the holidays may increase their chances of contracting or spreading the virus.
  - The guidance recommends avoiding travel. If people choose to travel, the guidance recommends that they check state-specific travel restrictions beforehand, wear masks, stay six feet apart from others, and wash their hands often, among other things.
  - The guidance also recommends that people celebrate Thanksgiving *only* with members of their own household. If people choose to celebrate with people outside their household, CDC recommends that they wear masks, bring their own food, drinks, plates, cups, and silverware, and avoid going into areas where food is prepared, such as in the kitchen.
  - The guidance encourages people to consider alternative Thanksgiving celebrations, such as virtual Thanksgiving meals with people from other households.

### **New York State**

- [New York State COVID-19 Updates](#), November 19
  - New York reported 31 deaths, 2,276 hospitalizations, and 437 COVID-19 patients in intensive care on Thursday, November 18.
  - Approximately 5,310, or 2.7% of the 195,239 tests administered in New York on November 18 were positive for COVID-19.
  - Governors Andrew Cuomo (NY), Phil Murphy (NJ), Ned Lamont (CT), John Carney (DE), Tom Wolf (PA), Gina Raimondo (RI), and Charlie Baker (MA) [announced](#) they would encourage residential colleges in their states to provide testing to all its students before they leave campus for Thanksgiving break. Students who test positive will be encouraged to isolate before they travel or arrange for a safe travel alternative. The effort is designed to prevent spreading the disease to other areas of the country.
  - Governor Cuomo [announced](#) modifications to micro-cluster zones across the state. Parts of the yellow zone in Erie County were expanded, and other parts were elevated to orange; a new yellow zone was declared in Niagara County and the Bronx, and the yellow zone in Queens was expanded.

### **New York City**

- [New York City COVID-19 Updates](#), November 19
  - New York City hospitals have [begun](#) to prepare for a second wave of coronavirus infections. Unable to rely on traveling doctors for supplemental care, hospitals are cross-training existing nurses and doctors so they can be re-deployed internally when necessary. Hospitals are also ramping up mental-health services for nurses and doctors to screen for depression, anxiety, and alcohol abuse. Officials believe that hospitals will cope with a second wave better than the first, as they are sending fewer patients to the ICU due to improved treatments and less severe illnesses.
  - On November 18, the Metropolitan Transportation Authority (MTA) [announced](#) that it could lay off up to 9,000 workers as it implemented service reductions designed to

reduce a \$2.9 billion FY2021 budget deficit. Officials are considering reducing or suspending some weekday subway services, limiting weekend train frequency to every 15 minutes and bus frequencies to 20 or 30 minutes. In May, the MTA received a \$4 billion federal coronavirus bailout, and expects to borrow \$2.9 billion from the Federal Reserve by the end of the year. Expecting work-from-home and online shopping to remain the norm after the pandemic subsidies, the MTA believes that ridership will remain between 8% and 20% below pre-pandemic levels through the mid-2020s.

- [\*Shootings in New York City Nearly Double as Arrests for Serious Crimes Fall\*](#), November 18
  - Shootings have nearly [doubled](#) while arrests for major crimes have dropped 13% in New York City this calendar year. Despite the overall decrease in arrests, gun-related arrests have increased 19%. Murders are up 35% compared to last year.
  - Mayor de Blasio attributes the rise in shootings and the drop in arrests to the pandemic, citing the closure of businesses, schools, and houses of worship that have caused the decrease in safety.
  - Criminologists attribute the increase in violent crimes to a backlogged court system, changes in bail laws, and the decrease in the number of arrests. NYPD claims that the lower arrest figures were caused by a police force stretched thin by increases in officers calling in sick, staffing cuts due to budget reductions, and the need to police large demonstrations that occurred throughout the summer months.
- [\*New York City Public Schools to Close Thursday, Mayor Says\*](#), November 18
  - Beginning Thursday, November 19, New York public schools temporarily [closed](#) after seven-day positivity rates throughout the city climbed above 3%, an infection threshold that the City set after consulting parents and teachers when it reopened schools this fall.
  - Students will engage in remote learning through at least the end of November, according to Mayor de Blasio.
  - Critics of the decision have cited the City's own data showing that schools were safer than the general public—New York City Department of Education data indicated a 0.19% positive rate out of more than 120,000 tests administered to in-person students and staff. Governor Cuomo said previously that schools have low transmission rates and that New York City should determine whether to shut schools based on positivity rates at individual schools rather than by a citywide standard. The president of the city's teachers' union approved of the decision to close schools.

### **Other Related Updates**

- [\*Department of Labor Unemployment Insurance Weekly Claims Report\*](#), November 19
  - Department of Labor (DOL) [reports](#) that another 742,000 workers filed initial claims for unemployment benefits last week, up from 711,000 the week prior.
  - The number of new claims has been trending downward since March, when nearly seven million people filed for unemployment insurance in a single week.
  - 320,237 new claims were filed for Pandemic Unemployment Assistance, the federal program intended to help freelancers, gig workers, the self-employed, and others not normally eligible for state jobless benefits.

- [Several Congresspeople Test Positive for COVID-19](#), November 17
  - Senator Chuck Grassley (R-Ohio) announced that he tested positive for the virus. Grassley is now quarantining but spoke on the Senate floor on November 16. As Senate president pro tempore, Grassley is third in line of succession to the presidency.
  - Within the past week, Senator Don Young (R-Alaska) and Representatives Cheri Bustos (D-Ill.) and Tim Walberg (R-Mich.) also [tested](#) positive.
  - In total, 80 members of Congress have either tested positive, quarantined, or come into contact with an infected person since the start of the pandemic according to [GovTrack](#).
  - Congress has so far [declined](#) to implement comprehensive, mandatory testing of its own members.
  - On November 15, Congress's attending physician announced that his office will begin offering rapid COVID-19 tests to lawmakers and staff who are returning to Capitol Hill after traveling. Previously, the attending physician [offered](#) testing to lawmakers and staff only if they had symptoms or were concerned that they may have been exposed to an infected person.
  - To limit interaction between members, the House of Representatives adopted a proxy system that allows House members to designate colleagues to cast floor votes on their behalf. This week, the House announced that the system will remain in effect through the end of 2020. The Senate has not established an alternative to in-person voting.
  - House members are required to wear masks on the chamber's floor but masks are only strongly recommended in the Senate. On November 16, a [debate](#) broke out in the Senate regarding mask wearing on the Senate floor.
  
- [Pfizer Results Show Vaccine Candidate is 95% Effective](#), November 18
  - Pfizer [released](#) results showing its COVID-19 vaccine candidate was 95% effective and had no serious side effects. The vaccine was developed by German company BioNTech, who partnered with Pfizer for trials and manufacturing.
  - The vaccine was 94% effective in older adults, who are more vulnerable to COVID-19 and who do not respond strongly to some types of vaccines. Efficacy was generally consistent overall across age, gender, race, and ethnicity demographics.
  - The trial included more than 43,000 volunteers, half of whom received the vaccine. The companies said that out of 170 cases of COVID-19, 162 were in the placebo group, and out of ten severe cases, nine were in the placebo group.
  - The results are the first set of complete results from a late-stage COVID-19 vaccine trial, and [shatter](#) previous speed records for vaccine development.
  - Pfizer will apply to the Food and Drug Administration (FDA) for an emergency use authorization (EUA) "within days."
  - If FDA approves the vaccine, Pfizer has said it can produce up to 50 million doses by the end of 2020, enough for 25 million people, and up to 1.3 billion doses by the end of 2021. About half of this year's supply will go to the United States under a \$1.95 billion deal the federal government reached with Pfizer for 100 million doses.
  - Researchers now call on Pfizer to release its detailed analysis for peer review after initially publishing the results in a news release on November 18.
  
- [National Institutes of Health Guidelines Say There is Not Enough Evidence to Recommend Use of Bamlanivimab](#), November 18

- The National Institutes of Health (NIH) COVID-19 Treatment Guidelines Panel [advised](#) there is not enough evidence to recommend for or against use of bamlanivimab in outpatients with mild-to-moderate COVID-19.
  - FDA [issued](#) an EUA for the monoclonal antibody therapeutic on November 9 for treatment of mild-to-moderate COVID-19 patients at increased risk for severe COVID-19, particularly including adults over 65 and patients with comorbidities.
  - NIH advises that bamlanivimab should not be the standard of care for infected patients, and it should not be administered to hospitalized patients outside clinical trials.
  - Due to limited supply and distribution challenges, patients at highest risk for COVID-19 progression should be prioritized to receive bamlanivimab.
- [FDA COVID-19 Updates](#), November 19
    - FDA [issued](#) an EUA for the first COVID-19 diagnostic test for self-testing at home that provides rapid results. The Lucira COVID-19 All-In-One Test Kit is a molecular (real-time loop mediated amplification reaction) single-use test that can be fully self-administered at home. FDA has granted previous EUAs to tests with at-home collection that must then be developed in a lab.
    - FDA [updated](#) its guidance on investigational COVID-19 convalescent plasma, extending the period of enforcement discretion through the end of February 2021. The extension will allow continued access to convalescent plasma for treatment of hospitalized COVID-19 patients while blood establishments develop the necessary operating procedures to manufacture plasma consistent with the EUA. The guidance also recommends plasma not be collected from individuals who received a vaccine.

Other recent events covered in detail elsewhere:

- [SBA Proposes Detailed New Questionnaire to Evaluate Post-Hoc the Good Faith of PPP Applicants' Prior Certifications of Loan "Necessity"](#), November 11
- [Ethical Challenges in Clinical Research During the COVID-19 Pandemic](#), November 10

Send questions to:

- [COVID-19-Implications@ropesgray.com](mailto:COVID-19-Implications@ropesgray.com)
- [COVID-19RecoveryPolicies@ropesgray.com](mailto:COVID-19RecoveryPolicies@ropesgray.com)