

October 28, 2020

Summary

The United States has 8,833,396 confirmed COVID-19 cases and 227,320 reported related deaths. The country recorded 500,000 new cases over the past week, a new weekly record. White House testing Czar Giroir said that the country's uptick in new cases is not attributable solely to increased testing. Pfizer CEO Bourla announced that his company will not have preliminary results of its COVID-19 vaccine trials by the end of October; Bourla previously predicted that early data would be available this month. Department of Health and Human Services (HHS) announced that the federal government will purchase 300,000 doses of Eli Lilly's experimental COVID-19 antibody treatment bamlanivimab for \$375 million. Food and Drug Administration (FDA) has not yet approved bamlanivimab for use. House Speaker Nancy Pelosi said that she and Treasury Secretary Mnuchin still have not reached a deal regarding a second round of stimulus spending.

Hospitals throughout the Midwest are struggling to cope with a 46% rise in hospitalizations in the past month. The hospital situation is becoming critical in parts of Texas, Missouri, New Mexico, Idaho, and Utah, as frontline workers become exhausted and hospitals struggle to find replacements for those testing positive. Chicago will shut down indoor dining and bar service effective October 30; Illinois Department of Public Health chief Dr. Ngozi Ezike said the state is on pace for 11,000 COVID-19 related deaths by the end of 2021. Montana activated its Army National Guard to help officers at a state prison contain a COVID-19 outbreak. Thieves in Florida stole six million medical gloves meant for hospitals battling the pandemic; the thieves drove up to a container on a loading doc, hitched it to a pickup truck, and drove off.

New York reported 15 deaths, 1,085 hospitalizations, and 236 COVID-19 patients in intensive care on Tuesday, October 27. Approximately 2,031, or 1.57% of the 129,660 tests administered in New York on October 27 were positive for COVID-19. New York added California to its COVID-19 travel advisory, and urged New Yorkers to cease non-essential business travel to Massachusetts, Connecticut, New Jersey, and Pennsylvania. Relatedly, Mayor de Blasio urged New Yorkers to limit holiday travel over the next few months as coronavirus cases spike throughout the nation. Governor Cuomo announced a new program that would provide free testing to up to 2,000 Metropolitan Transportation Authority (MTA) employees a week. The MTA Commissioner asked for proposals to maintain current fares for regular public transit commuters as biennial fare increases are set to take effect in early 2021. Today, Mayor de Blasio announced that New York parents will be allowed to switch their children from remote to hybrid learning only from November 2 to November 15, a reversal of the City's prior guidance which would have allowed parents to reassess the decision each quarter.

Presidential updates

- [White House COVID-19 Testing Czar Comments on Rising Cases](#), October 28
 - During an interview with the press, Assistant Secretary for Health and Human Services Adm. Brett Giroir said that the country's recent uptick in COVID-19 cases is not solely attributable to an increase in testing.
 - Last week, CDC [reported](#) that COVID-19 cases were rising in 75% of the country.
 - Giroir told NBC that "yes, we're getting more cases identified" but rising hospitalization rates reveal that cases are actually going up.
 - Giroir's comments contradict recent claims by President Trump that testing is largely to blame for the United States' high case count. On October 27, President Trump told attendees at one of his campaign rallies that the United States has "so many [COVID-19] cases because we test more."
- [President Trump Comments on Prospects for Second Stimulus Package](#), October 27
 - President Trump acknowledged that Congress is unlikely to pass a second stimulus bill before the November elections, telling reporters that, "after the election, we'll get the best stimulus package you've ever seen."
 - The White House, represented by Treasury Secretary Mnuchin, has been negotiating a second round of stimulus spending with House Speaker Pelosi for months.
 - However, Mnuchin and Pelosi have heretofore failed to reach a deal. Pelosi spokesperson Drew Hamill [said](#) that the pair spoke on October 26 but failed to resolve differences regarding a national COVID-19 testing program included in the Democrats' proposed bill.
 - On October 26, the Senate recessed until after the November elections.

World Health Organization (WHO)

- [WHO COVID-19 Updates](#), October 28
 - Dr. Mike Ryan, executive director of the WHO health emergencies program, [said](#) during a press conference that getting ahead of the virus "may require sacrifice for many, many people in terms of their personal lives." Ryan noted it may require shutting down and restricting movement and re-implementing stay-at-home orders as cases rise rapidly throughout the United States and Europe.

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

- [CDC Publishes Data Regarding Adoption of COVID-19 Mitigation Measures by Age Group](#), October 27
 - Between April and June 2020, researchers surveyed 6,475 Americans aged 18 or over regarding their adoption of COVID-19 mitigation measures such as mask wearing and social distancing.
 - Reported use of face mask wearing increased from 78% in April to 89% in June. Other reported mitigation behaviors, such as social distancing and handwashing, declined marginally or remained unchanged during that same time period.
 - At each time point, the prevalence of reported mitigation measures was lowest among younger adults (aged 18-29 years) and highest among older adults (aged 60 or older).
 - Researchers concluded that, "lower engagement in mitigation behaviors among younger adults might be one reason for the increased incidence of confirmed COVID-

19 cases in this group, which have been shown to precede increases among those [over 60 years old].”

- Researchers also noted that, “these findings underscore the need to prioritize clear, targeted messaging and behavior modification interventions, especially for young adults, to encourage uptake and support maintenance of recommended mitigation behaviors to prevent the spread of COVID-19.”

New York State

- [New York State COVID-19 Updates](#), October 29
 - New York reported 15 deaths, 1,085 hospitalizations, and 236 COVID-19 patients in intensive care on Tuesday, October 27.
 - Approximately 2,031, or 1.57% of the 129,660 tests administered in New York on October 27 were positive for COVID-19.
 - New York State [added](#) California to the COVID-19 Travel Advisory, which requires travelers from listed states to quarantine for 14 days. Massachusetts, Connecticut, New Jersey, and Pennsylvania also met the criteria for the advisory, but the State has decided not to require travelers to quarantine due to the interconnected nature of the region. Nevertheless, the State highly discourages non-essential travel to and from these states.
 - Governor Cuomo [announced](#) that free COVID-19 testing will be offered to Metropolitan Transportation Authority (MTA) employees. Up to 2,000 employees may be screened each week during the initial phase of the program.

New York City

- [New York City COVID-19 Updates](#), October 28
 - Mayor de Blasio [announced](#) that parents of public schoolchildren may switch from remote learning to a hybrid model only between November 2 and November 15. Previously, the Department of Education said that parents could reconsider their decision quarterly. As of mid-October, 541,469 children had chosen to receive education entirely remotely. So far, only 58 school children have tested positive among 41,000 tests that have been administered.
 - MTA Commissioner Lawrence Schwartz has [asked](#) transit officials to present him with options to keep fares flat for regular commuters while raising prices for infrequent riders as biennial fare increases are set to take effect in early 2021. The Commissioner noted that the effort is intended to lessen the financial burden to riders who have already suffered economic setbacks due to the pandemic.
 - On October 27, Mayor de Blasio [urged](#) New Yorkers to avoid traveling during the last months of the year as coronavirus cases surge throughout the country. He noted that the City would “aggressively” enforce a 14-day quarantine for travelers from states listed in the State’s travel advisory. In preparation for holiday travel, LaGuardia Airport has set up a test-and-tracing site so travelers can be tested for the virus once they arrive, and the State University of New York is requiring all students using on-campus facilities to test negative within 10 days before leaving campus.

Other Related Updates

- [*U.S. Promises \\$375 Million to Eli Lilly for Experimental Antibody Treatment One Day After National Institute of Health Ends Trial for Ineffectiveness*](#), October 28
 - Eli Lilly [reached](#) a \$375 million deal with the United States government to provide 300,000 doses of its experimental antibody treatment for COVID-19, which the government will distribute to state and territorial health departments if the drug is authorized by Food and Drug Administration (FDA). Government-purchased doses would be available to Americans at no cost.
 - The deal also provides that the government can purchase up to 650,000 doses next year - far less than what is needed to treat patients as cases rise rapidly throughout the country - for an additional \$812.5 million.
 - Eli Lilly CEO David Ricks said the treatment, called bamlanivimab, will cost \$1,250 in wealthy countries, but that it will charge far less in other countries. Ricks said Eli Lilly is working with the Bill and Melinda Gates foundation to supply the therapy to low- and middle-income countries.
 - However, the announcement comes one day after National Institutes of Health (NIH) [ended](#) their ACTIV-3 bamlanivimab study on patients with advanced COVID-19 after researchers found the therapy produced no marked improvement, concluding “bamlanivimab is unlikely to help hospitalized COVID-19 patients recover from this advanced stage of their disease.”
 - Eli Lilly [hopes](#) that three remaining active trials will find the therapy is both safe and effective for treating COVID-19 patients at an earlier stage of infection and preventing progression of the disease.
 - Eli Lilly and competitor Regeneron have both applied to the FDA for emergency use authorizations (EUAs) of their antibody treatments, which have both shown early promise helping newly infected people recover from COVID-19.
 - Regeneron received more than \$160 million in federal funding to develop its antibody treatment, and signed a \$450 million manufacturing deal with the U.S. in July to supply up to 300,000 doses of its treatment by the end of 2020.
- [*American Academy of Pediatrics Guidance on Youth Behavioral and Emotional Health*](#), October 26
 - American Academy of Pediatrics (AAP) published interim [guidance](#) on supporting the behavioral and emotional well-being of children and adolescents during the pandemic.
 - The group notes that children often regress developmentally during periods of stress.
 - The guidance includes information on screen time, grief, suicide prevention, screening for social determinants of health (e.g. food insecurity), and checking with parents about their own emotional well-being.
 - The guidance also notes that many known risk factors for child abuse, including poverty, stress, and isolation, have been exacerbated by the pandemic.
- [*Trump Administration Distributes Incentive Payments to Nursing Homes Curbing COVID-19 Deaths and Infections*](#), October 28
 - DHHS announced that it would distribute approximately \$333 million in first round performance payments to over 10,000 nursing homes as a reward for demonstrating

significant reductions in COVID-19 related infections and deaths between August and September.

- Nursing homes have been particularly hard hit by the pandemic. As of August, residents and workers in nursing homes [accounted](#) for 40% of the nation's total coronavirus-related deaths.
- The incentive strategy is one of several strategies that the Trump administration has used to combat nursing home deaths. DHHS directed \$5 billion to nursing home funding in May, and announced another \$5 billion opportunity in August, which helps with testing, staffing, and personal protective equipment needs.
- [FDA COVID-19 Updates](#), October 28
 - FDA [updated](#) its Antigen Template for Test Developers, which provides FDA's current recommendations concerning data and information that should be submitted to FDA in support of an EUA request for a COVID-19 antigen test.
 - Dr. Peter Marks, director of the Center for Biologics Evaluation and Research (CBER) at FDA, [published](#) an editorial in USA Today to reassure the public, explaining FDA will avoid any conflicts of interest in ensuring that any approved vaccine is safe and effective.

Other recent events covered in detail elsewhere:

- [When Down the Hall Becomes Across State Lines—Part 2](#), October 23
- [When Down the Hall Becomes Across State Lines—Part 1](#), October 22
- [Private Funds Exam and Enforcement in the COVID Period: What Advisors Need to Know Now](#), October 22
- [Risk Assessments Need to Account for Public Nuisance Litigation](#), October 13

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