

COVID-19 Daily Update

September 4, 2020

Summary

The United States has 6,187,336 confirmed COVID-19 cases and 187,464 report related deaths. CDC told state and local health officials to prepare to distribute a COVID-19 vaccine to essential workers and other high-priority groups as early as late October or early November. The vaccine candidates, described as “Vaccines A and B,” are being developed by Pfizer and Moderna; both candidates are currently in stage three clinical trials. The White House announced that the United States will not participate in WHO’s global vaccine initiative, COVAX, noting that “the United States will... not be constrained by multilateral organizations influenced by the corrupt World Health Organization and China.” Department of Health and Human Services and CDC issued an order temporarily halting evictions for eligible renters through December 31 to facilitate social distancing and prevent tenants from moving into shelters or other congregate settings where COVID-19 spreads easily.

Institute for Health Metrics and Evaluation predicted that the United States COVID-19 death toll will reach 410,000 by January 1 due, in part, to declining mask use. In Michigan, Governor Whitmer announced plans to extend the area’s state of emergency until October. In South Dakota, approximately half a million people attended the Sturgis Motorcycle Rally on August 7 to August 16; at least 12 states have reported COVID-19 cases linked to the rally. In Nevada, the State’s coronavirus task force voted to ease COVID-19 restrictions in Las Vegas despite the 10% positivity rate in Clark County where Las Vegas is located. In Pennsylvania, Gettysburg College became the first school to implement a campus-wide quarantine after 25 students tested positive for COVID-19; all students are required to quarantine in their dorm. To date, more than 51,000 cases of COVID-19 have been identified on college campuses.

New York reported five deaths, 428 hospitalizations, and 116 COVID-19 patients in intensive care on Thursday, September 3. Approximately 864, or .92%, of the 93,395 tests administered in New York on September 3 were positive for COVID-19. New York Department of Health instituted a new mandatory reporting system for schools; starting September 8, all schools will be required to report known COVID-19 cases to the Department on a daily basis. Results will be published on a public dashboard. New York extended the suspension of medical and student debt owed to the State of New York that was specifically referred to the Office of the Attorney General for collection for another 30-day period, until October 5. Casinos will be allowed to re-open statewide at 25% occupancy and malls will be allowed to re-open in New York City at 50% capacity, starting on September 9. Both malls and casinos will be subject to social distancing measures and enhanced air filtration standards. Gyms were permitted to re-open in the City on September 2; indoor group fitness classes and indoor pools remain closed at this time.

Presidential updates

- [United States Will Not Join WHO's Global Vaccine Initiative](#), September 1
 - The White House announced that the United States will not participate in COVAX, WHO's global initiative to develop and distribute a COVID-19 vaccine.
 - White House spokesperson Deere announced the decision, noting that "the United States will... not be constrained by multilateral organizations influenced by the corrupt World Health Organization and China."
 - Deere stated that President Trump "will spare no expense to ensure that any new vaccine maintains our own FDA's gold standard for safety and efficacy, is thoroughly tested, and saves lives."
 - More than 170 countries are in discussion to join WHO's COVAX initiative. WHO Director General Tedros has warned against "vaccine nationalism" in which countries shun international cooperation. Tedros asserted that such nationalism has "exacerbated the pandemic and contributed to the total failure of the global supply chain."
 - Earlier this year, the United States began the process of formally [withdrawing](#) from WHO, after President Trump criticized the organization's handling of the pandemic.

World Health Organization (WHO)

- [WHO COVID-19 Updates](#), September 4
 - WHO [published](#) technical guidance on the use of corticosteroids to treat patients with severe and critical COVID-19. WHO recommends six milligrams of dexamethasone daily or 50 milligrams of hydrocortisone intravenously every eight hours for seven to ten days in the most seriously ill patients.
 - Pan American Health Organization (PAHO) [highlighted](#) that the Americas accounted for 213,000 new COVID-19 deaths and 64% of new global deaths over the last two months, despite having only 13% of the global population.
 - PAHO [reported](#) a total of 570,000 health care workers infected with COVID-19 in the Americas, leading to 2,500 deaths. In the United States and Mexico, health care workers "represent one in every seventh case."

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

- [CDC Interpretation of Forecasts of New Deaths and Hospitalizations](#), September 3
 - CDC [consolidated](#) data from 35 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 predicts that weekly reports of new COVID-19 deaths may decrease nationally over the next four weeks. CDC predicts that the number of cumulative COVID-19 deaths will be between 200,000 and 211,000 by September 26.
 - CDC [consolidated](#) data from eight models projecting the number of daily COVID-19 hospitalizations. Three models predict an increase in daily hospitalizations over the next four weeks, three models predict a decrease, and two models are uncertain about the direction of the trend. The forecasts estimate 1,600 to 7,000 new COVID-19 hospitalizations per day by September 28.

- [*CDC Tells States to Prepare to Distribute a COVID-19 Vaccine By Late October or Early November*](#), September 2
 - CDC told health officials in all 50 states and five large cities to prepare to distribute a COVID-19 vaccine to essential workers and other high-priority groups as early as late October or early November.
 - CDC [guidance](#) outlined detailed instructions for shipping, mixing, storing, and administering two unidentified vaccine candidates, referred to as Vaccines A and B.
 - Moncef Slaoui, the chief adviser for Operation Warp Speed, [confirmed](#) that Vaccines A and B are the vaccine candidates being developed by Pfizer and Moderna; both candidates are currently in stage three clinical trials.
 - Slaoui expressed that it is “extremely unlikely” the country will have a vaccine by October or November, but noted that “between 20 and 25 million people” could be immunized by the end of the year. Slaoui asserted that there would likely be enough vaccine doses to immunize the U.S. population “by the middle of 2021.”
 - Over the past week, Dr. Fauci and FDA Commissioner Hahn noted that a vaccine may be available for certain groups before clinical trials have been completed, if the data is overwhelmingly positive.
 - HHS Secretary Alex Azar [commented](#) that “any vaccine that comes out is going to meet FDA’s gold standards for authorization or licensure,” noting that “the President’s made that clear, I’ve made that clear, [and] the FDA commissioner has made that clear.”

- [*CDC Issues Order Temporarily Halting Evictions*](#), September 2
 - Department of Health and Human Services (HHS) and CDC issued an [order](#) temporarily halting evictions for eligible renters through December 31 under the Public Health Service Act.
 - CDC explained that the eviction moratorium will facilitate social distancing and prevent tenants from moving into shelters or other congregate settings where COVID-19 spreads more easily.
 - Under the order, landlords are prohibited from evicting residential tenants for failure to pay rent. Landlords may still evict tenants for other reasons, such as engaging in criminal conduct, threatening the health or safety of other tenants, or damaging property.
 - Eligible renters must attest that they: (1) meet certain income guidelines; (2) used best efforts to obtain all available government housing assistance; (3) are unable to pay full rent due to a substantial loss of income; (4) are using best efforts to make timely partial payments; and (5) if evicted, would become homeless or would need to move to a shelter or a shared residence.
 - The order does not excuse tenants from paying rent that accrues during the eviction moratorium or prohibit landlords from charging interest on late rent payments.

New York State

- [New York State COVID-19 Updates](#), September 4
 - New York reported five deaths, 428 hospitalizations, and 116 COVID-19 patients in intensive care on Thursday, September 3.
 - Approximately 864, or .92%, of the 93,395 tests administered in New York on September 3 were positive for COVID-19.
 - School districts will be [required](#) to report known COVID-19 positive cases to New York State Department of Health (NYSDOH) on a daily basis, beginning on September 8. All data will be posted [here](#) on a public dashboard. Governor Cuomo expressed hope that the reporting system would “give parents and teachers some confidence that [the schools’ COVID-19] plans are being implemented.”
 - New York [announced](#) plans to extend its partnership with HelloFresh to combat food insecurity during the pandemic, with a focus on veteran and military families.
 - Governor Cuomo [announced](#) that casinos and video lottery terminal facilities will be allowed to re-open with a 25% occupancy limit, starting on September 9. Operation is subject to social distancing measures and enhanced air filtration standards.
 - State Liquor Authority officials [conducted](#) 1,272 compliance checks at bars and restaurants in New York on Thursday, September 3, observing five social distancing violations.
- [New York Renews Suspension of State Debt Collection](#), September 4
 - New York State halted the collection of medical and student debt owed to the State of New York that was specifically referred to the Office of the Attorney General (OAG) for collection.
 - A new executive order extends the suspension for another 30-day period until October 5. OAG will then reassess whether another extension is necessary.
 - More than 165,000 matters fit the criteria for a suspension of state debt collection, including patients that owe medical debt to state hospitals, students that owe debt to State University of New York (SUNY) campuses, and other fees owed to State agencies. The temporary policy also suspends the accrual of interest and the collection of fees.

New York City

- [New York City COVID-19 Updates](#), September 4
 - Malls in New York City will be [allowed](#) to re-open at 50% capacity, starting on September 9. Malls will be subject to strict safety protocols including mandatory face coverings and social distancing. No indoor dining will be permitted.
 - Gyms were permitted to re-open in the City on September 2. Indoor group fitness classes and indoor pools must remain closed at this time. Gyms are subject to virtual inspections by New York City Department of Health (NYCDOH) to ensure compliance with State requirements.
 - Mayor de Blasio [announced](#) that more than 10,000 restaurants are now participating in the Open Streets program, the City’s outdoor dining initiative. In just over three months, the program has saved an estimated 90,000 jobs.
 - Mayor de Blasio [expanded](#) the NYC Care program to Manhattan and Queens; the program guarantees low-cost and no-cost health services to New Yorkers who cannot

afford health insurance. NYC Care plans to partner with community organizations to ensure that resources are directed to neighborhoods most affected by COVID-19.

Other Related Updates

- [*Department of Labor Releases Unemployment Statistics*](#), September 3
 - Department of Labor (DOL) [reported](#) that another 833,352 workers filed initial claims for unemployment benefits last week.
 - 759,482 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.
 - The United States economy added 1.4 million jobs in August, according to DOL's most recent jobs [report](#). The unemployment rate fell to 8.4%, down significantly from 14.7% in April. Economists [attribute](#) much of the new job figures to the temporary hiring of 2020 census workers, most of whom will be laid off when census canvassing ends later this month.

- [*NIH Provides Additional RADx Funding to Support COVID-19 Testing*](#), September 2
 - National Institutes of Health (NIH) announced an additional \$129.3 million in funding for its Rapid Acceleration of Diagnostics (RADx) initiative, which supports the development and manufacture of COVID-19 testing technologies.
 - RADx will use these funds to award contracts for new COVID-19 testing technologies to nine companies.
 - These technologies include new testing devices, such as a portable, battery-powered device that can provide test results in 15 minutes, and innovations that will improve the sensitivity and performance of existing devices.
 - According to NIH, these new technologies will improve test availability by millions of tests per week this fall.

- [*Federal Government Investigates Deal Connected to White House Aid Peter Navarro*](#), September 2
 - The House Subcommittee on Economic and Consumer Policy recently concluded an investigation into a Department of Health and Human Services (HHS) contract with Respironics, Inc., a subsidiary of Philips North America Corporation.
 - White House aid Peter Navarro negotiated the contract with Respironics for 2,900 Philips ventilators. The Subcommittee [report](#) concluded that the government overpaid for the ventilators by \$500 million and that Navarro accepted the manufacturer's opening bid without bargain.
 - Department of Health and Human Services (HHS) announced on August 31 that it plans to terminate the contract with Philips, noting that the United States now has "enough ventilators to meet maximum capacity in a crisis."
 - An HHS spokesperson noted that the contract cancellation is subject to internal investigation and legal review.
 - The Economic and Consumer Policy Subcommittee Chairman issued a [statement](#) on HHS' announcement, asserting that "Navarro wasted hundreds of millions of taxpayer dollars" and that "American taxpayers deserve to have their money well spent."

- [Study on Duration of Antibody Response to SARS-CoV-2 Infection](#), September 1
 - A recent study, published in the New England Journal of Medicine (NEJM), examined the antibody response of recovered COVID-19 patients.
 - Researchers collected blood serum samples from 1,237 people in Iceland up to four months after their diagnosis with COVID-19. Over 90% of the patients tested positive for SARS-CoV-2 antibodies four months after diagnosis.
 - Antibody levels increased during the two months immediately after diagnosis and then plateaued, remaining stable through the next two months of observation.
 - Among recovered persons, antibody levels are higher in older persons and in those more severely affected by SARS-CoV-2 infection. Women, who tend to become less sick than men, had lower antibody levels in two spike protein antibody assays. SARS-CoV-2 antibody levels were lower in smokers.
 - NEJM commentary noted that “this study provides hope that host immunity ... may not be fleeting and may be similar to that elicited by most other viral infections.”
- [FDA COVID-19 Updates](#), September 4
 - FDA [approved](#) an abbreviated drug application for cisatracurium besylate USP 20mg/10mL, a drug intended to facilitate tracheal intubation and skeletal muscle relaxation during surgery or mechanical ventilation.
 - FDA and Federal Trade Commission (FTC) jointly [issued](#) a warning letter to one company for marketing and selling an unapproved niacin-containing drug with false claims that it could prevent or treat COVID-19
 - FDA [updated](#) guidance on investigational COVID-19 convalescent plasma. The update includes a discussion regarding FDA’s intent to exercise temporary enforcement discretion regarding certain use requirements when a plasma collection facility does not meet the specifications set out in FDA’s emergency use authorization (EUA).

Other recent events covered in detail elsewhere:

- [Turning Over a New Lease? Are Turnover-Based Leases the Answer for Tenants Facing COVID-19 Related Business Disruption?](#), August 27
- [HHS Prohibits FDA from Requiring Premarket Review of LDTs, Including During the COVID-19 Emergency](#), August 25

Send questions to:

- COVID-19-Implications@ropesgray.com
- COVID-19RecoveryPolicies@ropesgray.com