

## Coronavirus *Flash Update*: Thursday, June 4, 2020

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Note: ***Beginning this week, the Flash update will be distributed twice per week, Mondays and Thursdays.***

### *The Latest News*

- **U.S. COVID-19 cases** exceed 1,843,164 and 105,895 U.S. deaths. (Source: CDC) (**Updated 6/4/20**)
- **U.S. stock market:** On Wednesday the major U.S. benchmarks posted gains, with the Dow rising 527 points, the S&P 500 gaining 42 points, and the Nasdaq climbing 74 points. (**New**)
- A **powerful bipartisan group of congressional health leaders** [wrote](#) to Department of Health and Human Services Secretary Alex Azar yesterday requesting that he clarify by June 10 the agency’s plan and timeline for **disbursing the Provider Relief Funds allotment for Medicaid-dependent providers**. Congress initially authorized \$100 billion in Provider Relief Funds through the CARES Act and added \$75 billion through the Paycheck Protection and Health Care Enhancement Act. Many Medicaid-dependent providers have received little or no aid from the Provider Relief Fund as a result of the disbursement formulas used which have been heavily dependent on Medicare patient mix data. The agency has sought input from state Medicaid programs in their development of a Medicaid-dependent formula and is rumored to be ready to release these funds as early as today or tomorrow. The letter was signed by Senate Finance Committee Chairman Charles Grassley (R-IA) and Ranking Member Ron Wyden (D-OR) and

House Energy and Commerce Chairman Frank Pallone (D-NJ) and Ranking Member Greg Walden (R-OR). (**New**)

- University of California, San Francisco (UCSF) confirmed this week they have been the target of a **malicious cyber-attack in their IT network**. According to Bloomberg News, there are indications that the attack targeted or included UCSF's **COVID-19 research** on antibody testing and clinical trials for a treatment. (**New**)
  - The increase in cyber-attacks on the health care sector and specifically on COVID-19 related research and technology was further reflected by the **North Atlantic Treaty Organization (NATO) [statement](#)** on the “**destabilizing and malicious cyber activities**” directed against the health care sector during the pandemic. (6/3/20) (**New**)

## COVID-19 Federal & State Legislation

- **Bill 4.0:** The Senate **passed [H.R. 7010](#), the Paycheck Protection Program Flexibility Act**, by voice vote on Wednesday. The bill would **extend the period of time Paycheck Protection Program (PPP) recipients would have to spend the loan in order to qualify for loan forgiveness**. The current eight-week requirement could expire today for some loan recipients, but under H.R. 7010 businesses would have 24 weeks or until the end of the year, whichever comes first to spend the loan dollars and still qualify for forgiveness. The bill would also maintain forgiveness amounts for businesses that were unable to rehire employees or resume business levels by the end of the year and repeal the CARES Act provision that barred companies with forgiven PPP loans from deferring their payroll tax payments. The bill had passed the House by a vote of 471-1 last week and now awaits the President's signature – he is expected to sign it.
- The Senate confirmed **Brian Miller to a new position** created by the CARES Act to serve as **special inspector general for the pandemic**. The position was created to ensure that public funds were not misspent as distribution is made throughout the federal government. Brian Miller served for nearly a decade as the Inspector General of the General Services Administration and in senior positions at the Justice Department. The Senate vote was 51-40.
  - For the full details on the HEROES Act, H.R. 6800, which passed the House on May 15:
    - The text is available [here](#).
    - A [1-pager](#) and 71 page [section-by-section summary](#) are available here.
    - And an outline of the [state and local funding provisions](#) is here.
- **Bill 3.5: Paycheck Protection Program and Health Care Enhancement Act, ([H.R. 266](#))** was enacted on April 24. Also available are a [section-by-section summary](#) and an [overview of the health care provisions](#).
  - A&B detailed summaries are below:
    - A&B [Summary](#) – **3.5 Small Business Provisions**
    - A&B [Summary](#) – **3.5 Health Care Enhancement Provisions**
- **Bill 3.0: Coronavirus Aid, Relief, and Economic Security (CARES) Act, ([H.R. 748](#))** passed on March 27. A congressional section by section summary is available [here](#).
  - A&B detailed summaries are below:
    - A&B [Summary](#) – **CARES Act Health Provisions**
    - A&B [Overview](#) – **CARES Act Health Care Grants and Reimbursement Changes**
    - A&B [Overview](#) – **CARES Act Key Health Care Appropriations**

- A&B [Analysis](#) – CARES Act Funding Sources
- A&B [Summary](#) – CARES Act Small Business Provisions
- A&B [Summary](#) – CARES Act Educational Provisions and Appropriations
- A&B [Summary](#) – CARES Act Individual and Business Tax Provisions
- A&B [Summary](#) – CARES Act Unemployment Provisions
- A&B [Summary](#) – CARES Act Labor Provisions
- A&B [Guide](#) – how the CARES Act refundable Employer Retention tax credit for employers works
- A&B [Hospital Provisions from all 4 bills tracker](#) (**Updated 6/3/20**)
- A&B [Provider Relief Fund Disbursement tracker](#) (**Updated 6/3/20**)
- A&B [Summary](#) of oversight and enforcement provisions in the CARES Act
- Congress has passed three coronavirus emergency response bills and the first two are below:
  - **Bill 1.0: Coronavirus Preparedness and Response Supplemental (CPPRS)** ([H.R. 6074](#)) passed on March 5
  - **Bill 2.0: Families First Coronavirus Response Act (FFCRA)** ([H.R. 6201](#)) passed on March 18

## Transition to “Reopening”

- **State/Other Actions**
  - For the latest information on state reopening decisions, see [A&B 50-State Openings tracker](#) - updated in each A&B Coronavirus Flash. (**Updated 6/2/20**)
  - The Judicial Council of California (JCC) previously adopted 11 emergency rules related to COVID-19 pandemic, including Emergency Rule 9 that tolled the statutes of limitation for all civil action in CA from April 6 until 90 days after the governor declares the pandemic state of emergency lifted. On **May 29 the JCC amended Emergency Rule 9 to create a new and shortened limitations period for statutes of limitations** and the A&B Environment, Land Use & Natural Resources Group [examines the impact of Emergency Rule 9](#) and what it applies to. (5/29/20)
- **Administration Actions**
  - The Department of Labor’s Occupational Safety and Health Administration has [issued an alert](#) on safety for employers to follow to **protect stockroom and loading dock** workers in the **retail industry** from exposure to COVID-19. (6/2/20) (**New**)
  - The CDC issued a new detailed [report](#) on its activities and initiatives that support the transition to reopening. (5/20/20)
    - The CDC updated or released guidance for reopening:
      - [Fact Sheet on Keeping Workplaces, Homes, Schools or Commercial Establishments Safe](#) (6/3/20) (**New**)
      - [CDC/OSHA Virus Protection Guidance for Agriculture Workers](#) (6/3/20) (**New**)
      - [Community-based testing sites](#) for the general public (**Updated 6/2/20**)
      - [Resuming Business Toolkit](#) (6/1/20) (**New**)
      - [Child Care Programs](#) (6/1/20) (**New**)
      - [Institutes of Higher Education](#) (6/1/20) (**New**)
      - [Assisted Living Facilities](#) (**Updated 6/1/20**)

- [Child Care Schools, and Youth Programs](#) (Updated 5/29/20)
- [International and Domestic Travel: FAQs](#) (Updated 5/29/20)
- [Restaurants and bars](#) (Updated 5/27/20)

## Federal Communications Commission

- The FCC has [approved](#) another \$16.46 million in telehealth funding to health care providers. (6/3/20) (**New**)

## Department of Health and Human Services

- The **Department of Health and Human Services (HHS)** Coronavirus [toolkit](#) page has been updated. (**Updated 6/3/20**)
- HHS has a **tracking feature that allows public viewing of all COVID-19 HHS grants** and cooperative agreement awards on its [website](#). The grants were distributed through programs in the ACF, ACL, ASPR, CDC, DHHS/OS, HRSA, IHS, NIH, and SAMHSA. (**Updated 5/29/20**)
- The HHS Office of the Assistant Secretary for Response and Preparedness (ASPR) released a [resource](#) documents for hospitals during civil unrest. (6/3/20) (**New**)
- ASPR releases a [document providing health care resources for secondary disasters](#). (6/3/20) (**New**)
- ASPR has released [guidance on visitation to retirement communities](#). (6/3/20) (**New**)
- ASPR has released a [fact sheet on rural health and COVID-19](#). ASPR also posted this more detailed document on [rural health and COVID-19](#). (6/3/20) (**New**)
- ASPR announced [\\$250 million in aid](#) for health care system preparedness. These dollars were awarded to state hospital associations and other groups to help hospitals and other providers in their ongoing response to the pandemic. (6/2/20) (**New**)
- HHS [announced](#) a task order with Emergency BioSolutions to advance manufacturing capabilities and capacity for a potential COVID-19 vaccine. (6/1/20) (**New**)
- The HHS **Biomedical Advanced Research and Development Authority (BARDA)** [announced a partnership](#) with Genentech to support the acceleration of a Phase 2 clinical trial to evaluate two novel therapeutics for the potential treatment of hospitalized patients with severe COVID-19. (6/1/20) (**New**)
- BARDA [announced](#) it was entering a partnership with Quidel Corporation to develop a rapid multi-plex diagnostic test to detect the SARS-CoV-2 virus within an hour. (6/2/20) (**New**)
- BARDA [announced](#) it was entering a partnership with Siemens Healthineers to develop automated total antibody test for COVID-19. (6/2/20) (**New**)

## Centers for Disease Control and Prevention

- The **Centers for Disease Control and Prevention (CDC)** [COVIDView Weekly Summary](#) is available. (**Updated 5/29/20**)
  - The CDC weekly COVID [forecast](#). (Updated 5/28/20)
  - The CDC [U.S. testing data](#). (**Updated 6/2/20**)

- The CDC [state-by-state funding](#) for state, tribal, territorial, and local funding. (**Updated 6/2/20**)
- The CDC [updated](#) its information on **serology testing** for COVID-19 at CDC. (Updated 5/24/20)
- The CDC [updated](#) its information on **contact tracing and case investigation**. (**Updated 5/29/20**)
- The CDC has released new guidance for:
  - [Interim Guidance for Clinicians caring for patients with confirmed infection with SARS-CoV-2](#) (6/3/20) (**New**)
  - [Agricultural Workers](#) (6/3/20) (**New**)
  - [Updated guidance for Healthcare Professionals](#) (6/3/20) (**New**)
  - [COVID-19 and Newly Resettled Refugee Populations](#) (6/3/20) (**New**)
  - [Updated Infection Control and Prevention for Clinicians](#) (6/1/20) (**New**)
  - [Meat and Poultry Processing Facility Assessment Toolkit](#) (6/1/20) (**New**)
  - [Updated FAQs on Remdesivir](#) (6/1/20) (**New**)
  - [Updated PPE Usage When Caring for Patients with Confirmed or Suspected COVID-19](#) (5/29/20)
  - [Discontinuation of Isolation Guidance for individuals not in Healthcare Settings](#) (5/29/20)
  - [COVID-19 and Children](#) (5/29/20)
  - [Updated Guidance on Preventing the Spread of COVID-19 in Assisted Living Facilities](#) (5/29/20)
  - [How to Wash Face Coverings](#) (5/29/20)
  - [Antibody Testing At-A-Glance Guidance for Professionals](#) (5/28/20)
- The CDC released a new [Impact of COVID-19 on Emergency Department Visits](#). (6/3/20) (**New**)
- The CDC [announced a seroprevalence survey](#) in Atlanta, GA to conduct community-level survey to better understand how COVID-19 is spreading. (6/1/20) (**New**)
  - The CDC has also updated its seroprevalence [webpage](#) to reflect large scale geographic surveys. (5/31/20) (**New**)
- The CDC has an [interim guidance on antibody testing](#) (5/23/20) and has updated its [information](#) on antibody testing for past infection. (**Updated 5/28/20**)

## Centers for Medicare & Medicaid Services

- The **Centers for Medicare and Medicaid Services (CMS)** latest [news alerts](#). (**Updated 6/1/20**)
  - And for the latest COVID-19 related CMS guidance and FAQs visit the CMS Current Emergencies [webpage](#). (**Updated 6/2/20**)
- CMS released a [notice](#) that additional flexibilities would be provided for Centers for Medicare and Medicaid Innovation payment models in response to the COVID-19 pandemic. A [fact sheet](#) summarizes the changes for each CMMI payment model. (6/3/20) (**New**)
- CMS has updated its [Medicare Fee-for-Service Billing FAQs](#). (6/3/20) (**New**)
- CMS has released [new testing guidance for the uninsured](#). This guidance includes information on enrollment, claiming and data reporting, and eligibility. CMS also has a [FAQs on the uninsured and state flexibilities](#). (6/3/20) (**New**)

- CMS has [announced](#) enhanced enforcement actions based on nursing home data and inspection. (6/2/20) **(New)**
- CMS has posted [state-by-state](#) data on COVID-19 nursing home cases for residents and staff. (6/1/20) **(New)**
- CMS jointly with the CDC sent a [letter to governors](#) with recommendations on testing for nursing homes and vulnerable communities. (6/1/20) **(New)**
  - CMS also updated their [toolkit for nursing homes](#). (6/1/20) **(New)**
- CMS has updated their [COVID-19 FAQ on Medicare Fee-for-Service](#) which includes all topics like billing for testing, treatment, and different types of settings. (5/28/20)
- CMS has released [Fact Sheet](#) on Medicare, Medicaid, and CHIP **payment methods for care provided at alternative testing sites** under the direction of state and local governments and health care providers. (5/26/20)

## HHS/CDC/CMS/HRSA CARES Act Provider Relief Funds

- The CDC has posted an [updated dataset](#) of **provider recipient specific payment** from the Provider Relief Fund **general distribution high impact targeted allocation and/or rural targeted allocation**. The dataset includes who has attested to receiving one or more payments and agreed to the terms and conditions as of June 1. \$48.518 billion of the \$72 billion allocated to these distribution pools has been attested to. **(Updated 6/3/20)**
  - HHS - the CARES Act Provider Relief Fund (PRF) [FAQs](#) **(Updated 6/3/20)** have been **updated and capture numerous modifications**. The FAQ changes include:
    - **Defining “Health Care Related Expenses Attributable to Coronavirus” (New)** - A new FAQ notes that this is broad and may cover a range of items and services, including:
      - *supplies used to provide healthcare services for possible or actual COVID-19 patients; equipment used to provide healthcare services for possible or actual COVID-19 patients; workforce training; developing and staffing emergency operation centers; reporting COVID-19 test results to federal, state, or local governments; building or constructing temporary structures to expand capacity for COVID-19 patient care or to provide healthcare services to non-COVID-19 patients in a separate area from where COVID-19 patients are being treated; and acquiring additional resources, including facilities, equipment, supplies, healthcare practices, staffing, and technology to expand or preserve care delivery.*
      - There is additional clarity that that these expenses attributable to COVID-19 may have been incurred prior to the date on which they received their payment. Further, PRF payments can be used for expenses incurred on any date, so long as they are attributable to COVID-19 and were used to prevent, prepare for, and respond to coronavirus (HHS expects it would be “highly unusual” to have incurred eligible expenses prior to 1/1/2020).
    - **Defining “Lost Revenues that are Attributable to Coronavirus” (New)** - Per the FAQ:

- *This may include revenue losses associated with fewer outpatient visits, canceled elective procedures or services, or increased uncompensated care. Providers can use Provider Relief Fund payments to cover any cost that the lost revenue otherwise would have covered, so long as that cost prevents, prepares for, or responds to coronavirus. Thus, these costs do not need to be specific to providing care for possible or actual coronavirus patients, but the lost revenue that the Provider Relief Fund payment covers must have been lost due to coronavirus. HHS encourages the use of funds to cover lost revenue so that providers can respond to the coronavirus public health emergency by maintaining healthcare delivery capacity, such as using Provider Relief Fund payments to cover: Employee or contractor payroll; Employee health insurance; Rent or mortgage payments; Equipment lease payments; and Electronic health record licensing fees.*
- **New FAQ on Parent Entities Attesting to Terms and Conditions and Keeping Payments (New)** - Per the FAQ:
  - *[T]he parent organization with subsidiary billing TINs that received payments may attest and keep the payments as long as providers associated with the parent organization were providing diagnoses, testing, or care for individuals with possible or actual cases of COVID-19 on or after January 31, 2020 and can otherwise attest to the Terms and Conditions. The parent organization can allocate funds at its discretion to its subsidiaries. If the parent organization would like to control and allocate Provider Relief Fund payments to its subsidiaries, the parent organization must attest to accepting its subsidiaries' payments and agreeing to the Terms and Conditions.*
- **New FAQs on Data Resubmission (New)**
  - Based on these new FAQs, it appears certain providers were flagged for data verification, which may require additional follow-up and communication prior to receiving funds. HHS notes that common issues prompting a submission to be flagged for further review included "information entered not matching tax documentation, providers with significantly lower than expected Medicare revenue, and apparent data entry errors."
- For such impacted providers, HHS released new guidance on the following questions (New):
  - ***What action should I take in order to resubmit my revenue information? (Added 6/2/2020)***
  - ***Will the amount of the potential payment be affected if my submission has been identified for resubmission? (Added 6/2/2020)***
  - ***Do all providers who submitted revenue information in the Provider Payment Portal have to resubmit their information? (Added 6/2/2020)***
- The updated FAQs also provided the new guidance below (New):

- Providers that affirmatively attested to PRF payments received may reject those funds and retract the attestation by calling the provider support line (866-569-3522).
- Providers that did not submit revenue information (i.e., an application) for the \$20 billion (i.e., Round 2) General Distribution by June 3 are no longer eligible for a Round 2 payment. These providers will still be considered for future PRF payments.
- HHS provided clarity that the June 3 deadline to submit revenue information was only for providers who wanted to be considered for the Round 2 payment. Providers were not required to attest to Round 2 payments by June 3. HHS reminds providers that they have 90 days from the receipt of Round 2 payment to attest and agree to the Terms and Conditions (this 90-day time period to attest and agree to the Terms and Conditions applies to all PRF payments).
  - By extension, this guidance indicates that providers were not required to submit revenue information by June 3 if they were not seeking a Round 2 payment.
  - While submitting revenue information appears to be required for all PRF payment recipients, HHS has not announced a specific deadline by which they must do so.
- HHS has completely revised its Provider Relief Fund [webpage](#). (**Webpage Updated 6/3/20**)
- HHS released Indian Health Service Provider Relief Fund allotment [Terms and Conditions](#). (6/2/20) (**New**)
- The COVID-19 Provider Relief Fund – the A&B [General Distribution Attestation and Application Process Guide](#) has been updated. (Updated 5/27/20)
- HHS [released a statement](#) **extending the Provider Relief Fund attestation deadline for an additional 45 days**. This allows providers 90 days from the date they received a payment to accept the Terms and Conditions or return the funds. (5/22/20)
- The CARES Provider Relief Fund **hotline** is (866) 569-3522.

## Food and Drug Administration

- **FDA** provides a **daily roundup on COVID-19** related actions. The latest [announcements](#). (**Updated 6/3/20**)
  - **FDA** updated its [FAQs](#) on Testing for SARS-CoV-2, including posting a list of **antibody tests** that are being **removed** from the “notification list” of tests being offered. (**Updated 6/2/20**)
  - **FDA** maintains its COVID-19 [FAQs](#) for the general public. (Updated 5/29/20)
  - **FDA** [webpage](#) for health professionals. (6/2/20) (**New**)
  - The agency also maintains a [public database](#) of drug shortages. (**Updated 6/2/20**)
- The FDA has [added two ventilators developed by NASA](#) to the list of authorized ventilators, ventilators tubing connectors, and ventilators accessories. The same list notes a new emergency resuscitator for the Fitbit Flow. (6/3/20) (**New**)



- The FDA has released updated [guidance](#) for institutional review boards to expand patient access during the COVID-19 emergency. (6/3/20) (**New**)
- FDA [Resources for Healthcare Professionals](#). (6/3/20) (**New**)
- The FDA updated their guidance [on utilizing and implementing alternative inspection tools](#) while postponing foreign and domestic routine surveillance facility inspections. (6/2/20) (**New**)
- The FDA has [announced action to increase](#) the supply of alcohol-based hand sanitizer. (6/1/20) (**New**)
- The FDA has posted a [voluntary EUA template](#) for at-home sample collection kits. (5/29/20)
- The FDA has issued [guidance](#) entitled “Effects of the COVID-19 Public Health Emergency on **Formal Meetings and User Fee Applications**” to address questions on formal meetings with industry, user fee application goals and timelines, and the prioritization of application reviews during the public health emergency. (5/28/20)

## Health Resources and Services Administration

- The Health Resources and Services Administration (HRSA) has [awarded \\$20.3 million to expand addiction workforce](#) in underserved communities where the pandemic has increased the need. (6/2/20) (**New**)
- HRSA provides COVID-19-related information, resources, and FAQs [here](#). HRSA has updated its progress reports including FAQs on health center reporting. (**Updated 6/1/20**)

## Department of Homeland Security/FEMA/DOD

- The **Department of Homeland Security (DHS)** posts a [weekly update of its response to COVID-19](#). (**Updated 6/1/20**)
- The Federal Emergency Management Administration (FEMA) has posted a [state-by-state allocation list of PPE and other supplies](#). (5/29/20)
- The President [announced](#) his intent to extend the Title 32 orders through mid-August. Title 32 gives the governors authority to command their National Guard forces, while 100% federally funded, to meet emergency COVID-19 relief needs within their states. (5/28/20)

## Department of Justice/Federal Trade Commission/Litigation

- The **Department of Justice** maintains an **anti-price gouging & anti-fraud** [webpage](#) with information on reporting complaints and resources on prevention. (5/26/20)
- **Litigation:** On May 29, a Georgia woman [pled guilty](#) for violating the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) by selling an unregistered pesticide, “Toamit Virus Shut Out,” which she claimed protected against viruses, such as COVID-19 on eBay. The pesticide took the form of a card-shaped device to be worn around the user’s neck and was marketed as a “layer of safety protection effect, thus reducing the risks and probability of infection and transmission.” The FIFRA authorizes the Environmental Protection Agency (EPA) to regulate the production, sale, distribution, and use of pesticides in the United States. The Environment and Natural Resources Division’s Environmental Crimes Section prosecuted the defendant because

Toamit Virus Shut Out was not registered with EPA, and it is illegal to distribute or sell unregistered pesticides. Defendant imported the pesticide from Japan and later sold it to individuals around the United States. She will be sentenced June 29. (**New**)

## Small Business Administration

- **Small Business Administration (SBA)** – In response to the **CARES Act** requirements, the SBA **Paycheck Protection Program (PPP)** [website](#) has updated its [FAQs](#) for lenders and borrowers. (Updated 5/27/20)
  - The SBA [released](#) the Paycheck Protection Program **Loan Forgiveness process**, which includes the [application and instructions](#). (5/15/20)
    - The SBA, jointly with the Department of Treasury, [released the interim final rule](#) for the PPP **loan forgiveness process**. (5/22/20)
    - The SBA also [released the interim final rule](#) the PPP **loan review procedures and borrowing responsibilities**. (5/22/20)
    - [Summary](#) of Paycheck Protection Program Lending (**Updated 6/1/20**)

## Department of Treasury/IRS/Federal Reserve

- The Department of Treasury [website](#) for **CARES Act** business assistance programs.
- The Federal Reserve [announced](#) an expansion in the number and type of entities eligible to directly use its Municipal Liquidity Facility program. Under the new terms all states will be able to have at least two cities or counties eligible to directly issue notes to the Municipal Liquidity Facility regardless of population. (6/3/20) (**New**)
- The Internal Revenue Service (IRS) [announced](#) a temporary administrative relief to help certain retirement plan participants or beneficiaries who need to make plan elections remotely by allowing remote signatures. (6/3/20) (**New**)
- A&B Federal Tax Group provides guidance on a little-known rule that could allow disaster losses from 2020's COVID-19 pandemic to be used as losses for 2019. Read more [here](#). (6/1/20) (**New**)
- The Department of Treasury has jointly [announced](#) with the SBA that \$10 billion is being set aside of the Round 2 Paycheck Protection Program funding for use exclusively by **Community Development Financial Institutions (CDFIs)** to target relief to low-income communities. (5/28/20)

## Other Agencies

- The **Department of Commerce** Economic Development Administration has [announced](#) that **applications would be accepted for competitive grant awards** on a rolling basis to help communities prevent, prepare for, and respond to the pandemic. (5/27/20)
- For information on **COVID-19 waste regulation and environmental compliance** issues during the pandemic, read the A&B [Environmental & Land Use Briefing](#). (5/22/20)

## Trade and International Business Issues

- The North Atlantic Treaty Organization (NATO) issued a [statement](#) on the “destabilizing and malicious cyber activities” directed against the health care sector during the pandemic. (6/3/20) **(New)**
- President Trump [announced](#) he would halt funding for and withdraw U.S. membership in the World Trade Organization, stating during a Rose Garden ceremony that “We will be today terminating our relationship with the World Health Organization and redirecting those funds to other worldwide and deserving urgent global public health needs...The world needs answers from China on the virus.” (5/29/20)

## Insurance Issues

- For a **50-state review of business interruption insurance related issues** see this new COVID-19 [Insurance Litigation and Regulatory Issues tracker](#). The tracker is updated weekly. (Updated 5/31/20)
- On May 26, U.S. Representative Carolyn Maloney (D-N.Y.) introduced [H.R. 7011](#)—the Pandemic Risk Insurance Act of 2020. The legislation would create the **Pandemic Risk Reinsurance Program**, providing “compensation for business interruption losses resulting from future pandemics or public health emergencies.” The bill would apply only to “covered public health emergenc[ies]” declared “on or after January 1, 2021.”
- **Notable filings and orders** include:
  - On May 28, Alissa’s Flowers, Inc., the owner and operator of a flower shop in Independence, Missouri, initiated a putative class action in federal court against its insurer State Farm Fire and Casualty. Plaintiff alleges that while the insurance industry has offered relief to auto policyholders in the form of reduced premiums, “insurers have not offered any sort of premium relief to businesses.” Plaintiff argues that businesses ought to have been extended premium relief for commercial liability insurance policies. Plaintiff alleges claims for breach of contract, unjust enrichment, and declaratory and injunctive relief and seeks to represent a nationwide class of similarly situated persons and entities. The case is *Alissa’s Flowers, Inc. v. State Farm Fire and Cas. Co.*, No. 2:20-cv-04093-WJE (W.D. Mo.)
  - On May 27, MTDB Corp. dba Striker Lanes, a bowling alley, initiated a putative class action in the Northern District of Illinois against its insurer, American Automobile Insurance Company. The Complaint seeks a declaratory judgment that plaintiff and the putative class “sustained direct physical loss or damage to property” as a result of SARS-CoV-2 or COVID-19, that SARS-CoV-2 and/or COVID-19 are covered causes of loss, and that plaintiffs and the class are therefore entitled to coverage. Plaintiff also alleges that they are entitled to coverage for losses resulting from certain governmental orders. Plaintiff seeks to represent a class of Illinois businesses insured under policies issued by defendant. The case is *MTDB Corp. v. Am. Auto. Ins. Co.*, No. 1:20-cv-03127 (N.D. Ill).

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For background and the most up-to-date information, please visit the Centers for Disease Control and Prevention Coronavirus Disease 2019 website: [HERE](#). The additional federal agency links are provided by the White House Coronavirus Task Force:

## **What You Should Know:**

- [How to Protect Yourself & Others](#)
- [How COVID-19 Spreads](#)
- [Frequently Asked Questions](#)
- [Social Distancing](#)
- [Quarantine and Isolation](#)
- [Use of Cloth Face Coverings to Help Slow the Spread of COVID-19](#)
- [When to Wear Gloves](#)
- [What to Do If You Are Sick with COVID-19](#)
- [Symptoms](#)
- [Facts about COVID-19](#)
- [Testing for COVID-19](#)
- [Test for Current Infection](#)
- [Guidance Documents](#)

## **Information for Businesses:**

- [Information for Communities, Schools, and Businesses](#)
- [Workplaces during the COVID-19 Pandemic](#)
- [Restaurants and Bars during the COVID-19 Pandemic](#)
- [Cleaning and Disinfecting Your Facility](#)
- [Worker Safety and Support](#)
- [COVID-19 Critical Infrastructure Sector Response Planning](#)
- [Implementing Safety Practices for Critical Infrastructure Workers Who May Have Had Exposure to a Person with Suspected or Confirmed COVID-19](#)
- [Interim Guidance for Businesses and Employers](#)
- [Prepare your Small Business and Employees for the Effects of COVID-19](#)
- [General Business Frequently Asked Questions](#)
- [Interim Guidance on Respirator Supply in Non-Healthcare Sectors](#)
- [Information for Small Businesses](#)
- SBA: [COVID-19 Resources](#)
- Treasury: [Assistance for Small Businesses](#)
- DOL: [Guidance for Preparing Workplaces for Coronavirus](#)
- DOL: [COVID-19 and the American Workplace](#)
- DOL: [OSHA Resources for Workers and Employers on COVID-19](#)
- WHO: [Get Your Workplace Ready for COVID-19](#)
- CISA: [Risk Management for COVID-19](#)
- CISA: [Telework Guidance and Resources](#)
- CISA: [Guidance on the Essential Critical Infrastructure Workforce](#)

**Information for Travel and Transportation:**

- [Information for Travel](#)
- [Travel in the United States](#)
- [Public Health Considerations for Reopening Mass Transit During the Covid-19 Pandemic](#)
- [COVID-19 Travel Recommendations by Country](#)
- [Travel Restrictions to Prevent the Spread of Disease](#)
- [Airline Guidance](#)
- [Cruise Ship Guidance](#)
- [Cargo Ship Guidance](#)
- [Maritime Resources](#)
- [Returning from International Travel](#)
- [Travelers Returning from Cruise Ship and River Cruise Voyages](#)
- [Travel: Frequently Asked Questions and Answers](#)
- [Travelers Prohibited from Entry to the United States](#)
- [Communication Resources for Travelers](#)
- State: [Travel Advisories](#)
- State: [Traveler's Checklist](#)
- State: [Smart Traveler Enrollment Program](#)
- DOT: [FAQs from FTA Grantees Regarding COVID-19](#)
- DOT: [Expanded Emergency Declaration](#)
- FAA: [Guidance for Air Carriers and Crews](#)

**Information for Healthcare Providers, First Responders, and Research Facilities:**

- [Information for Healthcare Professionals](#)
- [Guidance for U.S. Healthcare Facilities](#)
- [Evaluating and Testing](#)
- [Staffing Resources](#)
- [Clinical Care Guidance for Healthcare Professionals](#)
- [Infection Control Guidance for Healthcare Professionals](#)
- [Preparedness Tools for Healthcare Professionals](#)
- [Strategies to Optimize the Supply of PPE and Equipment](#)
- [Potential Exposure in a Healthcare Setting](#)
- [First Responder Guidance](#)
- [Resources for Responders & Law Enforcement](#)
- [Training for Healthcare Professionals](#)
- [Information for Pediatric Healthcare Providers](#)
- [Clinical Questions about COVID-19: Questions and Answers](#)
- [Support for Health Departments](#)
- [Pandemic Preparedness Resources](#)
- [Reporting Cases of COVID-19](#)

- [Guidance for Public Health Professionals Managing People with COVID-19 in Home Care and Isolation Who Have Pets or Other Animals](#)

## **Information for Community Events and Gatherings:**

- [Interim Guidance for Mass Gatherings and Large Community Events](#)
- [Event Planning and COVID-19: Questions and Answers](#)

## **Alston & Bird Coronavirus Links**

- Alston & Bird Coronavirus [Response & Relief](#) Web page
- To [Subscribe](#) to Alston & Bird Advisories
- For Alston & Bird [COVID-19 Insights and Events](#)
- **Previous Alston & Bird Coronavirus Advisories** (not included in the above)
  - **May 21**
    - [Prescribing Paid Sick Leave -- An Important Tool for Primary Care During the Pandemic: JAMA Health Forum](#)
  - **May 18**
    - [International Tax Advisory: Proposed Treasury Regulations Clarify UBTI "Silo" Rule](#)
    - [Financial Services Litigation / Financial Services & Products Advisory: CFPB Reflects on the Impact of COVID-19 and Provides a Window into Future Enforcement](#)
  - **May 15**
    - [A&B Investment Management Updates, including items reflecting the impact of the coronavirus pandemic.](#)
  - **May 12**
    - [Finance Advisory: Ginnie Mae Extends PTAP/C19 Assistance to Multifamily MBS Program](#)
    - [A&B Guide to Telehealth Waivers and Regulatory Flexibilities](#)
    - [The Digital Download -- Alston & Bird's Privacy & Data Security Newsletter](#)
  - **May 8**
    - [Finance Advisory: ESG During the Coronavirus Crisis -- Should You Care?](#)
    - [Health Care / Privacy & Data Security Advisory: Expansive Interoperability and Data-Sharing Requirements Require Attention Despite Delays in Enforcement](#)
    - [Financial Restructuring & Reorganization Advisory: Delaware Courts Leery of Shareholder Obstruction](#)
  - **May 6**
    - [Finance Advisory: Federal Reserve Revises Main Street Lending Program, Adds Third Option](#)
  - **May 5**
    - [Finance Advisory: Brexit and Its Potential Impact on Cross-Border Litigation Throughout Europe](#)
    - [Investment Management Advisory: Update on Relief Under the CARES Act for Fund Managers](#)
  - **May 4**

- [Food, Drug & Device/FDA Advisory: Examining the Drug Supply Chain -- How the Public Health Emergency Impacts DSCSA](#)
- **April 30**
  - [College & Universities Advisory: Schools Face Class Action as Parents and Students Sue for Refunds](#)
  - [White Collar Government & Internal Investigations Advisory: New PPP Funding Ups Ante for Compliance Failure--Audits on the Horizon](#)
- **April 29**
  - [Health Care / Health Care Litigation Advisory: COVID-19 A Tipping Point for Telehealth Expansion](#)
- **April 28**
  - [Labor & Employment Advisory: The New Executive Order Suspends Entry of Immigrant Visa Applicants into the U.S. for 60 days](#)
- **April 24**
  - [Commercial Litigation Advisory: COVID-19 Impacts on Statutes of Limitations](#)
- **April 23**
  - [International Trade & Regulatory Advisory: FEMA Issues Guidance on Exemptions for Critical PPE Export Restrictions](#)
- **April 22**
  - [Labor & Employment Advisory: Developing a Plan to Bring Your Employees Back to Work](#)
- **April 21**
  - [Financial Advisory: Forbearance Agreements in the age of COVID-19 and National Shelter-in-Place Orders](#)
  - [Antitrust / Mergers & Acquisitions / International Trade & Regulatory Advisory: COVID-19 Affect European Foreign Direct Investment Reviews: New EU Guidance Potentially Heralds Increased Protectionism](#)
- **April 20**
  - [Financial Advisory: FHFA Limits Servicer Advancing Obligations for Loans in COVID-19 Forbearance](#)
- **April 17**
  - ["INSIGHT: Businesses Better Brace for Post-Coronavirus Lawsuits" Bloomberg Law](#)
  - [Antitrust / Labor & Employment Advisory: Federal Antitrust Agencies Remind Businesses That Colluding on Labor Issues Remains Illegal During Pandemic](#)
  - [Labor & Employment / Health Care / Corporate & Finance Advisory: Ramping Up: What Does Restarting Look Like?](#)
- **April 16**
  - [International Tax Advisory: Risky Business - Allocating Losses When Your Supply Chain Is Disrupted](#)
  - [Finance Advisory: Ginnie Mae Expands Pass-Through Assistance Program to Finance Servicing Advances in Response to COVID-19](#)
- **April 15**
  - ["Force Majeure Clauses in the Face of COVID-19: Commercial Leasing Guidance \(CA\)," Lexis Practice Advisor](#)

- [Federal Tax Advisory: IRS Issues COVID-19 Forbearance Guidance for REMICs and Investment Trusts](#)
- **April 14**
  - [Investment Advisory: Federal Reserve Announces Main Street Lending Program to Provide Liquidity to Small & Mid-Size Businesses](#)
  - [Investment Management Advisory: Relief Under the CARES Act for Fund Managers](#)
- **April 13**
  - ["As Pandemic Triggers Continuity Plans, What RIAs and BDs Should Ask Themselves," Financial Planning](#)
  - [FDA & Environment Advisory: Cleaning Up After COVID-19? What You Need to Know Before You Manufacture, Import, or Sell Sterilizers, Sanitizers, Purifiers, and Disinfectants](#)
  - [Securities Law Advisory: SEC Reminds Companies to Keep Their Disclosures Looking Forward](#)
- **April 10**
  - [Securities Law Advisory: ISS Offers COVID-19-Conscious Policy Guidance](#)
- **April 9**
  - [Federal Tax Advisory: IRS Provides Partnerships a Mechanism to Claim Benefit of Retroactive CARES Act Provisions](#)
  - [Financial Services Advisory: Agencies Update Their Interagency Statement on Reporting Loan Modifications](#)
  - [Early Securities Class Actions Highlight COVID-19 Litigation Risk \(Law360\)](#)
  - [FDA Compliance & Enforcement Advisory: FDA Issues New Guidance on Supply-Chain Disruption Notifications During COVID-19 Emergency](#)
  - [Financial Restructuring & Reorganization Advisory: Protecting Recoveries in a Pandemic: What Creditors Can Do Right Now](#)
- **April 7**
  - [Updated FAQs Regarding Paid Leave Obligations Under the Families First Coronavirus Response Act](#)
  - [Cyber Alert: Cybersecurity and COVID-19: Four Categories of Cyber Threats and Practical Tips in Response](#)
- **April 6**
  - [Antitrust Advisory: Production and R&D Joint Ventures in a Pandemic: Reducing Antitrust Risk](#)
  - [Financial Services Advisory: Regulatory Agencies Issue Mortgage Servicing Guidance and FAQs for the CARES Act](#)
  - [White Collar, Government Investigations Advisory: CARES Act Follows Familiar Blueprint for Oversight and Enforcement](#)
- **April 3**
  - [EU State Aid Measures in the Fight Against COVID-19 Pandemic](#)
- **April 2**
  - [USPTO Announces Additional Limited Extensions Due to the COVID-19 Pandemic](#)
  - [Deadline for Reg BI and Form CRS Compliance Remains on Track](#)



- [What Does the Coronavirus Mean for Companies and Their Critical Offshore Services?](#)
- **April 1**
  - [Federal Tax Advisory: Downward Stock Attribution for CFC Purposes](#)
  - [Hospital EMTALA Obligations Under Recent COVID-19 Waivers](#)
  - [CMS Issues Blanket Waivers from Physician Self-Referral Law Sanctions](#)
- **March 31**
  - [Additional Families First Coronavirus Response Act Paid Leave FAQs for Employers](#)
  - [SEC Extends Timeframe for Regulatory Relief for Investment Advisers and Investment Companies](#)
  - [Responsibility for Construction Site Safety in a Coronavirus World](#)
- **March 30**
  - [Keep Mystery to a Minimum in Your SEC COVID-19 Disclosures](#)
  - [How the CARES Act Will Affect Banking During the Coronavirus Emergency](#)
  - [Economy in Chaos: Is Bankruptcy Inevitable for My Business?](#)
  - [CMS Announces Expansion of Medicare's Accelerated and Advance Payment Program](#)
- **March 27**
  - [Utilization of Electronic Signatures and Records: What You Need to Know](#)
  - [SEC Extends Conditional Filing Relief to Companies Affected by COVID-19](#)
  - [COVID-19: What It May Mean for Landlords and Lenders Under Their CRE Facility Agreements](#)
  - [Congress Further Expands Medicare Telehealth Benefits with the CARES Act](#)
- **March 26**
  - [USTR to Consider Additional Tariff Exclusions Due to COVID-19 Pandemic](#)
  - [COVID-19 and Price Gouging](#)
  - [SEC Continues to Keenly Monitor Insider Trading During COVID-19 Pandemic](#)
- **March 25**
  - [Is the COVID-19 Outbreak an "Act of God"? Why It May Matter for Your Contracts](#)
  - [FDA and USDA Food Safety Response to COVID-19 & DHS "Critical Infrastructure" Classification of Food and Agriculture Sector](#)
  - [Does Your Force Majeure Provision Extend to the Coronavirus?](#)
  - [Competition Authorities Across Europe Relax Competition Law Enforcement During COVID-19 Outbreak](#)
  - [COVID-19 Impacts Antitrust Deal Reviews: New Procedures and Delays](#)
- **March 24**
  - [Health Care Providers with Exposure to COVID-19: What You Need to Know](#)
  - [Regulators Further Clarify Guidance Regarding Loan Modifications and Reporting](#)
  - [Avoiding Antitrust Risk as Industries Respond to the Coronavirus: Businesses Look to Collaborate & Federal Government Offers Expedited Avenues](#)
- **March 23**
  - [FDA Continues to Accelerate Availability of COVID-19 Tests](#)
  - [CFTC Issues No-Action Letter Offering Regulatory Relief for CPOs](#)
  - [Building a Case for Force Majeure in Construction Contracts](#)

- **March 20**
  - [Employee Benefits & Executive Compensation Advisory: Coronavirus Impact on Health Benefits: A Deeper Dive](#)
  - [FDA Compliance & Enforcement Advisory: FDA Temporarily Postpones Routine Domestic Inspections](#)
- **March 19**
  - [Antitrust / Mergers & Acquisitions Advisory: COVID-19 Impacts Antitrust Deal Reviews: New Procedures and Delays](#)
  - [Construction Advisory: Five Best Practices for Construction Industry Stakeholders During the Coronavirus Pandemic](#)
  - [Labor & Employment Advisory: Employee Leave Requirements Under the Families First Coronavirus Response Act](#)
  - [Labor & Employment / Health Care Advisory: Coronavirus \(COVID-19\) FAQs for Employers](#)
- **March 18**
  - [Cyber Alert: Six Practical Tips for Practicing Cyberhygiene in the Middle of a Global Pandemic](#)
  - [Advisory: Are You an "Essential Business" in California Counties Where Shelter-in-Place Order Have Been Issued?](#)
- **March 17**
  - [Finance Advisory: Coronavirus and Securitization: Disclosure and Diligence Issues](#)
- **March 16**
  - [Securities Law Advisory: SEC Provides Guidance on the Possible Impacts of COVID-19 on Annual Meetings](#)
  - [Health Care / Cybersecurity Preparedness & Response Advisory: COVID-19 and HIPAA: Privacy, Security, and Breach Response During a Global Pandemic](#)
- **March 13**
  - [Financial Services & Products Advisory: FINRA Guidance: COVID-19 and Business Continuity Planning](#)
  - [Food, Drug & Device/FDA Advisory: FDA Seeks Help to Solve Personal Protective Equipment Shortages](#)
  - [Securities Litigation Advisory: Securities Litigation Risk Arising Out of the Coronavirus Pandemic](#)
- **March 12**
  - [FDA Compliance & Enforcement Advisory: FDA Postpones Foreign Inspections Through April 2020: Considerations for Industry](#)
- **March 10**
  - [Labor & Employment / Health Care Advisory: Coronavirus, Employers, and Domestic Travel: A Complicated Business Decision](#)
- **March 6**
  - [Securities Law Advisory: SEC Provides Conditional Relief to Companies Affected by COVID-19](#)

- **March 5**
  - [Health Care Advisory: Congress Expands Medicare Telehealth Benefit Amid Coronavirus Concerns](#)
- **February 28**
  - [Labor & Employment / Health Care Advisory: The Coronavirus: Employer and Workplace Considerations](#)