

## Coronavirus *Flash Update*: Monday, April 20, 2020

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### The Latest News

- U.S. COVID-19 cases exceed 753,317 and 36,109 U.S. deaths. (Source: CDC) (**Updated 4/20/20**)
- U.S. **stock market**: On Friday the markets capped off a second straight week of gains, with the Dow rising 704 points and S&P 500 up 75 points for the day, with each ending the week up over 2 and 3% respectively, and the Nasdaq up 117 points for the day and ending the week up over 6%. Weekend trading in stock futures were pointing to a retreat as of Sunday night. (**New**)

- Treasury Secretary Steven Mnuchin and Congressional leaders acknowledged over the weekend that they were **near an agreement on an interim funding bill to replenish both the small business loan programs and provide additional dollars for hospitals and testing**. The overall package may exceed \$500 billion and include an additional **\$300 billion to the Paycheck Protection Program (PPP)** – the PPP has already distributed \$349 billion – and **\$75 billion for hospitals**. The agreement may also include **\$25 billion for COVID-19 testing and \$50 billion in additional funding to the Economic Injury Disaster Loan program**. The areas of disagreement which remain pertain to possible additional funding for state and local governments, and an increase in the supplemental nutrition assistance program (SNAP). The House leadership has asked members to be prepared for votes as early as Wednesday morning, and the Senate is scheduled to be in session on Thursday. **(New)**
- In [results](#) from a recent survey of physician practices (fielded April 10-13) by the Primary Care Collaborative, the impact of COVID-19 is dramatic. **Nearly half do not have enough cash to keep their practices open**; 42% have furloughed or experienced staff layoffs; even acknowledging that re-opening may begin soon, **20% of primary care practices predict closure within 4 weeks**. The survey reported that **65% of clinicians reported that virtual health care was not an option** because their patients did not have a computer or internet, and when stay-at-home orders are lifted, testing and PPEs are hard to find for physician practices. **(New)**

## COVID-19 Related Legislation

- **Bill 4.0:** The interim funding agreement, which is nearly final, is essentially limited to supplemental funds for key programs authorized in the CARES Act, and this interim agreement is often referred to as 3.5. Work continues on the larger emergency relief package, or 4.0, which is expected to address programmatic changes, technical corrections, and again, additional financial assistance. The 4.0 package could move forward by the first week of May. **(New)**
- **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 3 relief bills tracker](#) of COVID-19 **(Updated on 4/19/20)**
    - 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.

## Key Administrative and Regulatory Actions

- President Trump temporarily **halted funding of approximately \$400 million per year to the World Health Organization** due to criticisms of the organization’s response to COVID-19. (4/14/20)
- The U.S. **Census Bureau** [announced](#) that it was **temporarily suspending field data collection activities until June**. The Census Bureau also requested from Congress a 120-day delay on some data reporting deadlines, including data necessary for congressional apportionment. (4/13/20)
- The White House unveiled a new hashtag, #AmericaWorksTogether, that will be used to **promote companies that are hiring employees during the economic crisis** and donating food and other supplies to health care workers. (4/7/20)
- President Trump [declared](#) a **national emergency under the Stafford Act**, which allows the federal government to marshal additional resources and authorize greater regulatory flexibility to respond to the coronavirus outbreak. (3/13/20)

### Transition to “Opening Up”

- During a meeting with governors, President Trump released “**Opening Up America Again**” [guidelines](#) but left the decision of when his recommended phases should begin to state governments. (4/16/20)
- On Sunday, CMS [announced](#) recommendations to **re-open health care facilities to provide non-emergent non-COVID-19 care, including elective surgeries**. The [recommendations](#) state that non-COVID-19 care should be offered as clinically appropriate if the state, locality, or facility has the resources to provide such care **and** the ability to quickly respond to a surge in COVID-19 cases if necessary. (4/19/20) (**New**)
  - Re-opening decisions should be consistent with public health information and in collaboration with state public health authorities, and be pursuant to careful planning that considers all aspects of care, such as:
    - Adequate facilities, workforce, testing, and supplies
    - Adequate workforce across phases of care (e.g., availability of clinicians, nurses, anesthesiologists, pharmacy, imaging, pathology support, and post-acute care)
- A joint [statement](#) was released on Friday by the American College of Surgeons, American Hospital Association, American Society of Anesthesiologists, and Association of periOperative Registered Nurses stating that “readiness to resume elective surgery will vary by geographic location” and **outlining principles and considerations to guide the resumption of elective surgery and other procedures**. (4/17/20) (**New**)
- As state and local governments consider the **transition to re-opening businesses**, most are preparing for what might be their **next steps** to protecting health and safety of their work force while opening up. This A&B [advisory](#) lays out what restarting might look like, including how to

communicate to your employees, vendors and customers, and planning for continued health and safety issues. (4/17/20) (**New**)

- The President [announced](#) several “**Great American Economic Revival Industry Groups**” made up of business executives, economists, academics, and others to “chart the path forward toward a future of unparalleled American prosperity.” (4/14/20)

## Department of Defense

- The **Department of Defense (DOD)** Defense Logistics Agency (DLA) [announced](#) a list of available **excess medical equipment** being made available to FEMA and HHS to be distributed to health care providers as need. (4/17/20) (**New**)
- The DOD Cyber Exchange Network has updated its [information](#) on the do’s and don’ts of network utilization and cybersecurity, and its top telework rules. (4/17/20) (**New**)
- The Under Secretary of Defense for Personnel and Readiness signed a department-wide [authorization](#) for service members to accrue and retain an additional leave balance of up to 120 days in response to the limits the spread of COVID-19 has had on limiting service members leave. (4/16/20)
- The Office of the Under Secretary of Defense released a [memo](#) stating that **DoD contracts** contain clauses that provide “that a contractor will not be in default because of a failure to perform the contract if the failure arises beyond the control and without the fault or negligence of the contractor.” (4/2/20)

## Environmental Protection Agency

- On April 17, the **Environmental Protection Agency (EPA)** updated its coronavirus [website](#) to include new resources for state, local, and tribal agencies and intergovernmental associations. The website consolidates press releases, information on enforcement and compliance programs, water infrastructure, grants, and other applicable resources. (**New**)
- EPA is continuing to update its [Frequent Questions Related to Coronavirus \(COVID-19\)](#) website to address questions relating to disinfectants, drinking water, grants, indoor air, wastewater and septic systems, and waste. (**New**)
- EPA [revised](#) (4/14/20) its prior amendment (dated 3/31/20) **allowing manufacturers** of already-registered EPA disinfectants on EPA’s List N: Disinfectants for Use Against SARS-CoV-2 **to obtain certain active ingredients** from any supplier without checking with the agency for approval. In an [announcement](#), the EPA stated that the revisions streamline the process for adding additional registered sources of active ingredients to a formulation and setting up an approved pesticide manufacturing establishment.
  - EPA revised [List N: Disinfectants for Use Against SARS-CoV-2](#) to include products on EPA’s List G: Products effective against norovirus, and List L: Products effecting against the Ebola virus, as EPA has determined that these products also meet its criteria for use against SARS-CoV-2.
- The EPA [issued interim guidance](#) to the Agency’s regional offices to ensure that decisions about new or ongoing cleanup activities at sites across the country are made with the health and safety of communities as related to COVID-19. The **interim guidance focuses on decision making at**

**emergency response and longer-term cleanups sites** where EPA is the lead agency or has direct oversight of, or responsibility for, the cleanup work. (4/10/20)

- EPA [identified](#) (4/7/20) approximately 225,000 pieces of personal protection equipment they will donate to state and local responders.

## Federal Communications Commission

- The **Federal Communication Commission (FCC)** adopted a [program](#) appropriating \$200 million in COVID-19 telehealth grants (the COVID-19 Telehealth Program) and \$100 million in grants through the Connected Care Pilot Program to **assist hospitals, and other health care providers cover telehealth costs**. (3/31/20).
- The FCC released [guidance](#) for **applicants that receive funding commitments** from the Wireline Competition Bureau COVID-19 telehealth program on how to invoice the Commission for the funded services and/or connected devices. (4/17/20) (**New**)
- On April 16, the **first six health care providers awarded** funding were [announced](#). (4/16/20)
  - The funds for both were authorized by the **CARES Act**. Also see the FCC's [Report and Order](#) for more information.
  - The FCC **COVID-19 Telehealth Program Application Portal** opened on April 13. See [here](#) for more information, the application via the portal, details on [eligibility determination](#) and the use of a FCC [Form 460](#) with the Universal Service Administrative Company (USAC). [Register](#) to obtain an FCC Registration Number (FRN) in the Commission Registration System (CORES); and [register](#) with System for Award Management in order to receive funding.
    - The FCC has also provided [guidance](#) to address common application questions. A copy of the application will be filed by the FCC's [Electronic Comment Filing System](#) (ECFS).
  - The FCC also provided [additional detail](#) on the **Connected Care Pilot Program**. The selected pilot projects will be supported for a three-year funding period, with separate transition periods of up to six months before and after the funding period (up to four years total). The FCC plans to provide an application form ("Connected Care Pilot Program Application") that must be used when submitting project proposals to the FCC. Submitted applications must reference WC Docket No. 18-213. Applicants may file using the ECFS, but also must send a courtesy copy of the application via email to [ConnCarePltProg@fcc.gov](mailto:ConnCarePltProg@fcc.gov).
    - Additional details on the application, evaluation process and deadline can be found in the [Report and Order](#).
- The FCC [issued](#) (4/3/20) an order waiving the content sponsorship **requirements during commercial advertising**. The purpose of the order is to permit companies that have purchased advertising time to donate the time for the purpose of broadcast public service announcements prepared by the CDC or other governmental or public health agencies regarding COVID-19.
- The FCC [provided relief](#) on April 1 to enable **rural broadband** and phone providers to immediately **waive consumer fees**, including late payment and installation and cancellation fees, in order to help Americans work from home or access remote learning.

## Department of Health and Human Services

- The **Department of Health and Human Services (HHS)** has a [COVID-19 Resources](#) page.
- HHS Secretary Alex Azar released a [statement](#) announcing plans to launch a public-private partnership with over a dozen companies to develop a national strategy for a coordinated research response to the COVID-19 pandemic. The effort will be called the **Accelerating COVID-19 Therapeutic Interventions and Vaccines (ACTIV) partnership**. (4/17/20) (**New**)
  - A component of the ACTIV partnership, the National Institutes of Health [announced](#) its own partnership to speed COVID-19 vaccine and treatment options by bringing together biopharmaceutical companies for a coordinated research response. (4/17/20) (**New**)
- HHS [announced](#) **five new contracts under ventilator production** under the Defense Production Act, to General Electric, Hill-Rom, Medtronic, ResMed, and Vyair, as well as two other contracts for ventilator production, to Hamilton and Zoll. HHS has finalized contracts to supply 6,190 ventilators for the Strategic National Stockpile by May 8 and 29,510 by June 1. (4/13/20)
  - An [agreement](#) was reached by HHS with General Electric, under the Defense Production Act, to produce 50,000 ventilators by July 13. (4/16/20)
- Agency for Community Living [released](#) an FAQ on their Emergency Funding Operations that includes information about **aging and disability funding** and the funding allocation by state for the funds. (4/16/20)
- HHS Administration for Children and Families (ACF) [announced](#) **\$6.3 billion in additional funding**, \$3.5 billion of which is for the **Child Care and Development Block Grant**. This funding will go to state, territory, and tribal Child Care and Development Fund (CCDF) programs and is intended to provide assistance to child care providers. Additional [resources](#) are also available. See the ACF summary of the relevant CARES Act section [here](#). Of note, ACF provides information on how “Lead Agencies” can estimate their CARES Act awards through the [State and Territory Allocation](#) table on the website. (4/14/20)
- The HHS Agency for Healthcare Research and Quality (AHRQ) [announced](#) that in recognition of the impact COVID-19 was having on their **grantee recipient community** that **AHRQ** will be doing providing some flexibility with SAM registration, application deadlines, no-cost extensions for expiring awards, allowability of costs not normally charged to awards, abbreviated non-competitive continuation requests, extensions of close-outs and other flexibilities. (4/13/20)
- HHS Secretary **Alex Azar** sent a [letter to hospital Administrators](#) on April 10 **reinforcing the need for data and daily reports on testing, capacity, supplies, utilization and patient flows**. The letter included a set of frequently asked questions that details federal government’s data needs, explains the division of reporting responsibility between hospitals and states, and provides clear, flexible options for the timely delivery of this critical information. (4/10/20)
- HHS has a **tracking feature that allows public viewing of all COVID-19 HHS grant and cooperative agreement awards** on its [website](#). The initial grants were distributed through programs in the ACL, CDCD, NIH, and ASPR.
- The HHS Office of Human Research Protection (OHRP) released [guidance](#) for investigators, institutional review boards, and institutions **conducting human subjects research during the coronavirus (COVID-19) pandemic**. “The important thing to recognize is that our rules for protecting research subjects should not stop us from addressing this extraordinary public health crisis.” (4/10/20)



- The **HHS Office of Inspector General (HHS-OIG)** [issued](#) (4/3/20) a policy statement regarding the application of previously issued blanket waivers to **Anti-Kickback Statute** sanctions.
  - OIG announced its decision to exercise its enforcement discretion to not impose administrative sanctions under the federal Anti-Kickback Statute (AKS) for certain remuneration related to COVID-19. Specifically, OIG is applying *11 of the 18 waivers previously issued by CMS* for physician self-referral law sanctions to administrative sanctions.
- HHS [announced](#) it was **purchasing the ID NOW COVID-19 rapid point-of-care test** for state, territorial and tribal public health lab use. (4/9/20)
- The **HHS Office of Civil Rights (OCR)** [released](#) a notification that it will exercise its enforcement discretion and will **not impose penalties for violations of the HIPAA Rules** against covered entities or business associates in connection with the **good faith participation in the operation of COVID-19 testing sites** during the COVID-19 nationwide public health emergency. This exercise of enforcement discretion is effective immediately but has a retroactive effect to March 13, 2020. (4/9/20)
  - The HHS OCR [announced](#) (4/2/20) that it will exercise its **enforcement discretion** and will not impose penalties for violations of certain provisions of the **HIPAA Privacy Rule** against health care providers during the COVID-19 nationwide public health emergency. This [notice](#) is effective immediately.
- The HHS Office of the Assistant Secretary for Health announced new [guidance](#) authorizing **pharmacists** to order and administer COVID-19 tests. (4/9/20)

## Assistant Secretary for Preparedness and Response

- **ASPR** [posted](#) a **Hospital Resource Package** on **TRACIE**. The online resource includes COVID-19 guidance and resources for hospital administrators, hospital emergency planners, and infection control practitioners in the following topical areas: hospital surge, crisis standards of care, staffing surge and resilience, workforce protection, regulatory relief, equipment supply surge, and telemedicine. (4/16/20)
- **ASPR** has updated its website to include additional [information](#) about the Strategic National Stockpile, including new pages on SNS ventilators being deployed in response to COVID-19. (4/13/20)

## Centers for Disease Control and Prevention

- For the most up to date **CDC guidance** click [here](#).
- The CDC has [developed](#) a **new serology test** to detect whether an individual had an immune response to SARS-CoV-2. This test will assist in the effort to determine how many individuals have been exposed to the virus which causes COVID-19. (4/17/20) (**New**)
- The CDC has posted [key strategies](#) to prepare for COVID-19 in **Long-Term Care Facilities** and [released](#) information on what to consider when preparing for assisted living facilities. (4/17/20) (**New**)
- The CDC has [organized](#) a central webpage for **health care professional training information** and webinars. (4/16/20) (**New**)

- The CDC updated their [interim guidelines](#) for **collecting, handling, and testing clinical specimens** from persons for COVID-19. (4/16/20)
  - This guidance provides information for clinicians on **how to collect, store, and ship specimens** appropriately, including during afterhours or on weekends/holidays. The updated guidance clarifies specimen collection procedures for all swab types and aligns with other respiratory disease specimen collection guidelines.
- The CDC released a presentation that includes [guidance](#) on management of COVID-19 in **correctional and detention facilities**. (4/15/20)
- The CDC [announced](#) new recommendations for cleaning and **disinfecting your facility**, and also updated their [guidance](#) on **what to do if you are sick**. (4/14/20)
- The CDC updated its infection prevention and control [guidance](#) for **patients with suspected or confirmed COVID-19** in health care settings. And:
  - New [guidance](#) on Decontamination and **Reuse of Filtering Facepiece Respirators**. This document summarizes research about decontamination of FFRs before reuse. (4/13/20).
  - New has updated [guidance](#) for **dental settings**. (4/13/20)
- The CDC has [launched](#) a new COVID-19 **surveillance webpage** which includes links to all of the COVID-19 surveillance systems and other data sources CDC is using to track COVID-19 activity. (4/13/20)
- The CDC [announced](#) an extension of its “**No Sail**” **order for all cruise ships** for at least 100 days. (4/9/20)
- The CDC released new [guidance](#) (4/9/20) advising that **critical infrastructure workers may be permitted to continue work following potential exposure to COVID-19**, provided they remain asymptomatic and additional precautions are implemented to protect them and the community.
- The CDC [issued](#) guidance for businesses and buildings on how to ensure that **water systems are safe to use after prolonged shutdowns**. (4/7/20)
- The CDC [updated](#) its personal protection equipment (PPE) **burn rate calculator** to help health care providers plan and optimize the use of PPE response to COVID-19. (4/7/20)
- The CDC has released a [report](#) on **COVID-19 illness in children** which includes topline findings on diagnosing and treating children with COVID-19. (4/7/20)
- HHS [announced](#) that the **CDC** would provide **\$186 million in funding** to state and local jurisdictions to respond to COVID-19. (4/6/20)

## Centers for Medicare & Medicaid Services

- The **Centers for Medicare and Medicaid Services (CMS)** created a [website location](#) for COVID-19 **stakeholder call recordings and transcripts**, and the most recent daily CMS COVID-19 news alert on **all actions** can be found [here](#) (**last updated 4/16/20**). The number of CMS conference calls and webinars keep a steady pace.
- On Sunday, CMS [announced](#) that **nursing homes would be required to inform residents, their families of COVID-19 cases** in their facilities. The [guidance](#) will also require nursing homes to report cases of COVID-19 directly to the CDC. This measure augments requirements for reporting infectious disease to State and local health departments. CDC will be providing a reporting tool to nursing homes that will support Federal efforts to collect nationwide data to assist in COVID-19 surveillance and response. (4/19/20) (**New**)



- CMS issued a [ruling](#) stating that it is **increasing Medicare reimbursement to \$100 for COVID-19 diagnostic testing** performed using high-throughput technologies. Reimbursement for COVID-19 diagnostic tests using technology other than high-throughput technologies continue to be reimbursed at \$51. (4/16/20)
  - CMS issued a [release](#) announcing new guidance **expanding private insurance coverage to all COVID-19 diagnostic testing** and related services at no co-pay, **including antibody testing**. The release was jointly issued with the Departments of Labor and the Treasury, and it included the [guidance and FAQs](#). (4/11/20)
- CMS issued additional [information](#) on **transferring patient between post-acute facilities** which include skilled nursing facilities and nursing homes. (4/13/20)
- CMS [announced](#) the **postponement** of the 2019 benefit year HHS Risk Adjustment Data Validation (HHS-RADV) process. CMS intends to provide future guidance in the summer of 2020 on the updated timeline for 2019 benefit year HHS-RADV activities that are planned to begin in 2021. CMS previously announced a similar suspension of the Medicare Advantage RADV program. (4/13/20)
- In an April 10 [memo](#) to Medicare Advantage (MA) plans, CMS clarified that **MA plans can use diagnoses from telehealth visits in risk adjustment**. (4/10/20)
- CMS temporarily [suspended](#) (4/9/20) a number of rules—effective immediately—so that hospitals, clinics, and other health care facilities can boost their frontline medical staffs by allowing them to **work to the fullest extent of their licenses**.
  - CMS also [released](#) a fact sheet including additional information on the waivers. (4/9/20)
- CMS [issued](#) a “Dear Clinician” letter that outlining a summary of actions CMS has taken to ensure clinicians have maximum flexibility to reduce unnecessary barriers to providing patient care during the unprecedented outbreak of COVID-19. The summary includes information about **telehealth and virtual visits, accelerated and advanced payments, and recent waiver information**. (4/7/20)
- CMS [updated](#) its recommendations to postpone non-essential surgeries and other procedures to conserve critical health care resources and limit exposure of patients and staff to COVID-19. (4/7/20)
- CMS [issued](#) a **Medicare Advantage and Part D** rate announcement for CY 2021 with an 1.66% average change in revenue relative to last year. The announcement does not catalog CMS’s actions regarding COVID-19, but these are [explained](#) in a summary included with the [announcement](#). (4/6/20)
- On March 30, CMS released an **Interim Final Rule**, which made numerous regulatory changes to provide **additional flexibility for health care providers** and temporarily remove certain limitations on care delivery. These changes have retroactive applicability to March 1. While many of these changes were developed prior to the enactment of the **Coronavirus Aid, Relief, and Economic Security Act (CARES Act)**, significant flexibility has been conferred on individuals and entities that provide health care services to Medicare beneficiaries during the COVID-19 public health emergency. Comments are due not later than June 1, 2020.
  - On April 9, CMS issued [FAQs](#) regarding this interim final rule. See this A&B [Summary](#) for the key details of the Interim Final Rule. (4/8/20)

## CMS CARES Act Guidance

- The **CARES Act Provider Relief Fund** [webpage](#) has been updated to include the [Attestation Portal](#). As a reminder, providers receiving payment from the initial \$30 billion distribution must sign an attestation confirming receipt of the funds and agree to the Terms and Conditions within 30 days of payment. Additionally, CMS has set up a **CARES Act Relief hotline**: (866) 569-3522. Entities can also try contacting the Provider Hotline at the [applicable MAC](#).
- On April 10, **CMS began distributing the initial \$30 billion in COVID-19 relief funding to providers** as part of the distribution of the \$100 billion fund provided for the Public Health and Social Services Emergency Fund (PHSSEF) through the CARES Act. This initial distribution of funds will go to hospitals and providers currently enrolled in Medicare and take effect immediately.
  - Facilities and providers are allotted a portion of the \$30 billion based on their share of 2019 Medicare fee-for-service (FFS) reimbursements. **These are payments, not loans**, and will not need to be repaid. Additional details can be found [here](#).
  - **Updated Terms and Conditions** available [here](#) and the [portal](#) to attest to Terms and Conditions released April 16, 2020.
- CMS issued guidance implementing Section 3709 of the CARES Act, which **temporarily suspends the 2% payment adjustment** currently applied to all Medicare Fee-For-Service (FFS) claims due to **sequestration**. The guidance notes that the suspension is effective for FFS claims with dates of service from May 1 through December 31, 2020.
- In response to the **Coronavirus Aid, Relief, and Economic Security Act (CARES Act)**, CMS continues to release guidance required under the Act:
  - CMS have provided [guidance](#), in accordance with the CARES Act (Sec. 3710 and 3711), which includes waivers for inpatient rehabilitation facilities (**IRF 3-hour rule**), the long-term care hospitals (**LTCH site-neutral policy and LTCH “50% rule.”**) The guidance provides detail on the add-on payment of 20% for both rural and urban hospitals, and the policy waives the requirement that Medicare Part A fee-for-service patients treated in IRFs receive at least **15 hours of therapy** per week. (4/16/20)
  - On March 30, CMS announced sweeping changes in response to requirements of the CARES Act. The changes are summarized in this CMS [release](#). The **new waivers and flexibilities** for health care providers as well as the types of waivers are outlined by CMS [here](#).
  - The **telehealth expansion waiver**, which was originally expanded in the Coronavirus Preparedness and Response Supplemental Act (1.0), was **further expanded** in the **CARES Act**.
    - On Friday, April 17, CMS [announced](#) the telehealth rate for rural health centers (RHCs) and federal qualified health centers (FQHCs) to provide distant site telehealth services as authorized by the CARES Act. **RHCs and FQHCs able to provide telehealth services** with interactive audio and video telecommunications will receive a **payment rate of \$92**. RHCs and HQHCs do not need to resubmit claims for payment adjustment – all claims will be automatically reprocessed in July. (4/17/20) (**New**)
    - CMS released an [information bulletin](#) (4/2/20) on telehealth for Medicaid substance use disorder services.

- **Telehealth [guidance](#)** (3/17/20) broadened access to Medicare telehealth service regardless of patient residence and covering a wide range of services. Factsheets related to these changes:
  - CMS issued an electronic [toolkit](#) regarding telehealth and telemedicine for Long Term Care Nursing Home Facilities (3/28/20); CMS [telehealth FAQs](#) (3/17/20); HHS 1135 HIPAA waiver [factsheet](#) - HIPAA Security Rule [safeguards](#); HHS Notice of Enforcement Discretion [factsheet](#); HHS Office of Civil Rights [bulletin](#) [Guidance](#) on Business Associate Agreements
- The **CARES Act** required CMS to expand its **accelerated and advance payment program**, and CMS released a [statement](#) and [fact sheet](#) providing guidance on the policy. (3/28/20) According to the latest CMS [update](#) – \$94.7 billion has been distributed as of April 17. (**New**)
  - CMS [announced](#) the **interest rate** on overdue and delinquent debts for Q3 of Fiscal Year 2020 (April-June) – **9.625%**. This updates the prior quarter’s interest rate of 10.25%, which is **currently expected to apply to the Medicare Accelerated and Advance Payments Program (AAPP)**. In addition, CMS released a [transmittal](#) reflecting this change effective April 20, 2020 for Medicare overpayments and underpayments. Specifically, the transmittal instructs Medicare contractors to implement an interest rate of 9.625% to Medicare overpayments and underpayments. We will continue to monitor for additional information and any updates or changes with respect to the AAPP. (4/14/20)
  - CMS released a **state-by-state [list](#) showing the breakdown of receipt of accelerated and advance payments** as of April 4, 2020. (4/13/20)
- On **1135 Waivers**: Further information continues to be released on blanket waivers after the initial [guidance](#) (3/13/20) response to the national emergency executive order.
  - CMS issued provider enrollment FAQs for 1135 blanket waiver, available [here](#) (3/22/20).
  - A full list of [CMS approved 1135 waivers can be found here](#).
- **Medicaid**:
  - CMS Center for Medicaid and CHIP Services (CMCS) [released](#) additional **FAQs that address enhanced federal Medicaid funding (FMAP)** and related Medicaid issues under requirements from FFCRA and CARES Act. (4/14/20)
  - CMS [updated their Medicaid FAQs](#). (4/2/20)
  - CMS posted notice that it had [withdrawn](#) its proposed **rule to tighten Medicaid eligibility determination**, and released [guidance](#) implementing provisions of the FFCRA that provide states with enhanced federal Medicaid funding referred to as the **Federal Medical Assistance Percentage (FMAP)** funding during the COVID-19 emergency. (3/24/20)

## Food and Drug Administration (Drugs and Devices)

- **FDA** provides a **daily roundup on COVID-19** related actions. The latest update is [here](#), (**Revised 4/17/20**), and here is a listing of [all announcements](#).
  - The agency published a [public database](#) of drug shortages.
  - The **Drug Enforcement Administration (DEA)** is [adjusting](#) 2020 production quotas for controlled substances in schedule II of the Controlled Substances Act, as well as quotas for the manufacture and importation of the Schedule I chemicals ephedrine, phenylpropanolamine and pseudoephedrine.

- FDA has [posted](#) a webpage on convalescent plasma including links to additional resources. (4/18/20) (**New**)
- FDA [announced](#) expansion of COVID-19 testing options through the recognition that spun **synthetic swabs could be used to test patients** by collecting a sample from the front of the nose. The swabs are manufactured by U.S. Cotton, who developed a polyester-based Q-tip-type swab that is fully synthetic for compatibility with COVID-19 testing. (4/16/20) (**New**)
- FDA issued enforcement policy [guidance](#) to help expand the availability of **telethermographic systems used for body temperature** measurements for triage use for the duration of the public health emergency. (4/16/20)
- The FDA [announced](#) an update on convalescent plasma, a potential COVID-19 treatment, and encouraging those who have recovered from COVID-19 to donate plasma to help others fight this disease. (4/16/20)
  - The FDA [launched](#) a website to provide a process for the donation of plasma. (4/13/20)
- The FDA issued [guidance](#) to communicate its temporary policy for the **compounding of certain human drug products for hospitalized patients** by outsourcing facilities that have registered with FDA under section 503B of the Federal Food, Drug, and Cosmetic Act. (4/16/20)
- FDA provided Stryker Instruments [emergency use](#) for its Sterizone VP4 Sterilizer1 N95 Respirator Decontamination Cycle, a self-contained stand-alone device. (4/14/20)
- FDA [announced](#) the [availability](#) of two final guidance for industry: “[Guidance on Chloroquine Phosphate](#)” and “[Guidance on Hydroxychloroquine Sulfate](#),” to ensure an adequate supply of these products. As a previous step, on March 28th, FDA issued an EUA to allow these products to be donated to the Strategic National Stockpile to be distributed and used for certain COVID-19 patients. (4/14/20)
- The FDA [issued](#) an emergency use authorization (EUA) to the STERIS Corporation to allow the company to employ its system to decontaminate compatible N95 or N95 equivalent respirators for reuse by health care workers in hospital settings. (4/10/20)
  - Information regarding **manufacturing, importing, or selling sterilizers, sanitizers, purifiers, and disinfectants** is available in this A&B [advisory](#) (4/13/20).
- FDA and FTC continue to issue **Warning Letters to sellers of fraudulent COVID-19 products** for prevention for COVID-19, including CBD products. FDA also issued a [warning letter](#) (4/8/20) to a seller that markets fraudulent and dangerous chlorine dioxide products.
- FDA [announced](#) (3/31/20) the **Coronavirus Treatment Acceleration Program (CTAP)**, a new program to expedite the development of potentially safe and effective life-saving treatments.
- FDA has issued enforcement policies to increase the availability of [ventilators and accessories, face masks and respirators, gowns, other apparel and gloves, sterilizers, disinfectant devices, and air purifiers, clinical electronic thermometers, infusion pumps and accessories, remote ophthalmic devices and monitoring devices, extracorporeal membrane oxygenation, cardiopulmonary bypass devices, and digital health devices for treating psychiatric disorders](#).
  - The FDA updated its [FAQs](#) (4/2/20) on surgical masks and gown shortages.
  - FDA has provided [strategies](#) to assist in the conservation of masks and gowns, as well as glove conservation [strategies](#).

## Food and Drug Administration and United States Department of Agriculture (Food-Related)

- The FDA has posted [tips for food shoppers](#) to reassure consumers there is currently no evidence of human or animal food being associated with transmission of the coronavirus. (4/16/20) (**New**)
- USDA's Agricultural Marketing Service [announced](#) that for 60 days, beginning April 20, 2020, it **will not take enforcement action against the retail sale of commodities that lack an appropriate country or origin or method of production label** as required for covered commodities under COOL, provided the food does not make any country of origin or method of production claims. (4/13/20)
- USDA [announced](#) a resource **guide for rural leaders on funding** and partnership opportunities regarding COVID-19. (4/13/20)
- FDA has put out a factsheet on [best practices for retail food stores, restaurants, and food pick-up and delivery services](#) during the COVID-19 pandemic. This includes information on managing employee health, personal hygiene for employees, appropriate food safety protocols, and special safety considerations for pick-up and delivery. A visual [summary info graph](#) is also available. (4/6/20)
- **Department of Agriculture (USDA):** USDA Rural Development Division has launched a [resource page](#) to help rural residents, farmers, and businesses stay current on the Agency actions related to COVID-19.
  - **USDA** and the **Department of Homeland Security** [announced](#) a temporary final rule to change certain H-2A requirements to help U.S. agricultural employers avoid disruptions in lawful agricultural-related employment, protect the nation's food supply chain, and lessen impacts from the coronavirus (COVID-19) public health emergency. (4/15/20)
  - The Rural Development Office has posted a [fact sheet](#) of funding opportunities for rural residents, businesses and communities. (4/8/20)
  - The Rural Development Division [announced](#) (4/3/20) it was opening a second application window for the Distance Learning and Telemedicine Grant program funding.

## Health Resources and Services Administration

- The **Health Resources and Services Administration (HRSA)** [announced](#) the opening of a funding opportunity for tribal organization. The \$15 million was authorized by the CARES Act and dedicated for tribal organizations, Indian health organizations, and health service providers to tribes. (4/17/20) (**New**)
- HRSA awarded \$90 million for Ryan White HIV/AIDS Program recipients as authorized by the CARES Act. Several materials were provided including as [release](#) and links to recipients: [links to the awardees](#). (4/15/20)
  - Note that there are Ryan White HIV/AIDS Program Parts A, B, C, D, and F award recipients:
    - [Part A awardees](#), [Part B awardees](#), [Part C awardees](#), [Part D awardees](#), and [Part F awardees](#). (4/15/20)
- On April 8, HHS, through the **Health Resources and Services Administration (HRSA)** [awarded](#) more than **\$1.3 billion** that had been allocated under the CARES Act to **1,387 health centers** as part of the COVID-19 pandemic response. The list of recipients is available [here](#).



- HRSA [updated its FAQs](#) (4/2/20) for **health centers** with additional questions to address the Federal Tort Claims Act among other flexibilities that have been enacted.

## Department of Homeland Security/FEMA

- The **Department of Homeland Security (DHS)** [provides](#) a weekly roundup of its response to COVID-19 (**last updated 4/13/20**).
- The DHS Cybersecurity Infrastructure and Security Agency (CISA) released updated [guidance](#) on Essential Critical Infrastructure Works to help state and local jurisdictions and the private sector. CISA notes this version, “3.0 provides clarity around a range of positions needed to support the critical infrastructure functions laid out in the original guidance.” (4/17/20) (**New**)
- **Federal Emergency Management Agency’s (FEMA)** coronavirus website visit [here](#).
  - FEMA released a [statement](#) on applying the Defense Production Act (DPA) providing additional background on how FEMA operates under the DPA and provides some examples of COVID-19 DPA actions, including contracts for ventilator production. (4/15/20)
- FEMA has [created](#) a hospital resource package webpage to provide links to Federal and non-Federal resources. (4/16/20) (**New**)
- FEMA [announced](#) (4/14/20) the **funding notice for \$100 million in supplemental** Emergency Management Performance **Grant Program funds**. The funds are available to all 50 states and six territories as part of the CARES Act. Applications are due by April 28.
- Temporary **FEMA rule will ban export of some medical equipment without approval**. Some medical equipment needed to combat COVID-19 cannot be exported from the U.S. without the “explicit approval” of the Federal Emergency Management Agency, according a new rule set to take effect this week. The “temporary final rule” will be effective from April 10 through mid-August, according to a [Federal Register notice](#). (4/10/20)
- FEMA [issued](#) (4/10/20) a temporary final rule to restrict the export of five types of personal protective equipment (PPE).
- FEMA issued an [advisory](#) (4/9/20) regarding the option to transition federal Community-Based Testing Sites (CBTS) to state management.
- **FEMA Supply Chain Task Force** has developed a four-pronged approach to securing needed coronavirus supplies. The four prongs are Preservation, Allocation, Acceleration, and Expansion. The details can be found [here](#). (4/7/20)
- FEMA has established **How to Help website** for individuals and organizations interested in helping the effort to combat the spread of COVID-19. Examples of assistance offered include:
  - To **sell medical supplies** or equipment to the federal government, please submit a price quote under the [COVID-19 PPE and Medical Supplies Request for Quotation](#).
  - Do you have [medical supplies or equipment to donate](#)?
  - Do you want to produce a COVID-19 related product? – email [nbeoc@max.gov](mailto:nbeoc@max.gov).
  - If you are a healthcare provider in need of medical supplies, please contact your state, local, tribal or territory department of public health.
  - Interested in doing business with FEMA and supporting the response to COVID-19 with your company’s non-medical goods and/or services? Submit your inquiry to the DHS Procurement Action Innovative Response Team at [DHSIndustryLiaison@hq.dhs.gov](mailto:DHSIndustryLiaison@hq.dhs.gov).



- A list of FEMA [regional private sector contacts](#) and [state contacts](#) can be found here.
- President Trump [announced](#) that “**countries that deny** or unreasonably delay the acceptance of their citizens, subjects, nationals, or residents from the United States during the ongoing pandemic caused by SARS-CoV-2, **will be subject to ‘visa sanctions’.**” (4/10/20)

## Department of Justice/Federal Trade Commission/State Attorneys General

### Antitrust

- DOJ and FTC [issued](#) a joint statement reminding companies – especially those in the health care or other essential sectors – of the criminal and civil **antitrust risks for colluding or sharing excessive confidential information about employment topics in light of COVID-19** (including changes to salaries/wages/benefits, employment terms, “no poach” agreements, or even invitations to rivals on those topics). Both agencies have been active in the area in recent years following the issuance of guidance in the area in October 2016. (4/13/20)
  - For more information, the A&B Antitrust and Labor & Employment Groups provide a [deeper dive](#) to understanding the safeguards businesses should implement to reduce their antitrust risks. (4/17/20) (**New**)
- On April 6, Ian Conner, the director of the **Federal Trade Commission’s (FTC) Bureau of Competition** published a [blog post](#) about the importance of the agency “stay[ing] the course” when it comes to antitrust enforcement. In particular, Conner emphasized the FTC will not lower its standards for evaluating who will be effective third-party buyers of businesses or assets required to be divested to resolve FTC merger investigations.
- DOJ Antitrust Division and **Federal Trade Commission (FTC)** [announced](#) (3/24/20) they will be expediting their usual antitrust business review letter/informal opinion process on competitor collaborations to be done within 7 days (as opposed to the usual many months) of submission of information.
  - The DOJ completed its **first Business Review Letter under the new expedited review process** on April 4, [announcing](#) that “it will not challenge collaborative efforts of McKesson Corporation, Owens & Minor Inc., Cardinal Health Inc., Medline Industries Inc., and Henry Schein Inc. to expedite and increase manufacturing, sourcing, and distribution of personal-protective equipment (PPE) and coronavirus-treatment-related medication.”
  - For more information about this announcement, review this A&B [summary](#) (4/6/20).

### Consumer Protection

- On April 14, the FTC [sent](#) warning letters to ten businesses related to their marketing of products which promise to prevent, treat, or cure Coronavirus. The letters, issued to companies and the U.S. and abroad, warn the companies to cease making any unsubstantiated claims. The FDA has previously stated that there currently are no products that are scientifically proven to treat or prevent the virus. These warning letters are the latest to be issued by the FTC, and follow seven FTC-FDA letters [announced](#) on March 9 and additional joint warning letters sent since then.

- On April 13, the **Federal Bureau of Investigation (FBI)** [warned](#) of health care fraud schemes related to COVID-19, including fake testing and treatment schemes.
- On April 9, the Federal Trade Commission (FTC) provided [guidance](#) regarding education technology uses for stay-at-home learning, the importance of protecting student privacy under the Children’s Online Privacy Protection Act (COPPA) as well as the Family Educational Rights and Privacy Act (FERPA) during the coronavirus pandemic.
- From January 1, 2020 through April 8, 2020, the FTC has reported receiving more than 14,227 COVID-19 related [complaints](#) with a total fraud loss of \$10.04 million with a median fraud loss of \$564.
- On April 2, the FTC and FDA sent letters to three companies for selling fraudulent COVID-19 products, as part of the agencies’ effort to protect consumers. (Letters available [here](#), [here](#), and [here](#)). **This is the third time the FTC sent warning letters to companies for their actions related to the pandemic.**
  - On March 27, the FTC sent [letters to nine VoIP providers](#) and other companies warning them that “assisting and facilitating” illegal telemarketing or robocalls related to the Coronavirus pandemic, including by providing VoIP services, is against the law. Earlier in March, the FTC and FDA sent [warning letters](#) to seven companies about unsupported claims that products can treat or prevent Coronavirus.

## State Enforcement Actions

- On April 14, the Ohio Attorney General [filed](#) a lawsuit against an individual from northeast Ohio and his co-conspirators **for hoarding N95 respirator masks and selling them online** for nearly 18 times the retail price. The hoarding of an item and the related increase in prices of that item (price gouging) constitute an unreasonable and unlawful restraint of trade under the Valentine Act – Ohio’s antitrust law. For guidance and tips on how businesses can respond if they are victims of price gouging, read this A&B [advisory](#). (3/26/20)

## Department of Labor/EEOC

- **Department of Labor (DOL)** [announced](#) the first installment of 26 **Dislocated Worker Grants (DWGs)** totaling \$131,384,557 to help address the workforce-related impacts of the coronavirus public health emergency. These awards are funded under the CARES Act, which provided \$345 million for DWGs to prevent, prepare for, and respond to coronavirus. (4/15/20)
- The DOL [issued](#) a grant notice to help community-based organizations and public agencies to provide services to migrant and seasonal farmworkers and their dependents. (4/14/20)
- The DOL [issued](#) an updated unemployment insurance program letter explaining to state workforce agencies how to implement unemployment compensation provided for under the CARES Act. (4/10/20)
- The **Equal Employment Opportunity Commission (EEOC)** confirmed that it has “temporarily suspended the issuance of charge closure documents” including **right-to-sue notices** unless requested by the employee. (4/8/20)
- The DOL provided [FAQs](#) further clarifying paid leave requirements under the new **Families First Coronavirus Response Act (FFCRA)**. (4/6/20)

- DOL published [guidance](#) to states for the implementation of the **Pandemic Unemployment Assistance (PUA) program**. Under PUA, individuals who do not qualify for regular unemployment compensation and are unable to continue working as a result of COVID-19, are eligible for up to 36 weeks of PUA benefits. (4/5/20)
- DOL issued (4/1/20) [regulations](#) implementing the paid leave requirements of the Emergency Paid Sick Leave Act and the Emergency Family and Medical Leave Expansion Act under the FFCRA.
  - The State of New York [filed](#) (4/14/20) a **lawsuit challenging several provisions of this regulation**, including the provisions exempting from paid sick leave employees whose employers do not have any work for them, the broad definition of “health care provider,” the provisions regarding intermittent leave, and the documentation requirements for an employee to substantiate leave.
  - The DOL posted (3/26/20) the required employee notice that must be provided by covered employers to their employees regarding the **new paid leave requirements** as required by the FFCRA. The posted [page](#) contains the link to the poster itself, as well as a new Q&A that focuses exclusively on guidance about posting the notice, particularly in light of the fact that many employees are working remotely.

## Occupational Safety and Health Administration

- The Occupational Safety and Health Administration (**OSHA**) issued an [alert](#) listing **safety tips for employers** to follow to help protect manufacturing workers from COVID-19 exposure. (4/16/20)
- OSHA [issued](#) new [interim guidance](#) to advise compliance safety and health officers to evaluate an employer’s good faith efforts to comply with safety and health standards during the coronavirus pandemic. (4/16/20)
- OSHA [issued](#) its Interim Enforcement Response Plan for Coronavirus Disease 2019 (COVID-19). The April 13 Response Plan is enforcement guidance for OSHA personnel. It applies to all industries but is **focused on what OSHA will look for when inspecting hospitals, emergency medical centers, and emergency response facilities**. (4/13/20)
- OSHA issued its [Enforcement Guidance for Recording Cases of Coronavirus Disease 2019 \(COVID-19\)](#). The guidance provides that until further notice, for OSHA recordkeeping and reporting purposes, employers (other than employers in the health care industry, emergency response organizations, and correctional institutions) should consider COVID-19 cases to be “work-related” only where (1) there is objective evidence that the case may be work-related; or (2) where the evidence of work-relatedness “was reasonably available to the employer.” (4/10/20)
- OSHA [issued](#) (4/13/20) guidance for **package delivery workers** to protect against COVID-19. OSHA previously [issued](#) (4/6/20) a workplace poster on how to reduce the risk of exposure to coronavirus.
- *Trying to make sense of all these changes?* A&B provides brief overviews of what you need to know:
  - DOL has released additional questions and answers as guidance for the provisions required by FFCRA. A&B provides a complete [overview and analysis](#) (4/7/20).

## Securities and Exchange Commission

- The **Securities and Exchange Commission (SEC)** [announced](#) that it would not recommend enforcement actions for failure to submit Forms 144 in paper if they are emailed instead. (4/10/20)
- **SEC** chairman and director of corporation finance [released](#) a statement encouraging earning disclosures and reports that timely, accurate, and robust. (4/8/20) The SEC staff [released](#) a statement on the same topic on April 14.
  - For additional information on challenges regarding disclosures and COVID-19, review this A&B [advisory](#) (4/13/20).
- The **SEC** issued updated [guidance](#) (4/7/20) on conducting **shareholder meetings** in light of COVID-19 concerns. Additionally, Delaware issued an [executive order](#) (4/6/20) that facilitates companies' notice of a change in the format of an annual shareholder meeting by allowing notification to stockholders via an SEC filing and press release.
  - For an analysis of changes the Institutional Shareholder Services (ISS) has made to its voting recommendations policies in light of the coronavirus pandemic see this A&B [advisory](#). (4/10/20)

## Small Business Administration

- **Small Business Administration (SBA)** – In response to the **CARES Act** requirements, the SBA formally [launched](#) its **Paycheck Protection Program (PPP)** for small businesses on April 3.
  - The Department of Treasury and SBA released a joint [statement](#) summarizing the PPP's activity: assistance was given to more than 1.6 million small businesses in all 50 states; nearly 5,000 lenders participated; 20% of the amount approved was processed by lenders with less than \$1 billion in assets, and approximately 60% of the loans were approved by banks with \$10 billion of assets or less; no lender accounted for more than 5% of the total dollar amount of the program; and 74% of the loans were for under \$150,000. (4/17/20) (**New**)
  - The Small Business Administration **exhausted the \$350 billion funding** authorized by the CARES Act which operated on a first come first serve basis as long as the funding lasted. Congressional negotiations continue on an interim relief package including funds to replenish the loan programs funds, and an agreement appears to be near. (4/20/20)
- The SBA [issued](#) (4/14/2020) a report providing a breakdown by industry, state, and loan size for the **more than one million loans totaling over \$247 billion approved** through April 13.
- The SBA has guidance (4/1/20) for loans under the [Paycheck Protection Program](#), the [Express Bridge Loan Pilot Program](#), the [Economic Injury Disaster Loan Program](#) for qualified entities that are impacted by COVID-19. The application for its economic injury federal disaster loans can be found [here](#).
  - The SBA, in consultation with the Treasury Department, updated its [published FAQs](#) addressing the **Paycheck Protection Program**. (Updated 4/8/20)
  - The SBA released the [interim final rule](#) (4/2/20) implementing the Paycheck Protection Program.
  - Complete details on each of the SBA CARES Act programs can be found [here](#).

- For a deeper dive on the funding streams available for SBA loans in the CARES Act, review this A&B [publication](#) (4/1/20).
  - Treasury and the SBA issued an [interim final rule](#) (4/14/20) on how **self-employed and independent contractors** can apply for PPP loans.
    - For information on how fund managers can qualify for relief, review this A&B [advisory](#). (4/14/20)
  - A&B's Financial Restructuring & Reorganization Group has **provided proactive steps creditors can take now to prepare for whatever comes** after the coronavirus pandemic subsides in this [advisory](#) (4/9/20). For more on how the CARES Act impacts the banking industry, including **takeaways for lenders and on regulatory relief** and mortgage-related provisions, read this A&B [advisory](#) (3/30/20).

## Department of Treasury/IRS/Federal Reserve

- The Department of Treasury [website](#) for **CARES Act** programs, including specific sections on assistance for [American workers and families](#), [small businesses](#), [state and local governments](#), and [preserving jobs for American industry](#).
- Treasury and Customs and Boarder Protection released a joint [statement](#) on Sunday issuing a temporary interim final rule providing importers, who have faced a significant financial hardship due to the pandemic, with **the option for a 90-day deferment period on the payment of duties, taxes, and fees.** (4/19/20) (**New**)
- The **Federal Reserve** [announced](#) the **Paycheck Protection Program Liquidity Facility (PPPLF)** is fully operational and available to provide liquidity to eligible financial institutions. (4/16/20)
  - The PPPLF supports the effectiveness of the PPP by extending credit to financial institutions that make PPP loans. The Federal Reserve has also published a [FAQ](#) regarding this facility.
- The Department of Treasury [launched](#) the "[Get My Payment](#)" free web app which allows taxpayers who filed their tax return in 2018 or 2019 but did not provide their banking information on their return to submit direct deposit information. Once completed, **they will get their \$1,200 Economic Impact Payments direct deposit to their bank accounts** (plus \$500 for minor children), a process expected to begin on April 20. "Get My Payment" will also allow taxpayers to track the status of their payment. [Guidance](#) is also provided for non-filers of tax returns in 2018 or 2019. (4/15/20)
  - The **Social Security Administration** [announced](#) that **Supplemental Security Income (SSI)** recipients will automatically receive their Economic Impact Payments directly to their bank accounts or by paper check, just as they would normally receive their SSI benefits. (4/15/20)
  - The Department of Treasury and the IRS [announced](#) that **Social Security beneficiaries** who are not typically required to file tax returns will not need to file an abbreviated tax return to receive an Economic Impact Payment. Instead, payments will automatically be deposited into their bank accounts. (4/8/20)
  - The Treasury Department provided the [details](#) on the Economic Impact Payments program up to \$1,200 for individuals or \$2,400 for married couples. Parents also receive \$500 for each qualifying child. This program was also required by the **CARES Act.** (4/6/20)

- **Ginnie Mae [announced](#) an expansion of its issuer assistance program** to help mortgage servicers facing liquidity shortfalls to apply for assistance in meeting their contractual obligations. (4/10/20)
  - The APM introduces a new version of the existing Pass-Through Assistance Program (PTAP) **for use by issuers facing a temporary liquidity shortfall** directly attributable to the COVID-19 National Emergency. The existing PTAP program had been tailored to natural disaster situations with more limited impact.
  - For more details on how Ginnie Mae will be implementing the Pass-Through Assistance Program during the coronavirus pandemic, see this A&B [advisory](#) (4/16/20).
- The Federal Reserve [announced](#) (4/9/20) that it will launch a lending program for **mid-sized businesses** hurt by the coronavirus, called the **Main Street Lending Program**. The new program will provide up to \$600 billion in loans to eligible businesses through two facilities.
  - A brief overview and comparison of the two **Main Street programs** can be found [here](#).
  - For more information about the Main Street programs, review this A&B [advisory](#). (4/14/20)
- The Federal Reserve provided details for the provision of up to \$2.3 trillion in loans to support the economy on April 9 and term sheet details can be found [here](#). (4/9/20)
- The **Internal Revenue Service (IRS)** issued [Revenue Procedure 2020-26](#), which provides safe harbors for payment forbearances (and “related modifications”) arising from the COVID-19 emergency on mortgage loans held by real estate mortgage investment conduits (REMICs) and investment trusts and on mortgage loans contributed to REMICs. (4/13/20)
  - For a deeper dive on this topic, see this A&B [advisory](#) (4/15/20).
- Responding to requests for relief from the Real Estate Roundtable and others, the **IRS** issued [Revenue Procedure 2020-23](#) on April 8 to address technical issues that would have limited the ability of partnerships and their partners to benefit from **retroactive CARES Act provisions**.
  - For a deeper dive on this topic, see this A&B [advisory](#) (4/9/20).
- The **Consumer Financial Protection Bureau (CFPB), Federal Reserve, Federal Deposit Insurance Corporation (FDIC), and the Office of the Comptroller of the Currency (OCC)** [issued](#) an interagency statement regarding an [interim final rule](#) to temporarily defer real estate appraisals and evaluations for up to 120 days after closing through. (4/14/20)
- The Department of Treasury, Federal Reserve, and FDIC jointly [announced](#) an **interim final rule to encourage lending to small businesses** through the SBA’s Paycheck Protection Program (PPP). (4/9/20)
- The CFPB, Federal Reserve, FDIC, the **National Credit Union Administration (NCUA)**, the OCC, and state banking regulators [issued](#) (4/3/20) a joint statement on supervisory and enforcement practices regarding **mortgage servicing rules** regarding COVID-19 and the CARES Act. For additional details on the joint statement, review this A&B [advisory](#) (4/6/20).
- Treasury and SBA jointly announced that **the interest rate** on what lenders could charge small businesses for loans in the [Paycheck Protection Program](#) would be **raised from 0.5% to 1%**. (4/2/20)
- In a joint [statement](#) (3/22/20), the **federal financial institution regulatory agencies** and state banking regulators encouraged financial institutions to work constructively with borrowers affected by COVID-19 and provided additional information regarding loan modifications.



- The federal financial institution regulatory agencies **issued a revised interagency [statement](#)** providing additional information regarding loan modifications on April 7.
- To understand how federal regulators are clarifying the CARES Act interaction with previous statements on loan modifications and reporting read this A&B [advisory](#). (4/9/20).
- The IRS granted further COVID-19 emergency relief in Notice 2020-18 (superseding its prior announcement) delaying the due date for filing Federal income tax returns and making **Federal income tax payments from April 15, 2020 to July 15, 2020**. The deadline is automatically postponed with no need for taxpayers to file Forms 4868 or 7004. Unlike prior guidance, there is no limitation on the amount of tax payments that may be deferred until July 15, 2020. Read here for both [economic impact payments and "what you need to know"](#) (updated 4/1/20) and for additional [guidance and FAQs](#).
  - The CARES Act allows employers to defer the deposit and payment of the employer's share of social security taxes and self-employed individuals to defer payment of certain self-employment taxes through December 31, 2020. These [FAQs](#) address specific issues related to the deferral of deposit and payment of these employment taxes. (4/9/20)
  - Economic impact payments for non-filers, but full details are [here](#).
  - The IRS [extended additional tax deadlines](#) for estates, individuals, and businesses until **July 15, 2020**. As a result, the extensions generally now apply to all taxpayers that have a filing or payment deadline falling on or after April 1, 2020, and before July 15, 2020.
  - The **CARES Act** provides a **refundable tax credit for businesses** of all sizes that experience economic hardship due to COVID-19. [Click here](#) for A&B's guide to how the credit works.

## Other Agencies

- **The US Department of Agriculture (USDA)** [announced](#) a \$1.9 billion food assistance program to provide support for farmers, ranchers, and consumers. The program will provide direct support to farmers and ranchers, and it will purchase and distribute food. This assistance was authorized in FFCRA and CARES Act. (4/17/20) (**New**)
- **Department of Education (DOEd):** The Department of Education [announced](#) that over \$3 billion in block grants would be provided to state governors under the CARES Act for K-12 education. (4/14/20)
  - DOEd [announced](#) on April 14 that career and technical education (CTE) programs can donate or loan personal protective equipment (PPE) and other medical supplies purchased with federal funds to public health agencies, private nonprofit hospitals, and other licensed health care providers to support the nationwide coronavirus response effort.
  - DOEd [announced](#) on April 9 that more than \$6 billion will be distributed immediately to colleges and universities to provide direct emergency cash grants to college students whose lives and educations have been disrupted by the coronavirus pandemic. Additional details can be found in this [FAQs](#) on Dept. of Education grant funds.
- **Department of Energy** has updated its [FAQs](#) from the Office of Cybersecurity, Energy Security, and Emergency Response (CESER). (4/16/20)

- **Department of State** provided an [update](#) on COVID-19 impact and assistance for **American citizens abroad**. (4/16/20)
- **Department of Transportation (DOT)**: On April 10, DOT [announced](#) the Agency was making over \$1 billion available to the National Railroad Passenger Corporation (Amtrak) to support the railroad's activities to respond to, prepare for, and prevent the spread of COVID-19.
  - DOT [issued](#) (4/7/20) a new rule regarding minimum service requirements and exemptions for **airlines** receiving financial assistance under the CARES Act.
- The **Federal Aviation Administration** [announced](#) (4/14/20) the award of **\$10 billion in funds under the CARES Act for U.S. airports**. A breakdown of the funding by airport is available [here](#). The FAA updated its [FAQs](#) on these grants.
  - It was reported (4/14/20) that the FAA is **banning pilots from taking chloroquine or hydroxychloroquine**, two drugs the President has suggested are effective against the coronavirus, for 48 hours before flying.
- **Department of Veterans Affairs (VA)**: President Trump issued an [executive order](#) on April 10, directing the Department of Veterans Affairs to allow flexibility in federal contracts for "national security reasons."

## Trade and International Business Issues

- **U.S. Asks China to Revise Increased Export Restrictions on Medical Supplies.** The U.S. has asked China to amend its increased export control inspections that are causing delays of medical supply shipments, according to a State Department spokesperson. "We appreciate the efforts to ensure quality control. But we do not want this to serve as an obstacle for the timely export of important supplies," the spokesperson said in an April 17 statement. The spokesperson added that the U.S. has "raised these concerns" with China and requested that it "revise its new requirements to allow the expeditious export of vital [personal protective equipment] to the United States." The U.S. is working "closely" with U.S. companies exporting medical supplies from China to help them "understand the new regulations and raise concerns about held-up shipments," the spokesperson said. **(New)**
- **EU planned to consider the temporary suspension of tariffs on key medical equipment.** EU Trade Commissioner Phil Hogan said the bloc planned to consider the temporary suspension of tariffs on key medical equipment, according to an April 16 [statement](#) issued at a virtual meeting of EU trade ministers. He also called for an "international undertaking to suspend tariffs on COVID-19 related products and facilitate access of medicines to their countries, as some of our partners have already done." **(New)**
- **Think Tank Says COVID-19 Likely to Accelerate Decoupling.** The Council on Foreign Relations ("CFR") said that U.S., European, and Japanese pushback over Made in China 2025, at least the part on high performance medical devices, may ebb after the coronavirus pandemic has passed—because other countries will want to implement their own versions in order to reduce industrial dependence on the rest of the world. For instance, China is displacing imported semiconductors but has been less successful in displacing imported aircraft. **(New)**
- **ITC COVID-19 Related Goods: U.S. Imports and Tariffs; Institution of Investigation.** Following receipt on April 7, of a request from the House Committee on Ways and Means and the Senate Committee on Finance, under section 332(g) of the Tariff Act of 1930, the U.S. International

Trade Commission instituted Investigation No. 332–576, COVID–19 Related Goods: U.S. Imports and Tariffs, for the purpose of providing a report that identifies imported goods related to the response to COVID-19, their source countries, tariff classifications, and applicable rates of duty. See the FR Notice [here](#). (New)

- **The National Association of Manufacturers (“NAM”) Urges Mexico to Clarify “Essential” Business.** NAM called on Mexican President Andrés Manuel López Obrador to expand and clarify Mexico’s definition of what manufacturing businesses are considered essential and can remain open during the pandemic. In a [letter](#) to López Obrador, NAM President and CEO Jay Timmons expressed concerns about supply chain interruption “[a]t a time when we need to ramp up the production of personal protective equipment, lifesaving equipment and medicines.” (New)
- A&B’s International Tax Group investigates the nuances of regulations from U.S. and international agencies and offers useful guidance from the **OECD Transfer Pricing Guidelines for Multinational Enterprises and Tax Administrations** and actions enterprises can take now to prepare for the tax implications of COVID-19-related disruptions in this [advisory](#) (4/16/20).

## 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. (last update 4/19/20)
- On April 13, Representative Pramila Jayapal (WA-07) sent a [letter](#) to the CEOs of several insurance companies expressing “**concern about reports that commercial insurance companies are declining to cover COVID-19 related claims filed by small and medium-sized businesses.**” She further wrote that she believes “that commercial insurance companies should honor all clearly covered coronavirus-related losses; work closely with the office of state Attorneys General to resolve disputes; and set up accessible means by which policyholders can get answers on their coverage and resolve disputes quickly without having to resort to time-consuming and expensive litigation.” (New)
- On April 17, North Carolina Insurance Commissioner Mike Causey sent a [letter](#) to business owners explaining that the “issue with commercial property insurance, specifically business interruption insurance, presents a . . . difficult problem.” He explains that “[s]tandard business interruption policies are not designed to provide coverage for viruses, diseases, or pandemic-related losses because of the magnitude of potential losses.” Finally, the Commissioner notes that **paying business interruption claims for COVID-19 related claims “could cripple the insurance industry causing many companies to fail, which would put the protection of homes, automobiles, and businesses at risk.”** Therefore, the North Carolina Department of Insurance has advised that it cannot “legally force insurers to cover a risk which they didn’t intend to cover” but that they are “looking for ways to protect businesses in the future.” (New)
- On April 14, US Congressman Mike Thompson (CA-05) announced the introduction of [H.R. 6494](#), the **Business Interruption Insurance Coverage Act of 2020**. The bill has bipartisan support and, if passed, would require each insurer “that offers or makes available business interruption insurance coverage” to “make available, in all of its policies providing business interruption insurance, coverage for losses resulting from . . . any viral pandemic . . . any forced closure of businesses, or mandatory evacuation . . . or . . . any power shut-off conducted for public safety

purposes.” The bill further provides that any exclusions in force on the date of the enactment of the act “shall be void, to the extent” they exclude the above-specified losses. Policy exclusions may be reinstated if authorized in writing by the insured or if the insured fails to pay any increased premium charged by the insurer for providing the business interruption coverage. Insurers must provide 30 days’ notice of the increased premium or reinstatement of the exclusions.

- On April 10, **President Trump** [weighed in](#) on the **issue of business interruption coverage**, stating during a two-hour coronavirus briefing that he “would like to see the insurance companies pay if they need to pay” and opining that while some policies may include exclusions for pandemics, in a lot of cases policies do not include such an exclusion.
- More **auto insurers have joined in voluntarily returning some money** to customers as the widespread government shutdowns result in a decline in driving as people shelter at home.
- On April 15, the Pennsylvania Senate introduced [Senate Bill 1114](#), which if passed would mandate that all policies insuring against loss related to property damage “shall be construed to include among the covered perils coverage for loss or property damage due to COVID-19 and coverage for loss due to a civil authority order” related to the COVID-19 pandemic. The **bill provides that Insureds classified as small business would receive 100% of the policy limit for eligible claims**. All other businesses would receive 75% of the policy limit for eligible claims. The act would apply to all policies in effect prior to March 6, 2020. The Senate Bill follows a similar bill introduced by the Pennsylvania house, as well as bill introduced in South Carolina, Rhode Island, Louisiana, New York, New Jersey, Massachusetts, and Ohio. Note that New Jersey’s bill was pulled from consideration prior to the General Assembly vote.
- On April 8, the Governor of Colorado issued Executive Order D 2020 032 “Amending and Extending Executive Order D 2020 003 Declaring a Disaster Emergency Due to the Presence of Coronavirus Disease 2019 in Colorado.” The Order explicitly **states that “COVID-19 . . . physically contributes to property loss, contamination, and damage due to its propensity to attach to surfaces for prolonged periods of time.”** (emphasis added). Colorado’s order follows similar civil authority shutdown orders issued by the Mayors of New York City and New Orleans that explicitly provide that COVID-19 may spread from “surface to person . . . causing property loss and damage in certain circumstances.” These provisions appear calculated to provide future litigants with a plausible hook to argue for business interruption coverage where such coverage is contingent on the existence of “physical damage.”

### Additional Workplace (Stay-at-Home) Issues

- **Government Closure/Stay-at-Home** orders have been released in multiple state and local jurisdictions. For the key Stay-at-Home order details in one document, view this A&B [COVID-19 50-State Closure Tracker](#) (**Updated 4/18/20**)
- The COVID-19 pandemic has forced a **greater awareness of force majeure clauses in commercial leases** and it has been essential to have a good foundation of the basics which can be found in this A&B [guide to force majeure basics](#). (4/17/20) (**New**)
- The CDC released [guidance](#) advising that **critical infrastructure workers may be permitted to continue work following potential exposure to COVID-19**, provided they remain asymptomatic and additional precautions are implemented to protect them and the community. (4/9/20)

- Following the [CDC's recommendation](#) of wearing face coverings as “additional, voluntary public health measure,” we are seeing a trend of **local government orders mandating the use of facemasks or cloth face coverings in public and/or the workplace.**

## Cyber Security & Privacy

- The Federal Trade Commission [issued](#) **recommendations for businesses on how to reduce privacy and data security risks while video conferencing.** These tips range from limiting participants, to establishing preferred video conferencing business practices, to carefully checking that links are not security threats before sharing or clicking on them. (4/16/20)
- The United States Senate held a “paper hearing” on **using big data in the fight against COVID-19.** Opening statements and questions [are available here.](#) (4/9/20)
  - Governments world-wide are using location and other mobile device data to slow the spread of COVID-19. We analyze these efforts in this A&B [advisory.](#) (4/13/20)
- The U.S. Department of Homeland Security (DHS) Cybersecurity and Infrastructure Security Agency (CISA) and the United Kingdom’s National Cyber Security Centre (NCSC) issued a [joint alert](#) regarding COVID-19-related themes **malicious cyber actors** are using to attack vulnerable services and exploit COVID-19. The alert explains how malicious actors are making their attacks as well as steps businesses can take to protect themselves. (4/8/20)
- The COVID-19 pandemic provides an opening for a variety of malicious cyber-attacks. The **FBI details threats and ways to protect yourself.** (4/1/20)
  - This A&B [advisory](#) (4/7/20) discusses the current COVID-19 cybersecurity threat landscape, including scams that target individuals, attempts to compromise company systems, telework vulnerabilities, and business email compromise.

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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:**

### U.S. Department of Health and Human Services:

- Twitter ([here](#))
- Facebook ([here](#))

### Centers for Disease Control and Prevention:

- Twitter ([here](#))
- Facebook ([here](#))

### What you should know:

- [Workplace, School, and Home Guidance](#)
- [People at Risk for Serious Illness from COVID-19](#)

- [How COVID-19 Spreads](#)
- [Symptoms](#)
- [Steps to Prevent Illness](#)
- [Testing](#)
- [Frequently Asked Questions](#)
- [What to Do If You Are Sick with COVID-19](#)
- [Stigma Related to COVID-19](#)
- [Facts about COVID-19](#)
- [Information for People at Higher Risk and Special Populations](#)
- [Communication Resources](#)

## Situation Updates:

- [Situation Summary](#)
- [Cases in the U.S.](#)
- [Global Locations with COVID-19](#)
- [Risk Assessment](#)
- [CDC in Action: Preparing Communities](#)

## Information for Businesses:

- [Interim Guidance for Businesses and Employers](#)
- [Information for Communities, Schools, and Businesses](#)
- [Environmental Cleaning and Disinfection Recommendations – Community Facilities](#)
- FEMA: [Coronavirus Response](#)
- SBA: [COVID-19 Resources](#)
- DOL: [Guidance for Preparing Workplaces for Coronavirus](#)
- DOL: [OSHA Resources for Workers and Employers on COVID-19](#)
- WHO: [Get Your Workplace Ready for COVID-19](#)
- CISA: [Risk Management for COVID-19](#)
- EPA: [Disinfectants for Use Against COVID-19](#)
- Federal Reserve: [Coronavirus Disease 2019 \(COVID-19\) Resources.](#)
- FDIC: [Coronavirus \(COVID-19\) Information for Bankers and Consumers.](#)
- OCC: [COVID-19 \(Coronavirus\).](#)
- Conference of State Bank Supervisors: [Information on COVID-19 Coronavirus.](#)
- NYDFS: [Coronavirus: Information for Industry and Regulated Entities.](#)
- NMLS: [State Agency Communication/Guidance on Coronavirus/COVID-19](#)

## Information for Travel and Transportation:

- [Information for Travel](#)
- [Guidance for Ships](#)
- [Guidance for Airlines and Airline Crew](#)
- State: [Travel Advisories](#)
- State: [Traveler's Checklist](#)
- State: [Smart Traveler Enrollment Program](#)
- DOT: [FAQs from FTA Grantees Regarding COVID-19](#)



**Information for Health Care Providers, First Responders, and Research Facilities:**

- [Information for Healthcare Professionals](#)
- [Resources for State, Local, Territorial and Tribal Health Departments](#)
- [Resources for Healthcare Facilities](#)
- [Infection Prevention and Control Recommendations for Patients with COVID-19 or Persons Under Investigation in Healthcare Settings](#)
- [Information for Laboratories](#)
- [Resources for First Responders](#)
- [Guidance for Public Health Professionals Managing People with COVID-19 in Home Care and Isolation Who Have Pets or Other Animals](#)
- [FAQs and Considerations for Patient Triage, Placement and Hospital Discharge](#)
- [What Law Enforcement Personnel Need to Know](#)
- [Guidance for Homeless Shelters](#)
- [Guidance for Hemodialysis Facilities](#)
- CMS: [Information on COVID-19 and Current Emergencies](#)
- CMS: [Guidance for Hospice Agencies](#)
- CMS: [Emergency Medical Treatment and Labor Act Requirements and Implications Related to COVID-19](#)
- CMS: [FAQs for State Survey Agency and Accrediting Organizations](#)
- EPA: [Disinfectants for Use Against COVID-19](#)

**Information for Law Enforcement:**

- [What Law Enforcement Personnel Need to Know](#)
- [Bureau of Prisons COVID-19 Resources](#)

**Information for Families and Households:**

- [Information on COVID-19 for Pregnant Women and Children](#)
- [Interim Guidance for Household Readiness](#)
- [Environmental Cleaning and Disinfection Recommendations for U.S. Households](#)
- [Guidance for Preventing the Spread of COVID-19 in Homes and Residential Communities](#)
- [FAQ: COVID-19 and Children](#)
- EPA: [Disinfectants for Use Against COVID-19](#)

**Information for Schools and Childcare Providers:**

- [Interim Guidance for Administrators of U.S. Childcare Programs and K-12 Schools](#)
- [Resources for Institutes of Higher Education](#)
- [Environmental Cleaning and Disinfection Recommendations – Community Facilities](#)
- USDA: [USDA Makes It Easier, Safer to Feed Children in California Amid Coronavirus Outbreak](#)
- EPA: [Disinfectants for Use Against COVID-19](#)
- DOE: [Resources for Schools and School Personnel](#)

## Information for Community Events and Gatherings:

- [Interim Guidance for Mass Gatherings and Large Community Events](#)
- [Interim Guidance for Community- and Faith-Based Organizations](#)

## Agency Resources and Information:

- [U.S. Department of Health and Human Services](#)
- [Centers for Medicare and Medicaid](#)
- [U.S. Food & Drug Administration](#)
- [U.S. Department of Agriculture](#)
- [U.S. Department of Defense](#)
- [U.S. Department of Education](#)
- [U.S. Department of Energy](#)
- [U.S. Department of Homeland Security](#)
- [U.S. Department of Labor](#)
- [U.S. Department of State](#)
- [U.S. Department of Veterans Affairs](#)
- [U.S. Environmental Protection Agency](#)
- [U.S. Small Business Administration](#)

## Alston & Bird Coronavirus Links

- Alston & Bird Coronavirus [Task Force](#) 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)
  - **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](#)