

Coronavirus *Flash Update*: Friday, May 29, 2020

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The Latest News

- **U.S. COVID-19 cases** exceed 1,713,775 and 100,446 U.S. deaths. (Source: CDC) (**Updated 5/29/20**)
- **U.S. stock market:** On Thursday the major benchmarks posted losses, with the Dow dropping 147 points, the S&P 500 losing 6 points, and the Nasdaq falling 43 points. (**New**)
- The Department of Labor released its weekly jobs [report](#) which noted that **2.1 million filed new unemployment claims last week** bringing the 10-week unemployment claims total to 40.8 million. The number of weekly claims has continued to drop since a peak of 6.9 million claims in April. (**New**)
- The House of Representatives considered two small business related bills yesterday, overwhelmingly passing one bill, while failing the required two-thirds necessary to pass the second bill. The Small Business Aid Forgiveness Boost bill, [H.R. 7010](#), passed the House by a vote of 417-1 and 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 Senate is expected to consider H.R. 7010 next week.
- The second bill, which failed to pass, H.R. 6782, would have required the Small Business Administration to publish a report on assistance the agency has provided to businesses during the pandemic. (**New**)

COVID-19 Federal & State Legislation

- **Bill 4.0:** The Senate was not in session this week, and the House largely focused on bills unrelated to COVID-19. The exception was its passage yesterday of H.R. 7010 to provide additional flexibility for the Paycheck Protection Program terms for loan forgiveness.
 - In other activity, the House Ways and Means Committee Chairman Richard Neal (D-MA) and Oversight Subcommittee Chairman John Lewis (D-GA) [requested](#) that the **Department of Treasury provide the Committee with weekly reports on the disbursement of economic impact payments.** (**New**)
 - Members of both bodies continue to discuss their priorities for the next emergency stimulus bill and whether to extend the unemployment benefit increase remains a key issue. As an alternative to extending the increase, Senator Rob Portman (R-OH) has [proposed](#) **allowing workers who claimed unemployment to receive a \$450 weekly bonus if they return to work before the end of July.** Senator Majority Leader Mitch McConnell (R-KY) remains opposed to extending the unemployment benefit increase in the next relief bill. (**New**)
 - 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](#) of COVID-19 (**Updated 5/28/20**)
- A&B [Provider Relief Fund disbursements tracker](#) - (**Updated 5/28/20**)
- 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 5/27/20**)
- **Administration Actions**
 - The Department of Transportation has [announced](#) plans to distribute 15 million **face coverings for transportation workers** to assist with the transition to reopening. (5/28/20) (**New**)
 - The Department of Veteran’s Affairs has [announced](#) it will resume in-person compensation and pension exams at select locations. (5/28/20) (**New**)
 - The Department of Labor’s Occupational Safety and Health Administration (OSHA) has posted [guidance social distancing best practices for workers](#) as businesses transition to reopening. (5/28/20) (**New**)
 - The **Joint Commission** released a [statement](#) that **regular hospital certification and accreditation surveys would resume in June**; however the process will incorporate new social distancing precautions. (5/27/20) (**New**)
 - OSHA has [released guidance](#) and launched a [webpage](#) to provide COVID-19 related recommendations to **reduce exposure for construction employers and workers**. (5/27/20) (**New**)
 - The FDA has updated its [information](#) on their Enforcement Policy for Face Masks and Respirators During the Coronavirus Disease Public Health Emergency. This updated information is intended to help **expand the availability of general use face masks for the general public and workplace**. (5/28/20) (**New**)
 - The HHS Assistant Secretary for Planning and Evaluation (ASPE) released a [paper on Reducing Recidivism and Improving Reentry](#) through Economic Impact Payments during the COVID-19 emergency. (5/26/20) (**New**)
 - FEMA has created a [community mitigation decision support tool](#) for the transition to reopening. (5/22/20)
 - 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:
 - [Employers in office buildings](#) (5/27/20) (**New**)
 - [Restaurants and bars](#) (**Updated 5/27/20**)
 - [Cleaning and disinfection for community facilities](#) (5/27/20) (**New**)
 - [Using public transportation](#) (5/27/20) (**New**)
 - [Public swimming and aquatic areas](#) (5/27/20) (**New**)
 - [Long-term care facilities](#) (5/22/20)
 - [Faith-based organizations](#) (5/22/20)
 - [Construction workers](#) (5/22/20)

Federal Communications Commission

- The FCC [approved](#) another \$18.22 million in telehealth applications. (5/28/20) (**New**)
- The FCC [approved](#) an additional 43 funding applications for the **COVID-19 Telehealth Program**, totaling \$16.78 million. (5/20/20)
- The FCC and FTC [sent](#) warning letters to gateway providers for allegedly allowing **COVID-19 pandemic-related scam robocalls** into the United States. The agencies warned these companies to cut off this traffic or face serious consequences. (5/20/20)

Department of Health and Human Services

- The **Department of Health and Human Services (HHS)** Coronavirus [toolkit](#) page has been updated. (**Updated 5/22/20**)
- The HHS Office of the Inspector General (OIG) has [released its Strategic Plan for Oversight of COVID-19 Response and Recovery](#). (5/26/20) (**New**)
- HHS [released a report](#) to Congress on its COVID-19 Strategic Testing Plan as required by the Paycheck Protection Program and Health Care Enhancement Act. The report outlines 3 primary purposes for active testing: diagnostic testing, testing for contact tracing, and surveillance testing. (5/24/20)
- HHS Biomedical Advanced Research and Development Authority (BARDA) [announced](#) an agreement with AstraZeneca to accelerate the development and manufacturing of the company's **investigational vaccine**. The agreement is part of Operation Warp Speed. (5/21/20)
- The HHS Office of the Assistant Secretary for Preparedness and Response (ASPR) has [released a fact sheet](#) on the COVID-19 **impact on the health care delivery system**. (5/26/20) (**New**)
- ASPR has created a [new online section](#) detailing medical countermeasures under investigation by the Agency. (5/22/20) (**New**)
 - ASPR has a [webpage](#) detailing information on the remdesivir allocation process. (5/21/20)
 - ASPR released a [Healthcare Facility Onboarding Checklist for hospitals and other facilities](#) to use in streamlining staff acquisition and the onboarding process in times of need. (5/20/20)

- ASPR also [issued](#) a request for information seeking industry input on the proposed strategy and structure of the strategic national stockpile. **Responses are due by May 29.** (5/15/20)
- 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 5/27/20**)

Centers for Disease Control and Prevention

- The **Centers for Disease Control and Prevention (CDC)** [COVIDView Weekly Summary](#) is available. (Updated 5/22/20)
 - The CDC weekly COVID [forecast](#). (**Updated 5/28/20**)
 - The CDC [U.S. testing data](#). (5/25/20)
 - The CDC [state-by-state funding](#) for state, tribal, territorial, and local funding. (5/27/20) (**New**)
 - The CDC [updated](#) its information on **serology testing** for COVID-19 at CDC. (Updated 5/23/20)
 - The CDC [updated](#) its information on **contact tracing and case investigation**. (**Updated 5/26/20**)
- The CDC has released new guidance for:
 - [Pharmacists](#) (5/28/20) (**New**)
 - [Sanitation and wastewater workers](#) (5/28/20) (**New**)
 - [Providers serving people with developmental and behavioral disorders](#) (5/28/20) (**New**)
 - [Group homes for individuals with disabilities](#) (5/28/20) (**New**)
 - [Funerals](#) (5/27/20) (**New**)
 - [Households living in close quarters](#) (5/27/20) (**New**)
- The CDC released [information](#) on antibody testing for past infection and [interim guidance on antibody testing](#). (5/23/20) (**New**)
- The CDC has updated its [guidelines for collecting, handling, and testing clinical specimens for COVID-19](#). (5/23/20) (**New**)
- The CDC has released [information on the shelf life of N95s](#). (5/22/20) (**New**)
- The CDC has updated its information on [How COVID-19 Spreads](#). (5/22/20) (**New**)
- The CDC released a new resource with ASPR on [COVID-19 Pandemic Planning Scenarios](#), designed to help inform decisions by mathematical modelers and public health officials who use modeling. Models developed using the data provided in the planning scenarios can help evaluate the potential effects of different community mitigation strategies. (5/20/20)
- The CDC created a [website](#) compiling publications about COVID-19 for **laboratories**. (5/20/20)
 - The CDC also updated its [FAQs](#) for **laboratories**. (Updated 5/20/20)
- CMS [announced guidance to help nursing homes safely reopen](#). The guidance recommends that (1) nursing homes do not reopen or relax any restrictions until all residents and staff have received results from baseline tests; (2) state agencies inspect nursing homes that experienced significant COVID-19 outbreaks; and (3) nursing homes keep restrictions in place even as other businesses relax their restrictions. CMS also issued [FAQs](#) on the new guidance. (5/18/20)

Centers for Medicare & Medicaid Services

- The **Centers for Medicare and Medicaid Services (CMS)** latest [news alerts](#). (**Updated 5/26/20**)
 - And for the latest COVID-19 related CMS guidance and FAQs visit the CMS Current Emergencies [webpage](#). (**Updated 5/27/20**)
- 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) (**New**)
- 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) (**New**)
- CMS has [announced](#) that over 1,750 standalone Medicare Part D prescription drug plans and Medicare Advantage plans have applied to offer lower insulin costs through the Part D Senior Savings Model for the 2021 plan year. (5/26/20) (**New**)
- CMS has [finalized requirements](#) to increase access to telehealth for seniors in Medicare Advantage plans. (5/22/20) (**New**)

HHS/CMS/HRSA CARES Act Provider Relief Funds

- HHS has completely revised its Provider Relief Fund [webpage](#). The new webpage posts, for the first time, the [breakdown](#) by recipient of the \$50 billion in targeted distribution. (5/28/20) (**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)
- HHS [announced](#), jointly with the Indian Health Service, \$500 million in payments to tribal hospitals, clinics and urban health centers. (5/22/20)
- HHS issued a [statement](#) notifying **eligible providers that they have until June 3, 2020 to submit their additional revenue information** for payments from the Provider Relief Fund \$50 billion General Distribution. (5/20/20)
- HHS [announced](#) that it has begun distributing nearly **\$4.9 billion** in additional relief funds to **skilled nursing facilities (SNFs)** to help them combat the devastating effects of the pandemic. HHS will make relief fund distributions to SNFs based on both a fixed basis and variable basis. All certified SNFs with six or more certified beds are eligible for this targeted distribution. (5/22/20)
 - HHS also provided the [terms and conditions](#) for accepting these SNF Relief Fund Payments. (5/22/20)
- HHS has posted the SNF [state-by-state payment breakdown](#). (5/22/20)
- HHS updated the CARES Act Provider Relief Fund [FAQs](#). (Updated 5/21/20)
 - The CMS Provider Relief Fund [webpage](#) has been updated and additional portals opened: (Updated 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 5/27/20)
 - 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 5/27/20)
 - FDA maintains its COVID-19 [FAQs](#) for the general public. (Updated 5/22/20)
 - The agency also maintains a [public database](#) of drug shortages. (Updated 5/28/20)
- 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) (**New**)
- The FDA issued two guidance documents to help address potential shortages of face masks, surgical masks, respirators, and face shields: [Recommendations for Sponsors Requesting EUAs for Decontamination and Bioburden Reduction Systems for Face Masks and Respirators](#); and [Enforcement Policy for Face Masks and Respirators](#). (5/27/20) (**New**)
- The FDA has [issued a letter to health care providers](#) to remind health care employers and personnel the correct sterilization cycle associated with certain models of the Advanced Sterilization Products (ASP) STERRAD Sterilization Systems and to only decontaminate compatible N95 or N95-equivalent respirators during the pandemic. (5/27/20) (**New**)
- The FDA has **provided a SARS-CoV-2 [reference panel tool](#)** to help with the development and evaluation of tests. (5/27/20) (**New**)
- The FDA issued an [Emergency Use Authorization](#) for the CLEWICU System for use in the intensive care unit (ICU) as a diagnostic aid to assist with the early identification of adult patients who are likely to be diagnosed with respiratory failure which is a common complication associated with COVID-19. (5/27/20) (**New**)
- The FDA issued [guidance](#) for FDA-regulated human food establishments – human food facilities and farms – to voluntarily notify the agency of temporary closures and significant reductions in operations and to request assistance during the pandemic. (5/27/20) (**New**)
- The FDA released an [updated list of medical devices approved to treat COVID-19](#). (5/26/20) (**New**)
- The FDA updated its [FAQs](#) on **Remdesivir**. (5/22/20) (**New**)
- The FDA announced it will provide temporary flexibility regarding eligibility criteria for the [qualified exemption under the Produce Safety Rule](#). (5/22/20) (**New**)
- FDA announced temporary flexibility for [food labeling requirements](#) for manufacturers and **vending machine operators**. (5/22/20) (**New**)
- FDA and USDA released [recommendations](#) on addressing shortages of PPE, cloth face coverings, disinfectants and sanitation **supplies in the food and agriculture industry**. (5/22/20) (**New**)
- The FDA has updated [its policy](#) for **compounding of certain drugs for hospitalized patients** by pharmacy compounders not registered as outsourcing facilities during the COVID-19 emergency. (5/21/20) (**New**)

- The FDA issued [guidance](#) for supplements for approved premarket approval or humanitarian device exemption submissions. (5/21/20)
- The FDA and U.S. Department of Agriculture [announced](#) a [memorandum of understanding](#) to help prevent interruptions at FDA-regulated food facilities. (5/19/20)

National Institutes of Health

- The National Institutes of Health (NIH) released a [statement](#) that the investigational antiviral remdesivir is superior to the standard of care for the treatment of COVID-19, citing data from a report published in the New England Journal of Medicine. (5/22/20)

Health Resources and Services Administration

- The Health Resources and Services Administration (HRSA) has [awarded \\$15 million](#) in COVID-19 assistance to 52 Tribes, Tribal organizations, urban Indian health organizations, and other services to Tribes in 20 states. The full list of COVID-19 Tribal award recipients is available [here](#). (5/28/20) (**New**)
- HRSA provided \$225 million to **Rural Health Clinics** for COVID-19 testing through the Paycheck Protection Program and Health Care Enhancement Act. A **state-by-state breakdown** is available [here](#). (5/20/20)
- HRSA provides COVID-19-related information, resources, and FAQs [here](#). (**Updated 5/27/20**)

Department of Homeland Security/FEMA

- The **Department of Homeland Security (DHS)** posts a [weekly roundup](#) of its response to **COVID-19**. (**Updated 5/25/20**)
- Federal Emergency Management Administration (FEMA) [announced](#) a distribution of non-contact **infrared thermometers** to state and local governments to assist in reopening. (5/26/20) (**New**)
- FEMA [announced](#) suspension of rent collection for **Butte County Camp Fire Survivors**. (5/27/20) (**New**)
- FEMA provided [COVID-19 Pandemic Operational Guidance](#) for the 2020 hurricane season. (5/20/20)

Department of Justice/Federal Trade Commission/Litigation

- The **Department of Justice** [announced](#) that it charged an individual with **fraudulently obtaining \$20 million in PPP loans for two companies that had no employees**. The defendant allegedly claimed that his companies were helping New York State obtain COVID-19 test kits and personal protective equipment. (5/21/20)
- The **Federal Trade Commission (FTC)** sent [warning letters](#) to 50 more marketers nationwide to stop making unsubstantiated claims that their products and therapies can treat or prevent COVID-19. (5/21/20)

Department of Labor/OSHA

- The Department of Labor (DOL) [announced dislocated worker grant awards](#) totaling nearly \$24 million for workforce programs in Pennsylvania, Michigan, Maine, and Washington. (5/27/20) **(New)**
- The DOL announced publication of a [final rule](#) that expands the ability of private sector employers to **communicate retirement plan information online or by email**. (5/21/20)
- The Department of Labor [announced](#) a final rule that allows employers to pay **bonuses** or other **incentive-based pay** to salaried, nonexempt employees whose hours vary from week to week. The final rule clarifies that payments in addition to the fixed salary are compatible with the use of the fluctuating work week method under the **Fair Labor Standards Act (FLSA)**. (5/20/20)

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)
 - The SBA [updated](#) its total loan statistics, noting that it has approved 4.5 million loans, totaling \$510 billion in loans through 5,512 participating lenders. **(Updated 5/28/20)**
 - The SBA released a [procedural notice](#) informing PPP Lenders of the **reporting process** through which PPP Lenders will report on PPP loans and collect the **processing fee** on fully disbursed loans which they are eligible to receive. (5/21/20)
 - The SBA issued a PPP [interim final rule](#), extending the **safe harbor** deadline to May 18, 2020. (5/20/20)

Department of Treasury/IRS/Federal Reserve

- The Department of Treasury [website](#) for **CARES Act** business assistance programs.
- 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) **(New)**
- The **Internal Revenue Service (IRS)** [released information and FAQs](#) on the **use of prepaid debit cards** which are being sent to some taxpayers for their economic impact payments, rather than a paper check. (5/27/20) **(New)**
- The IRS [announced](#) a tax **safe harbor for taxpayers developing renewable energy** projects and producing electricity from wind, biomass, geothermal, landfill gas, trash, and hydropower. (5/27/20) **(New)**

- The IRS posted the latest [state-by-state list of economic impact payments](#). (5/22/20)
- IRS [announced](#) that the 2020 IRS Nationwide Tax Forums will be held virtually in 2020 with a series of live-streamed webinars beginning this July. (5/21/20)
- The **Federal Reserve Board**, the **Federal Deposit Insurance Corporation**, the **National Credit Union Administration**, and the **Office of the Comptroller of the Currency** [released](#) principles for offering responsible small-dollar loans to meet financial institutions' customers' short-term credit needs. (5/20/20)

Other Agencies

- The **U.S. Department of Agriculture (USDA)** [announced](#) that it is making available up to \$1 billion in loan guarantees to **help rural businesses** meet their working capital needs during the coronavirus pandemic. (5/21/20)
- 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) (**New**)
- The **Consumer Financial Protection Bureau (CFPB)** issued two "no-action" [letter templates](#) ([template](#)) to help homeowners and consumers seeking small dollar loans and wishing to avoid foreclosure in the process. (5/22/20)
- A&B attorneys provide [analysis](#) on how the **CFPB is responding to consumer complaints** about mortgage and credit card terms during the pandemic. (5/18/20)
- The Department of Defense has [announced](#) it has signed a \$2.2 million contract with **Hollingsworth & Vose to increase the U.S. domestic production of N95 ventilator filters** starting in August. (5/28/20) (**New**)
- 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)
- The **Federal Housing Finance Agency (FHFA)** [announced](#) that it is seeking comments on a notice of proposed rulemaking that would establish a new regulatory capital framework for Fannie Mae and Freddie Mac. (5/20/20)
- The **Transportation Security Administration (TSA)** [announced](#) that it has implemented changes to the security screening process that reduce the potential for cross-contamination at the security checkpoint in an effort to help prevent the spread of COVID-19. (5/21/20)

Trade and International Business Issues

- President Trump [released an order](#) restricting nearly all **travel from Brazil** for non-U.S. citizens if they were in the country during the prior 14-day period. Green card holders, close relatives of U.S. citizens, and flight crew members are exempt. (5/24/20) Further detail provided in a DHS [release](#). (5/27/20) (**New**)

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 5/25/20)
- On May 21, the National Association of Mutual Insurance Companies, jointly with other insurance industry trade associations, [announced](#) a **proposal for a new federal program to assist businesses in the event of a future pandemic risk**. The Business Continuity Protection Program would “provide revenue replacement assistance . . . following a presidential viral emergency declaration.” The program would be administered by the Federal Emergency Management Agency with assistance from private contractors.
- The pace of new business income coverage claims flooding state and federal courts nationwide has not slowed over the last few weeks. Notable filings and orders include:
 - On May 22, Healthnow Medical Center Inc. filed suit in California state court against its insurer, State Farm General Insurance Company, **alleging claims for breach of contract, bad faith, and unjust enrichment**. Plaintiff alleges that State Farm wrongfully denied Plaintiff’s claim for lost business income arising out of the COVID-19 related governmental orders and seeks punitive damages. The case is *Healthnow Med. Ctr. Ins. v. State Farm General Ins. Co.*, No. T20-1121 (Santa Clara Cnty. Sup. Ct., Cal.).
 - On May 21, Gervasi 1700 LLC brought suit in Ohio state court against National Trust Insurance Company, Franchise Insurance Agency Inc. dba Leavitt Group Midwest, and Bradley W. Stammler **alleging that defendants Stammler and Leavitt group failed to disclose that the policy they procured for Plaintiff from defendant National Trust contained a virus and bacteria exclusion**. Plaintiff alleges claims for breach of contract, bad faith and negligence. The case is *Gervasi 1700 LLC v. National Trust Ins. Co., et al.*, No. 2020CV00818 (Stark Cnty. Ct. of C.P., Ohio).

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](#)
- [Air Travel Toolkit for Airline Partners](#)
- 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 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](#)