

## Coronavirus *Flash Update*: Tuesday, May 26, 2020

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**Note to Flash readers:** *Due to Memorial Day on Monday, May 25, the next Flash will be Friday, May 29. It will be back to its regular schedule the first week of June.*

### The Latest News

- **U.S. COVID-19 cases** exceed 1,655,625 and 97,212 U.S. deaths. (Source: CDC) (**Updated 5/25/20**)
- **U.S. stock market:** On Friday the U.S. benchmarks posted mixed results, with the Dow dropping slightly at 8 points, and the S&P 500 and Nasdaq posting small gains at 6 and 39 points, respectively. (**New**)
- On Sunday, 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. The order notes that the Centers for Disease Control and Prevention has determined that Brazil is experiencing “widespread, ongoing person-to-person transmission” of COVID-19. (**New**)
- Late Friday, the Small Business Administration, jointly with the Department of Treasury, [released the interim final rule](#) for the PPP **loan forgiveness process**. The SBA also [released the interim final rule](#) the PPP **loan review procedures and borrowing responsibilities**. (**New**)

- The Department of Health and Human Services (HHS) [released a report](#) to Congress on its COVID-19 Strategic Testing Plan on Sunday, 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. The report was immediately [criticized](#) by congressional Democratic leaders as being light on data and results. **(New)**
- On Friday, the 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. **(New)**

## COVID-19 Federal & State Legislation

- **Bill 4.0:** Congress is not expected to move forward during this short work week on the 4.0 emergency stimulus bill, but both bodies may consider **legislation to provide more flexibility for small businesses through the Paycheck Protection Program (PPP)**. In the Senate, separate bills were introduced last week by Senators Marco Rubio (R-FL) and Ben Carper (D-MD), and by Senators Angus King (I-ME) and Steve Daines (R-MT), to extend the time businesses have to use PPP funds. The House is scheduled to vote under suspension of the rules on Wednesday on a bill sponsored by Representatives Dean Phillips (D-MN), which is very similar to [bill \(HR 6886\)](#) sponsored by Rep. Chip Roy (R-TX) to enhance the provisions for PPP loan forgiveness and to defer payroll taxes. These House bills are nearly identical to the bill sponsored by Senators King and Daines.
  - 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 5/25/20**)
- A&B [Provider Relief Fund disbursements tracker](#) - (**Updated 5/25/20**)
- 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 5/22/20**)
- **Administration Actions**
  - FEMA has created a [community mitigation decision support tool](#) for the transition to reopening. (5/22/20) (**New**)
  - The CDC issued a new detailed [report](#) on its activities and initiatives that support the transition to reopening. (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)
  - The President [announced](#) “Operation Warp Speed,” a national program to accelerate the development, manufacturing, and distribution of COVID-19 vaccines, therapeutics, and diagnostics. (5/15/20)
  - The CDC updated or released guidance for reopening:
    - [Long-term care facilities](#) (5/22/20) (**New**)
    - [Faith-based organizations](#) (5/22/20) (**New**)
    - [Construction workers](#) (5/22/20) (**New**)
    - [Institutes of higher education](#) (5/21/20)
    - [K-12 schools and child care programs](#) (5/21/20)
    - [Youth sports](#) (5/20/20)
    - [Public pools](#) (5/20/20)
    - [Dental settings](#) (Updated 5/19/20)

## Federal Communications Commission

- 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**)
- 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)
- HHS [announced](#) a partnership with several pharmaceutical companies—including Phlow Corporation, AMPAC Fine Chemicals, Civica Rx, and the Medicines for All Institute at the Virginia Commonwealth University—to **expand capabilities to manufacture active pharmaceutical ingredients and chemical compounds** to make critical medicines. (5/19/20)
- HHS [announced](#) \$11 billion in funding under the Paycheck Protection Program and Health Care Enhancement Act for **COVID-19 testing**. The funding will be provided through the CDC and Indian Health Service to states, territories, and tribes. A list of funding recipients is available [here](#). (5/18/20)
- The HHS Office of the Assistant Secretary for Preparedness and Response (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 5/21/20)

## 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 5/21/20)
  - The CDC [U.S. testing data](#). (5/25/20) (**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 5/20/20)

- 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)
- The CDC [updated](#) its considerations for **inpatient obstetric healthcare settings**. (Updated 5/20/20)
- The CDC updated its [guidance](#) for **pediatric health care providers** to address current information on multisystem inflammatory syndrome in children. (Updated 5/20/20)

## Centers for Medicare & Medicaid Services

- The **Centers for Medicare and Medicaid Services (CMS)** latest [news alerts](#). (**Updated 5/22/20**)
  - And for the latest COVID-19 related CMS guidance and FAQs visit the CMS Current Emergencies [webpage](#). (Updated 5/18/20)
- CMS [updated](#) its **guidance on billing codes for COVID-19 testing**. The guidance lists the payment amount for COVID-19 testing by each Medicare Administrative Contractor (MAC). (Updated 5/19/20)
- CMS updated its list of [blanket waivers](#) with language modifying physical environment waivers to allow greater flexibilities for surge capacity and to modify the data collection and reporting period for ground ambulance organizations. (Updated 5/19/20)
- For a better understanding of the COVID-19 **telehealth waivers and regulatory flexibilities**, review this **new A&B Guide**. (5/12/20)

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

- 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) (**New**)
- HHS [announced](#), jointly with the Indian Health Service, \$500 million in payments to tribal hospitals, clinics and urban health centers. (5/22/20) (**New**)
- 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) (**New**)
- 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 5/22/20)**
  - 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 5/22/20)**
  - 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 5/22/20)**
- 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)
- The FDA [announced](#) that it had entered into an agreement with Aetion to collaborate on data analysis related to COVID-19 research. (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) **(New)**

## Health Resources and Services Administration

- The Health Resources and Services Administration (HRSA) HRSA, provided \$225 million to **Rural Health Clinics** for COVID-19 testing through the Paycheck Protection Program and Health Care Enhancement Act. (5/20/20)
  - A state-by-state breakdown is available [here](#). (5/20/20)
- HRSA provides COVID-19-related information, resources, and FAQs [here](#). (Updated 5/17/20)

## Department of Homeland Security/FEMA

- The **Department of Homeland Security (DHS)** released a [fact sheet](#) explaining the extended measures placed on **U.S. borders** to limit the further spread of COVID-19. (5/20/20)
- The **DHS issues** a weekly roundup of its response to COVID-19. (Last updated 5/18/20)
- The **DHS Cybersecurity and Infrastructure Security Agency (CISA)** updated its [guidance](#) on essential critical infrastructure workforce. (Updated 5/19/20)
- The **Federal Emergency Management Agency (FEMA)** [weekly briefing update](#). (5/22/20) **(New)**
- FEMA provided [COVID-19 Pandemic Operational Guidance](#) for the 2020 hurricane season. (5/20/20)



- FEMA updated its [fact sheet](#) on **PPE packages for nursing homes**. (Updated 5/20/20)
- FEMA issued a [fact sheet](#) on its efforts to expand the supply chain of critical resources. (5/18/20)

## 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)
  - DOJ also [charged](#) a defendant with fraudulently seeking \$5 million in PPP loans from two different banks. (5/19/20)
- 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)
  - The FTC and SBA [sent warning letters to two companies that may be misleading small businesses seeking SBA loans](#) as a result of COVID-19. One of the companies has claims like “Your Paycheck Protection Program Loan starts here!” while the other claims it is an authorized SBA loan packager for PPP and advertised its services for a \$495 fee, despite the SBA prohibiting lead generators or other agents from charging fees to PPP loan applicants. The FTC’s letters warn the companies to take immediate action to ensure all deceptive claims are removed and to remediate any harm to small business consumers as a result of the claims. The recipient companies must also notify the FTC within 48 hours what specific actions they took to address the agency’s concerns. (5/18/20)
  - The **FTC** has [advised nursing homes and assisted living facilities that they cannot take residents’ stimulus payments](#) simply because the resident is on Medicaid. The Iowa Attorney General’s Office and other State AGs have received reports that these facilities have been requiring residents to sign over their stimulus payments against the CARES Act directives. According to the CARES Act, those economic impact payments are considered tax credits which do not constitute “resources” for federal benefits programs, including Medicaid. (5/15/20)
- The **Department of Justice Antitrust Division** [issued its third expedited business review letter](#) (BRL) related to COVID-19 collaborations, this time in connection with collaboration by pork producers and processors. COVID-19 outbreaks forced many meat plants to close, leading to a reduction in processing capacity. As a result, some hogs are now unmarketable because they have grown too large to fit on processors’ production line equipment. **DOJ approved the National Pork Producers Council’s proposal to allow its members to coordinate with each other and the USDA and share information to address these supply chain issues**. (5/15/20)

## Department of Labor/OSHA

- The **Department of Labor (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)
- The **DOL** [updated](#) its resources for employers, employees, and states to prevent unemployment insurance fraud. (5/19/20)
- The **Occupational Safety and Health Administration (OSHA)** [announced](#) that it was revising two enforcement policies regarding COVID-19. First, OSHA updated its [interim enforcement response plan](#) for COVID-19 to increase in-person inspections at all types of workplaces. Second, OSHA updated its [enforcement guidance](#) requiring employers to record work-related coronavirus cases. (5/19/20)
- **OSHA** [announced](#) that it was making \$11.5 million available in grants to non-profits to support training on workplace safety and health hazards. (5/19/20)

## Small Business Administration

- **Small Business Administration (SBA)** – In response to the **CARES Act** requirements, the SBA **Paycheck Protection Program (PPP)** [website](#) for lenders and small business borrowers. (5/23/20)
  - 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) (**New**)
    - The SBA also [released the interim final rule](#) the PPP **loan review procedures and borrowing responsibilities**. (5/22/20) (**New**)
  - 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 [updated](#) its total loan statistics, noting that it has approved 4.4 million loans, totaling \$512 billion in loans through 5,511 participating lenders. (**Updated 5/23/20**)
  - The SBA and Treasury **updated their FAQs on the Paycheck Protection Program** to provide guidance extending the SBA Form 1502 reporting deadline for lenders (question 48). (Updated 5/19/20)
  - The SBA issued a PPP [interim final rule](#), extending the **safe harbor** deadline to May 18, 2020. (5/20/20)
  - The SBA [issued](#) an interim final rule that provides **guidance to entities with foreign affiliates regarding PPP loan forgiveness**. (5/19/20)

## 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](#).
- The **Internal Revenue Service (IRS)** posted the latest [state-by-state list of economic impact payments](#). (5/22/20) (**New**)



- **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 **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) (**New**)
- 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 **Environmental Protection Agency (EPA)** [issued an additional temporary amendment to Pesticide Registration Notice 98-10](#) to include **food-contact surface sanitizer products containing the active ingredient isopropyl alcohol**. This allows manufacturers of food-contact surface sanitizer products containing isopropyl alcohol to use similar sources of this active ingredient without EPA approval. This amendment should increase availability of food-contact surface sanitizers, benefiting facilities processing low moisture products like grains, cereal, flour, and industrial baked goods, which have been experiencing sanitizer shortages. (5/15/20)
- For information on **COVID-19 waste regulation and environmental compliance** issues during the pandemic, read the A&B [Environmental & Land Use Briefing](#). (5/22/20) (**New**)
- 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)
  - FHFA also [issued](#) temporary guidance regarding the eligibility of borrowers who are in forbearance, have recently ended their forbearance, are looking to refinance, or buy a new home. (5/19/20)
- The **Department of Housing and Urban Development (HUD)** [announced](#) a fourth series of CARES Act funding totaling \$75 million to assist people living with disabilities. Information on the local impact of the assistance is available [here](#). (5/18/20)
- 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

- On Sunday, 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) **(New)**
- The **U.S.-Canada Border To Remain Closed Through June 21**. Canadian Prime Minister Justin Trudeau during his daily press conference commented that “[i]t was the right thing to further extend by 30 days our closure of the Canada, U.S. border to travelers other than essential services and goods, but we will continue to watch carefully what’s happening elsewhere in the world and around us as we make decisions on next steps.”
- **USDA APHIS Allows Electronic Copies of Veterinary Certificates and Phytosanitary Certificates Due to COVID-19 through July 18**. The U.S. Department of Agriculture’s Animal and Plant Health Inspection Service has [extended](#) the interim guidance for the electronic submission of veterinary health certificates, phytosanitary certificates, and PPQ 203 forms for shipment clearance due to COVID-19 pandemic. The guidance is now effective through July 18, 2020.

## 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. **(New)**
- On May 19, the Organized Dentistry Coalition (the “ODC”) sent a [letter](#) to Congress recommending that it support [HR 6494](#), the Business Interruption Insurance Coverage Act, which if passed would require insurers to “make[] available business interruption insurance coverage” for COVID-19 related losses for an increased premium. The ODC noted that **many dental practices have “learned that their policies do not cover government-ordered business shutdowns caused by a national emergency”** and that the lack of coverage has had a “substantial negative impact” on dental practice owners. However, the ODC acknowledged that “abrogating or re-writing contracts at this time could potentially have a deleterious impact on the property and casualty insurance industry, as current policy premiums did not account for the risk associated with these pandemic-related losses when they were calculated.” **(New)**
- On May 15, the Louisiana Senate proposed an [Amended Senate Bill 477](#). The original bill would have retroactively required insurers to provide business interruption coverage for COVID-19 related business income losses, regardless of policy language. The May 15 amended bill nixes the controversial retroactive requirements and instead **requires that all policies issued after August 1, 2020 “include a notice of all exclusions on a form prescribed by the commissioner of insurance” which shall “be conclusively presumed to become a part of the policy of contract when issued and delivered.”** **(New)**

- 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.). (**New**)
  - 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). (**New**)

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

### What You Should Know:

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

### Information for Businesses:

- [Information for Communities, Schools, and Businesses](#)
- [Workplaces during the COVID-19 Pandemic](#)
- [Restaurants and Bars during the COVID-19 Pandemic](#)
- [Cleaning and Disinfecting Your Facility](#)
- [Worker Safety and Support](#)

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

## **Information for Travel and Transportation:**

- [Information for Travel](#)
- [Travel in the United States](#)
- [Public Health Considerations for Reopening Mass Transit During the Covid-19 Pandemic](#)
- [COVID-19 Travel Recommendations by Country](#)
- [Travel Restrictions to Prevent the Spread of Disease](#)
- [Airline Guidance](#)
- [Cruise Ship Guidance](#)
- [Cargo Ship Guidance](#)
- [Maritime Resources](#)
- [Returning from International Travel](#)
- [Travelers Returning from Cruise Ship and River Cruise Voyages](#)
- [Travel: Frequently Asked Questions and Answers](#)
- [Travelers Prohibited from Entry to the United States](#)
- [Communication Resources for Travelers](#)
- [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 [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)
  - **May 12**
    - [Finance Advisory: Ginnie Mae Extends PTAP/C19 Assistance to Multifamily MBS Program](#)
    - [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](#)