

Coronavirus *Flash Update*: Thursday, June 18, 2020

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Note: *The Flash update is on a new schedule and will be distributed twice per week, Mondays and Thursdays.*

The Latest News

- **U.S. COVID-19 cases** exceed 2,150,474 and 115,870 U.S. deaths. (Source: CDC) (**Updated 6/18/20**)
- **U.S. stock market:** On Wednesday the major U.S. benchmarks posted mixed results, with the Dow and S&P dropping 170 and 11 points, respectively, while the Nasdaq gained 14 points. (**New**)
- The Federal Reserve Board [announced](#) it will be seeking public feedback on a proposal to expand its Main Street Lending Program to provide **access to credit for nonprofit organizations**. The Main Street Lending Program minimum loan size is \$250,000 while the maximum loan size is \$300 million. Principal payments would be fully deferred for the first two years of the loan, and interest payments would be deferred for one year. (6/16/20) (**New**)
 - Under the proposal, two loan options would be offered. Borrower eligibility requirements for the proposed nonprofit facilities would be modified from the for-profit facilities to reflect the operational and accounting practices of the nonprofit sector and include:
 - Minimum of 50 and maximum of 15,000 employees;
 - Financial thresholds based on operating performance, liquidity, and ability to repay debt;
 - An operational history of at least five years; and

- A limit on endowments of no more than \$3 billion.
 - The deadline for feedback is Monday, June 22 and comments may be submitted [here](#).
- HHS **expects to distribute \$15 billion to eligible Medicaid and CHIP providers** through the Provider Relief Fund (PRF), and it requires an application process. **Join the webcast to learn more about the application process.** Pre-registration is required to reserve a spot on your preferred date. More detail on the Medicaid/CHIP PRF disbursement requirements can be found in the A&B *Flash* HHS CARES Act PRF section: (**New**)
 - [Tuesday, June 23 at 2:00 PM ET](#)
 - [Thursday, June 25 at 2:00 PM ET](#)

COVID-19 Federal & State Legislation

- **Bill 4.0:** Substantive action on the next emergency stimulus bill appears to be taking a back seat to the development of policing reform legislation and efforts to finalize fiscal year 2021 appropriations bills. However, COVID-19 remained a priority for several congressional committees, and hearings this week included a focus on whether to consider retaining the COVID-19 related waivers and pay for telehealth when the public health emergency ends, and the necessity for better COVID-19 data collection and transparency on race and ethnicity. (**New**)
 - For the full details on the HEROES Act, H.R. 6800, which passed the House on May 15:
 - The HEROES Act 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.
- The **Paycheck Protection Flexibility Act, H.R. 7010**, was enacted on June 5. To learn more, see this A&B [Summary of the Paycheck Protection Flexibility Act](#). (6/5/20)
- **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 [Summary and Analysis](#) – **CARES Act PPP & Other Business Funding Sources** (Updated 6/5/20)
 - A&B [Summary](#) – **CARES Act Small Business Provisions**
 - A&B [Summary](#) – **CARES Act Educational Provisions and Appropriations**
 - A&B [Summary](#) – **CARES Act Individual and Business Tax Provisions**
 - A&B [Summary](#) – **CARES Act Unemployment Provisions**
 - A&B [Summary](#) – **CARES Act Labor Provisions**

- A&B [Guide](#) – how the CARES Act refundable Employer Retention tax credit for employers works
 - A&B [Hospital Provisions from all 4 bills tracker](#) (**Updated 6/17/20**)
 - A&B [Provider Relief Fund disbursements tracker](#) (**Updated 6/17/20**)
 - A&B [Summary](#) of **oversight and enforcement** provisions in the CARES Act
- Congress has passed three coronavirus emergency response bills and the first two are below:
 - **Bill 1.0: Coronavirus Preparedness and Response Supplemental (CPPRS)** ([H.R. 6074](#)) passed on March 5
 - **Bill 2.0: Families First Coronavirus Response Act (FFCRA)** ([H.R. 6201](#)) passed on March 18

Transition to “Reopening”

- **State/Other Actions**
 - For the latest information on state reopening decisions, see [A&B 50-State Openings tracker](#) - updated in each A&B Coronavirus Flash. (**Updated 6/15/20**)
 - As businesses in California reopen, A&B shares guidelines for reopening [in this article from The Recorder](#). (6/3/20)
 - Read ["What's In Store: Summer 2020"](#) for a look at **COVID-19 challenges for retailers**, including the transition to reopening, cyber threats, and financial loss. (6/5/20)
- **Administration Actions**
 - The Department of Homeland Security [extends the non-essential travel restrictions between the US and Canada and the US and Mexico](#). (6/16/20) (**New**)
 - The Department of Labor has released [guidance](#), in **16 languages, on the seven steps** to correctly wearing a mask. (6/16/20) (**New**)
 - The Department of Health and Human Services has announced an **initiative to make face coverings available for community-based organizations at no cost**. More information on how to [how to order can be found here](#). (6/16/20) (**New**)
 - The CDC has also provided updated [information](#) for community-based organization on how to resume activities. (**Updated 6/15/20**)
 - The Department of Labor Occupational Safety and Health Administration (OSHA) has [updated its guidance for worker safety during the transition to reopening](#). (6/15/20) (**New**)
 - The Department of Transportation [announced](#) plans to **distribute nearly 100 million cloth facial coverings to aviation, transit, and passenger rail transportation sectors for passenger use**. The airline and public transportation distribution effort will include allocating 86.8 million to airports, and 9.6 million to transit agencies and Amtrak. (6/12/20)
 - 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:
 - [Critical Infrastructure Workers](#) (**Updated 6/18/20**)
 - [How COVID-19 Spreads](#) (**Updated 6/16/20**)
 - [Travelers Prohibited for Entry to the US](#) (6/15/20) (**New**)
 - [Testing in High-Density Critical Infrastructure Workplaces](#) (6/13/20) (**New**)

- [Nursing Home Testing for Residents and Staff](#) (6/13/20) (**New**)
- [Considerations for Events and Gatherings](#) (6/12/20) (**New**)
- [Road Trip Toolkit for Travelers](#) (6/12/20)
- [Agricultural Workers and employers](#) (6/11/20)
- [Aquatic Venues Checklist for Staff](#) and [Safety Poster](#) (6/11/20)
- [Face Cloth information for Consumers](#) (6/10/20)

Department of Health and Human Services

- The **Department of Health and Human Services (HHS)** Coronavirus [toolkit](#) page has been updated. (**Updated 6/17/20**)
- 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 6/15/20**)
- HHS has released a [fact sheet on Operation Warp Speed](#), the initiative to find a COVID-19 vaccine by January 2021. (6/16/20) (**New**)
- The HHS Administration for Community Living (ACL) has [updated its COVID-19 Resources webpage](#). (**Updated 6/16/20**)
- The HHS Office of Biomedical Advanced Research and Development Authority (BARDA) has [announced](#) a partnership with Ortho Clinical Diagnostics to further the development of two automated antibody tests for COVID-19. (6/17/20) (**New**)
- BARDA has [announced](#) a partnership with Immunexpress Inc. to determine the risk of sepsis in COVID-19 in hospital emergency departments or ICUs. (6/16/20) (**New**)
- The National Institutes of Health has [announced it is launching](#) a nationwide analytics platform to **collect COVID-19 patient data for research** to help the speed the development of treatments. (6/15/20) (**New**)
- The HHS Office of Civil Rights (OCR) has [issued guidance](#) on how the HIPAA Privacy Rule **permits covered health care providers to contact their patients who have recovered from COVID-19** to inform them about how they can donate their blood and plasma containing antibodies to help other patients with COVID-19. (6/12/20)

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

- HHS has posted a [resource on Provider Relief Fund disbursements](#) to serve as summary of the key details. (6/18/20) (**New**)
- HHS [announced](#) **three new Provider Relief Fund allotments** completing the initial \$100 billion authorized by the CARES Act. The additional \$75 billion for the Provider Relief Fund authorized by the Paycheck Protection and Healthcare Enhancement Act remains to be distribution and neither the breakdown nor the disbursement formulas are known. (6/9/20) The three new allotments are:
 - \$10 billion for **safety net hospitals** – for purposes of this disbursement, safety net hospitals are defined as those with a Medicare Disproportionate Share Payment percentage of 20.2 % or greater, and an average uncompensated care per bed of \$25,000

or more, and profitability of 3 percent or less as reported to CMS. HHS has [posted the state-by-state breakdown](#). (6/9/20)

- HHS has provided additional detail on the [Safety Net definitions and data source methodology](#). (6/16/20) **(New)**
 - HHS [released additional information](#) on the hospital safety net distribution, clarifying that HHS had extracted information from the CMS Hospital Cost Reports and Provider Specific Files to identify acute care facilities and children’s hospitals that met each of the following criteria, respectively: (6/11/20)
 - **Acute Care Facilities:** A Medicare Disproportionate Patient Percentage of 20.2% or greater; Annual uncompensated care of at least \$25,000 per bed; and Net Operating Margin of 3.0% or less.
 - **Children’s Hospitals:** A Medicare Disproportionate Patient Percentage of 20.2% or greater; Net Operating Margin of 3.0% or less.
 - \$10 billion is a **second round funding for hot spot hospitals**. To determine eligibility for this funding, hospitals had to submit their **information by June 15** through the teletracking portal. On Monday, June 8, HHS sent communications to all hospitals asking them to update information on their COVID-19 positive-inpatient admissions for the period January 1, 2020 through June 10, 2020. This information will be used to determine the second round of funding for COVID-19 hotspot hospitals. (6/9/20)
 - \$15 billion for **Medicaid and Children’s Health Insurance Program (CHIP) providers** that participate in state Medicaid and CHIP programs and have NOT received a payment from the Provider Relief Fund General Allocation. The Provider Relief Fund portal will soon be open to allow eligible Medicaid and CHIP providers to report their annual patient revenue, which will be used as a factor in determining their payment. The payment to each provider will be at least 2 percent of reported gross revenue from patient care. The final amount each provider will receive will be determined after the data is submitted, including information about the number of Medicaid patients providers serve. (6/9/20)
- HHS - the CARES Act Provider Relief Fund (PRF) [webpage](#) and [Portal](#) **(Updated 6/17/20)**
 - HHS expects to distribute \$15 billion to eligible Medicaid and CHIP providers through the Provider Relief Fund. **Join the webcast to learn more about the application process.** Please pre-register to reserve a spot on your preferred date **(New)**:
 - [Tuesday, June 23 at 2:00 PM ET](#)
 - [Thursday, June 25 at 2:00 PM ET](#)
 - And the PRF [FAQs](#) **(Updated 6/16/20)** have been **updated and capture numerous modifications**.
 - The updated FAQs for high impact distribution state that emergency department admissions **and patients admitted for observation should not be included** in the count of COVID-19 positive inpatient admissions.
- The CDC has posted an [updated dataset](#) of **provider recipient specific payment** from the Provider Relief Fund **general distribution high impact targeted allocation and/or rural targeted allocation**. The dataset includes who has attested to receiving one or more payments and agreed to the terms and conditions as of June 10. \$23.605 million has been paid for testing and \$130.030 million has been paid for treatment. (Updated 6/12/20)

- The COVID-19 Provider Relief Fund – the A&B [General Distribution Attestation and Application Process Guide](#) has been updated. (Updated 5/27/20)
- The CARES Provider Relief Fund **hotline** is (866) 569-3522.

Centers for Disease Control and Prevention

- The **Centers for Disease Control and Prevention (CDC)** [COVIDView Weekly Summary](#) is available. (**Updated 6/15/20**)
 - The CDC weekly COVID [forecast](#) . (**Updated 6/17/20**)
 - The CDC [U.S. testing data](#). (**Updated 6/17/20**)
 - The CDC [updated](#) its information on **contact tracing and case investigation**. (**Updated 6/16/20**)
 - The CDC has developed a [laboratory test kit for use in testing patient specimens](#). (6/14/20) (**New**)
- The CDC has updated its [correctional and detention facilities FAQs](#). (6/17/20) (**New**)
- The CDC has [released a new tool](#) called COVIDTracer 1.0 which is a spreadsheet-based tool to allow state and local public health officials compare three different contact tracing/monitoring strategies. (6/16/20) (**New**)
- The CDC has [updated its FAQs for laboratories](#). (**Updated 6/13/20**)
- The CDC has updated its [provider resources for caring for patients](#). (**Updated 6/13/20**)
- The CDC has posted a [PPE Burn Rate Calculator video](#). (6/13/20) (**New**)
- The CDC has developed a [toolkit](#) for public health and animal health officials. (6/13/20) (**New**)
- The CDC is [distributing the diagnostic panel and supplies](#) to registered state and local public health laboratories. (6/13/20) (**New**)
- The CDC has activated its [Rapid Response Team webpage](#) (RRT) and updated its [guidance on RRT composition](#). The RRT are a multidisciplinary public health approach to surveillance, laboratory and health care systems for COVID-19 and other possible public health emergencies. (6/10/20)
- The CDC has released new guidance for:
 - [Postmortem Guidance for COVID-19](#) (6/17/20) (**New**)
 - [Dental Settings](#) (6/17/20) (**New**)
 - [Contact Tracing for Health Departments](#) (**Updated 6/17/20**)
 - [Spanish Version: Implementing Home Care for COVID-19 Patients](#) (6/17/20) (**New**)
 - [Environmental Health Practitioners](#) (**Updated 6/16/20**)
 - [Working with Global Partners on COVID-19](#) (6/16/20) (**New**)
 - [Handlers of Service and Therapy Animals](#) (6/16/20) (**New**)
 - [Investigating COVID-19 cases](#) (**Updated 6/16/20**)
 - [Viral testing, specimen collection, reporting, and antibody testing](#) (**Updated 6/13/20**)
 - [Household Checklist](#) (6/13/20) (**New**)
 - [Veterinarians on Companion Animal Medical Care](#) (6/12/20)

Centers for Medicare & Medicaid Services

- The **Centers for Medicare and Medicaid Services (CMS)** latest [news alerts](#). (**Updated 6/11/20**)

- And for the latest COVID-19 related CMS guidance and FAQs visit the CMS Current Emergencies [webpage](#). (Updated 6/17/20)
- CMS has posted a [Toolkit on State Actions to Mitigate](#) COVID-19 Prevalence in Nursing Homes. (6/17/20) (New)
- CMS has updated its Medicare Fee-for-Service billing [FAQs](#). (6/16/20) (New)
- CMS has updated its [1135 waiver information](#). (6/16/20) (New)
- CMS [released a press statement](#) that seizing nursing home resident federal economic incentive payments is prohibited. (6/11/20)

Food and Drug Administration

- FDA provides a **daily roundup on COVID-19** related actions. The latest [announcements](#). (Updated 6/17/20)
 - FDA updated its [FAQs](#) on Testing for SARS-CoV-2, including posting a list of **antibody tests** that are being **removed** from the “notification list” of tests being offered. (Updated 6/17/20)
 - FDA maintains its COVID-19 [FAQs](#) for the general public. (Updated 6/17/20)
 - FDA [webpage](#) for health professionals. (Updated 6/10/20)
 - The agency also maintains a [public database](#) of drug shortages. (Updated 6/17/20)
 - The FDA has published a new [webpage on COVID-19 Educational Resources](#). (Updated 6/12/20)
- The FDA has revised its [Remdesivir fact sheet](#) for health care providers to warn of potential drug interactions as well as clarifying under what circumstances the unapproved remdesivir is permitted emergency use for COVID-19. (Updated 6/15/20)
- The FDA [issued warning letters](#) to three companies marketing adulterated and misbranded COVID-19 antibody tests. (6/17/20) (New)
- The FDA [announced](#) a new process for facilitating diagnostic testing availability for asymptomatic testing and sample pooling by posting a [molecular diagnostic template](#) for manufacturers and laboratories. (6/17/20) (New)
- The FDA [revoked emergency use authorization](#) for the Chembio Diagnostic System, Inc. antibody test due to performance concerns with test accuracy. (6/17/20) (New)
- The FDA has [revoked](#) the emergency use authorization for hydroxychloroquine and chloroquine after several recent clinical trials could not verify their safe use as treatments for COVID-19. (6/15/20) (New)
- The FDA has [issued an emergency use authorization](#) for Cue Health Inc.’s COVID-19 test. (6/10/20) (New)
- The FDA [issued an FDA Voices](#), titled Rare Disease Therapy Development and Access Remain Top FDA Priorities During COVID-19. (6/11/20)
- The FDA [issued a warning letter](#) to [www.outoftheboxremedies.com](#) for misleading claims related to products for the treatment of COVID-19. (6/11/20)
- The FDA [posted updated FAQs](#) on **hospital beds, stretchers, and mattresses** during COVID-19. (6/10/20)

- The FDA has [released a Spanish translation of FAQs](#) on the EUA for Remdesivir for certain hospitalized COVID-19 patients. (6/1/20)

Department of Homeland Security/FEMA

- The **Department of Homeland Security (DHS)** posts a [weekly update](#) of its response to COVID-19. (**Updated 6/15/20**)
- The DHS, jointly with the Department of Justice, [announced](#) that Migrant Protection Protocol (MPP) hearings would resume on July 17. (6/16/20) (**New**)
- The DHS office of Science and Technology has [launched a tool](#) to calculate the natural decay of SARS-CoV-2 in the air under various environmental conditions. (6/12/20)
- FEMA released an updated [state-by-state PPE data](#). (6/12/20)
- FEMA [released a document](#) on developing mass care and emergency assistance plans for pandemics. (6/12/20)

Department of Justice/Federal Trade Commission/Litigation

- The Federal Trade Commission (FTC) [announced](#) it was releasing state-level information to the public about the COVID-19 **complaints it receives with online shopping problems**, including items not arriving or not arriving when promised and items that are different than advertised, being the most common in many states. The FTC also released the number of complaints related to other types of fraud, Do Not Call, identity theft, and other complaints received. The information is available nationally and by each state on the FTC's interactive [COVID-19 complaint data dashboards](#). Between January 1 and June 8, 2020, the FTC has received more than 91,000 total COVID-19-related complaints with consumers reportedly losing a total of more than \$59.2 million. (6/11/20)

Small Business Administration

- Small Business Administration (SBA) [announced it had reopened](#) the **Economic Injury Disaster Loan** and the Advance Program to small businesses and nonprofits. (6/15/20) (**New**)
- In response to the **CARES Act** requirements, the SBA **Paycheck Protection Program (PPP)** [website](#) has updated its [FAQs](#) for lenders and borrowers. (**Updated 6/16/20**)
 - The SBA, jointly with the Department of Treasury, has [announced](#) a new EZ version loan forgiveness process for the Paycheck Protection Program. (6/17/20) (**New**)
 - The EZ process has [EZ loan forgiveness instructions](#) and new [EZ version loan forgiveness application](#). (6/17/20) (**New**)
 - The SBA has revised its [PPP loan forgiveness instructions](#) and [full loan forgiveness application](#). (6/17/20) (**New**)
 - The SBA, jointly with the Department of Treasury, has [issued new and revised guidance](#) for the Paycheck Protection Program (PPP) which includes the expansion of eligibility for businesses with owners who have past felony convictions (lookback period reduced from 5 years to 1 year to determine eligibility), and it includes changes authorized by the Paycheck Protection Flexibility Act passed by Congress two weeks ago. (6/12/20)

- [Interim Final Rule on Additional Revisions to the First Interim Final Rule for PPP](#) (6/12/20)
- [Interim Final Rule on Revisions to the First Interim Final Rule to PPP](#) (6/11/20)
- [Interim Final Rule on Revisions to the Third and Sixth Interim Final Rules](#) (6/17/20) **(New)**
- [New PPP Lender Application](#) (6/12/20)
- [New PPP Borrower Application](#) (6/12/20)
- SBA PPP [state-by-state data](#) (6/12/20) **(New)**

Department of Treasury/IRS/Federal Reserve

- The Department of Treasury [website](#) for **CARES Act** business assistance programs.
- The Internal Revenue Service (IRS) [announced](#) new rules for health care spending flexibility as authorized under the CARES Act, including expansion of qualified medical expenses, and how telehealth is treated under high deductible spending health plans. (6/17/20) **(New)**
- The recent IRS guidance to expand the medical condition exception, also provides a COVID-19 medical condition travel exception. A&B [translates this IRS guidance](#) to offer a better understanding of the IRS procedures and FAQs covered in the recent information. (6/16/20) **(New)**
- The IRS [alerted nursing homes](#) that Economic Impact payment generally belong to the recipient, not nursing homes or care facilities. (6/16/20) **(New)**
- The Department of Treasury released a [statement](#) on the opening of the lender registration for the Main Street Lending Program. The [full details and portal](#) were posted by the Federal Reserve Bank of Boston. (6/15/20) **(New)**
- The Federal Reserve Board [announced](#) it will be seeking public feedback on a proposal to expand its Main Street Lending Program to provide **access to credit for nonprofit organizations**. (6/15/20) **(New)**
- The Federal Reserve Board [announced](#) it **will resume examination activities for all banks**, after previously announcing a reduced focus on exam activity due to the pandemic. (6/15/20) **(New)**
- The Federal Reserve Board [announced updates to the Secondary Market Corporate Credit Facility](#), which will begin buying a broad portfolio of corporate bonds to support market liquidity and the availability of credit for large employers. (6/15/20) **(New)**
- The Internal Revenue Service (IRS) [announced](#) tax relief for certain taxpayers affected by COVID-19 involved in new markets tax credit transactions. (6/12/20)
- The IRS [announced new guidance](#) for employers whose **employees forgo sick**, vacation or personal leave because of the COVID-19 pandemic. (6/11/20)

Other Agencies

- The U.S. Department of Agriculture [announced](#) the purchase of more than \$2.2 billion of meat, fruits, vegetables, and special crops and dairy products for food and nutrition programs. (6/16/20) **(New)**
- The U.S. Census Bureau has released its [Monthly Retail Trade Report](#). (6/15/20) **(New)**

- The Cybersecurity and Infrastructure Security Agency (CISA) has posted a [COVID-19 disinformation toolkit](#). (6/17/20) (**New**)
- The Department of Defense COVID-19 Joint Acquisition Task Force [announced](#) that its domestic partnership to **ramp up domestic N95 mask production** is expected to exceed 1 billion by 2021. (6/11/20)
 - The Air Force [concluded a mass rapid oral fluid COVID-19 test](#) of roughly 2% or 7800 of Air Force personnel. (6/11/20)
- The U.S. Department of Education has [issued a proposed rule](#) to prohibit COVID-19 related **education aid from going to foreign nationals** and non-citizens. (6/11/20)
- The Environmental Protection Agency [announced](#) it was working with FEMA to transfer an additional **22,000 pieces of excess PPE** to emergency and health professionals. (6/11/20)
- The Federal Communications Commission has [announced](#) another **62 telehealth funding** applications to health care providers totaling \$2.25 million. (6/17/20) (**New**)
- The U.S. Department of Housing and Urban Development (HUD) Federal Housing Administration (FHA) [announced](#) an **additional two month extension of its foreclosure and eviction moratorium** through August 31 for homeowners with FHA-insured Single Family mortgages. (6/17/20) (**New**)
- HUD has [announced the award](#) of nearly \$40 million in **housing counseling grants** to help individuals and families avoid foreclosure. (6/16/20) (**New**)
- The Department of Labor [issued guidance](#) to help states protect against fraud in the unemployment insurance program. (6/16/20) (**New**)
- **U.S. Patent and Trademark Office** [announced](#) that it would **provide expedited processing for patent and trademark applications for qualifying COVID-19 medical goods or services**, namely, pharmaceutical products or medical devices subject to FDA approval and medical services or medical research related to prevention, diagnosis, or treatment of COVID-19. Applicants interested in taking advantage of this expedited procedure must petition the Director of the USPTO for expedited processing, and the USPTO will waive the fee for such a petition. If granted, the application will receive examination that is expedited by “approximately two months.” (6/12/20) (**New**)

Trade and International Business Issues

- The Export-Import Bank of the United States (EXIM) has [revised](#) key features of two short-term export credit insurance products to allow for streamline application during the pandemic. (6/9/20)

Business Insurance Issues Related to COVID-19

- For a **50-state review of business interruption insurance related issues** see this new COVID-19 [Insurance Litigation and Regulatory Issues tracker](#). (Weekly update 6/15/20)
- On June 8, the Illinois Department of Insurance issued [Company Bulletin 2020-15](#) requesting that “**all insurers licensed or authorized to transact insurance business in [Illinois] . . . err on the side of the policyholder when paying claims as a result of riots, civil commotion, or**

vandalism” and “base payouts on business activity levels that eliminate the impact of COVID-19.” The Department further encourages insurers to “err on the side of the policyholder when considering the use of exclusions that may or may not be applicable.”

- On June 4, Hagens Berman Sobol Shapiro LLP filed a putative class action on behalf of its client, American Traders, Inc. d/b/a Ramada Inn Modesto against all Farmers Insurance Group companies seeking declaratory relief, statutory damages, and damages for breach of contract. Plaintiff asserts that defendants denied Plaintiff’s claim for business interruption coverage for losses allegedly resulting from California’s civil authority orders without conducting an investigation “to determine the precise physical loss or damage that resulted from the governmental orders.” Plaintiff further asserts that the risk of loss of income and increased expenses due to governmental action is not limited or excluded in the policy. **Plaintiff seeks to represent a class of California policyholders insured by Defendants with coverage for Business Income, Extended Business Income, Civil Authority, Tips Included, Dependent Property, and/or Extra Expense Coverage.** The case is *American Traders, Inc. d/b/a Ramada Inn Modesto v. Mid-Century Ins. Co., et al.*, No. CV-20-002477 (Stanislaus Cnty. Sup. Ct., Cal.).
- On June 5, Lief Cabraser Heimann & Bernstein, LLP filed a putative class action on behalf of its client, Water Sports Kauai Inc. dba Sand People—a small business retailer selling gifts, furnishings, and jewelry amongst other items—against insurer Fireman’s Fund Insurance Company, et al. **Plaintiff alleges that it was forced by government orders** issued in Hawaii to completely shut down its operations in response to COVID-19. Plaintiff emphasizes its commitment to its employees, noting that despite the shutdown, it has continued paying medical benefits to its employees, and **had anticipated re-hiring employees upon receipt of insurance coverage payments from the Defendants.** However, Plaintiff alleges that, as part of a “premeditated strategy” the Defendant insurers summarily denied Plaintiff’s claim for coverage. Plaintiff seeks to represent both a nationwide class and a Hawaii subclass, and has brought claims for Breach of Contract, Breach of the Covenant of Good Faith and Fair Dealing, Unfair or Deceptive Trade Practices under Hawaii law, and Declaratory Relief. The case is *Water Sports Kauai Inc. v. Fireman’s Fund Ins. Co., et al.*, No. 3:20-cv-03750-JCS (N.D. Cal.)

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](#)
- [Guidance Documents](#)

Information for Businesses:

- [Information for Communities, Schools, and Businesses](#)
- [Workplaces 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](#)
- [General Business Frequently Asked Questions](#)
- [Interim Guidance on Respirator Supply in Non-Healthcare Sectors](#)
- [Information for Small Businesses](#)
- SBA: [COVID-19 Resources](#)
- Treasury: [Assistance for Small Businesses](#)
- DOL: [Guidance for Preparing Workplaces for Coronavirus](#)
- DOL: [COVID-19 and the American Workplace](#)
- DOL: [OSHA Resources for Workers and Employers on COVID-19](#)
- WHO: [Get Your Workplace Ready for COVID-19](#)
- CISA: [Risk Management for COVID-19](#)
- CISA: [Telework Guidance and Resources](#)
- CISA: [Guidance on the Essential Critical Infrastructure Workforce](#)

Information for Travel and Transportation:

- [Information for Travel](#)
- [Travel in the United States](#)
- [Public Health Considerations for Reopening Mass Transit During the Covid-19 Pandemic](#)
- [COVID-19 Travel Recommendations by Country](#)
- [Travel Restrictions to Prevent the Spread of Disease](#)
- [Airline Guidance](#)
- [Cruise Ship Guidance](#)
- [Cargo Ship Guidance](#)
- [Maritime Resources](#)
- [Returning from International Travel](#)
- [Travelers Returning from Cruise Ship and River Cruise Voyages](#)
- [Travel: Frequently Asked Questions and Answers](#)
- [Travelers Prohibited from Entry to the United States](#)
- [Communication Resources for Travelers](#)
- State: [Travel Advisories](#)

- State: [Traveler's Checklist](#)
- State: [Smart Traveler Enrollment Program](#)
- DOT: [FAQs from FTA Grantees Regarding COVID-19](#)
- DOT: [Expanded Emergency Declaration](#)
- FAA: [Guidance for Air Carriers and Crews](#)

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

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

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)
 - **June 5**
 - [Environmental, Land Use & Natural Resources Advisory: President Issues Executive Order on Expediting Infrastructure Investments](#)
 - **June 1**
 - [Federal Tax Advisory: Disaster Losses](#)
 - **May 29**
 - [Environment, Land Use & Natural Resources Advisory: Emergency Rule 9 Amendment Provides Deadlines for Statutes of Limitations](#)
 - **May 22**
 - [A&B Environment and Land Use Briefing: COVID-19 Articles Included](#)
 - **May 21**
 - [Prescribing Paid Sick Leave -- An Important Tool for Primary Care During the Pandemic: JAMA Health Forum](#)
 - **May 18**

- [International Tax Advisory: Proposed Treasury Regulations Clarify UBTI "Silo" Rule](#)
- [Financial Services Litigation / Financial Services & Products Advisory: CFPB Reflects on the Impact of COVID-19 and Provides a Window into Future Enforcement](#)
- **May 15**
 - [A&B Investment Management Updates, including items reflecting the impact of the coronavirus pandemic.](#)
- **May 12**
 - [Finance Advisory: Ginnie Mae Extends PTAP/C19 Assistance to Multifamily MBS Program](#)
 - [A&B Guide to Telehealth Waivers and Regulatory Flexibilities](#)
 - [The Digital Download -- Alston & Bird's Privacy & Data Security Newsletter](#)
- **May 8**
 - [Finance Advisory: ESG During the Coronavirus Crisis -- Should You Care?](#)
 - [Health Care / Privacy & Data Security Advisory: Expansive Interoperability and Data-Sharing Requirements Require Attention Despite Delays in Enforcement](#)
 - [Financial Restructuring & Reorganization Advisory: Delaware Courts Leery of Shareholder Obstruction](#)
- **May 6**
 - [Finance Advisory: Federal Reserve Revises Main Street Lending Program, Adds Third Option](#)
- **May 5**
 - [Finance Advisory: Brexit and Its Potential Impact on Cross-Border Litigation Throughout Europe](#)
 - [Investment Management Advisory: Update on Relief Under the CARES Act for Fund Managers](#)
- **May 4**
 - [Food, Drug & Device/FDA Advisory: Examining the Drug Supply Chain -- How the Public Health Emergency Impacts DSCSA](#)
- **April 30**
 - [College & Universities Advisory: Schools Face Class Action as Parents and Students Sue for Refunds](#)
 - [White Collar Government & Internal Investigations Advisory: New PPP Funding Ups Ante for Compliance Failure--Audits on the Horizon](#)
- **April 29**
 - [Health Care / Health Care Litigation Advisory: COVID-19 A Tipping Point for Telehealth Expansion](#)
- **April 28**
 - [Labor & Employment Advisory: The New Executive Order Suspends Entry of Immigrant Visa Applicants into the U.S. for 60 days](#)
- **April 24**
 - [Commercial Litigation Advisory: COVID-19 Impacts on Statutes of Limitations](#)
- **April 23**

- [International Trade & Regulatory Advisory: FEMA Issues Guidance on Exemptions for Critical PPE Export Restrictions](#)
- **April 22**
 - [Labor & Employment Advisory: Developing a Plan to Bring Your Employees Back to Work](#)
- **April 21**
 - [Financial Advisory: Forbearance Agreements in the age of COVID-19 and National Shelter-in-Place Orders](#)
 - [Antitrust / Mergers & Acquisitions / International Trade & Regulatory Advisory: COVID-19 Affect European Foreign Direct Investment Reviews: New EU Guidance Potentially Heralds Increased Protectionism](#)
- **April 20**
 - [Financial Advisory: FHFA Limits Servicer Advancing Obligations for Loans in COVID-19 Forbearance](#)
- **April 17**
 - ["INSIGHT: Businesses Better Brace for Post-Coronavirus Lawsuits" Bloomberg Law](#)
 - [Antitrust / Labor & Employment Advisory: Federal Antitrust Agencies Remind Businesses That Colluding on Labor Issues Remains Illegal During Pandemic](#)
 - [Labor & Employment / Health Care / Corporate & Finance Advisory: Ramping Up: What Does Restarting Look Like?](#)
- **April 16**
 - [International Tax Advisory: Risky Business - Allocating Losses When Your Supply Chain Is Disrupted](#)
 - [Finance Advisory: Ginnie Mae Expands Pass-Through Assistance Program to Finance Servicing Advances in Response to COVID-19](#)
- **April 15**
 - ["Force Majeure Clauses in the Face of COVID-19: Commercial Leasing Guidance \(CA\)," Lexis Practice Advisor](#)
 - [Federal Tax Advisory: IRS Issues COVID-19 Forbearance Guidance for REMICs and Investment Trusts](#)
- **April 14**
 - [Investment Advisory: Federal Reserve Announces Main Street Lending Program to Provide Liquidity to Small & Mid-Size Businesses](#)
 - [Investment Management Advisory: Relief Under the CARES Act for Fund Managers](#)
- **April 13**
 - ["As Pandemic Triggers Continuity Plans, What RIAs and BDs Should Ask Themselves," Financial Planning](#)
 - [FDA & Environment Advisory: Cleaning Up After COVID-19? What You Need to Know Before You Manufacture, Import, or Sell Sterilizers, Sanitizers, Purifiers, and Disinfectants](#)
 - [Securities Law Advisory: SEC Reminds Companies to Keep Their Disclosures Looking Forward](#)
- **April 10**

- [Securities Law Advisory: ISS Offers COVID-19-Conscious Policy Guidance](#)
- **April 9**
 - [Federal Tax Advisory: IRS Provides Partnerships a Mechanism to Claim Benefit of Retroactive CARES Act Provisions](#)
 - [Financial Services Advisory: Agencies Update Their Interagency Statement on Reporting Loan Modifications](#)
 - [Early Securities Class Actions Highlight COVID-19 Litigation Risk \(Law360\)](#)
 - [FDA Compliance & Enforcement Advisory: FDA Issues New Guidance on Supply-Chain Disruption Notifications During COVID-19 Emergency](#)
 - [Financial Restructuring & Reorganization Advisory: Protecting Recoveries in a Pandemic: What Creditors Can Do Right Now](#)
- **April 7**
 - [Updated FAQs Regarding Paid Leave Obligations Under the Families First Coronavirus Response Act](#)
 - [Cyber Alert: Cybersecurity and COVID-19: Four Categories of Cyber Threats and Practical Tips in Response](#)
- **April 6**
 - [Antitrust Advisory: Production and R&D Joint Ventures in a Pandemic: Reducing Antitrust Risk](#)
 - [Financial Services Advisory: Regulatory Agencies Issue Mortgage Servicing Guidance and FAQs for the CARES Act](#)
 - [White Collar, Government Investigations Advisory: CARES Act Follows Familiar Blueprint for Oversight and Enforcement](#)
- **April 3**
 - [EU State Aid Measures in the Fight Against COVID-19 Pandemic](#)
- **April 2**
 - [USPTO Announces Additional Limited Extensions Due to the COVID-19 Pandemic](#)
 - [Deadline for Reg BI and Form CRS Compliance Remains on Track](#)
 - [What Does the Coronavirus Mean for Companies and Their Critical Offshore Services?](#)
- **April 1**
 - [Federal Tax Advisory: Downward Stock Attribution for CFC Purposes](#)
 - [Hospital EMTALA Obligations Under Recent COVID-19 Waivers](#)
 - [CMS Issues Blanket Waivers from Physician Self-Referral Law Sanctions](#)
- **March 31**
 - [Additional Families First Coronavirus Response Act Paid Leave FAQs for Employers](#)
 - [SEC Extends Timeframe for Regulatory Relief for Investment Advisers and Investment Companies](#)
 - [Responsibility for Construction Site Safety in a Coronavirus World](#)
- **March 30**
 - [Keep Mystery to a Minimum in Your SEC COVID-19 Disclosures](#)
 - [How the CARES Act Will Affect Banking During the Coronavirus Emergency](#)
 - [Economy in Chaos: Is Bankruptcy Inevitable for My Business?](#)

- [CMS Announces Expansion of Medicare's Accelerated and Advance Payment Program](#)
- **March 27**
 - [Utilization of Electronic Signatures and Records: What You Need to Know](#)
 - [SEC Extends Conditional Filing Relief to Companies Affected by COVID-19](#)
 - [COVID-19: What It May Mean for Landlords and Lenders Under Their CRE Facility Agreements](#)
 - [Congress Further Expands Medicare Telehealth Benefits with the CARES Act](#)
- **March 26**
 - [USTR to Consider Additional Tariff Exclusions Due to COVID-19 Pandemic](#)
 - [COVID-19 and Price Gouging](#)
 - [SEC Continues to Keenly Monitor Insider Trading During COVID-19 Pandemic](#)
- **March 25**
 - [Is the COVID-19 Outbreak an "Act of God"? Why It May Matter for Your Contracts](#)
 - [FDA and USDA Food Safety Response to COVID-19 & DHS "Critical Infrastructure" Classification of Food and Agriculture Sector](#)
 - [Does Your Force Majeure Provision Extend to the Coronavirus?](#)
 - [Competition Authorities Across Europe Relax Competition Law Enforcement During COVID-19 Outbreak](#)
 - [COVID-19 Impacts Antitrust Deal Reviews: New Procedures and Delays](#)
- **March 24**
 - [Health Care Providers with Exposure to COVID-19: What You Need to Know](#)
 - [Regulators Further Clarify Guidance Regarding Loan Modifications and Reporting](#)
 - [Avoiding Antitrust Risk as Industries Respond to the Coronavirus: Businesses Look to Collaborate & Federal Government Offers Expedited Avenues](#)
- **March 23**
 - [FDA Continues to Accelerate Availability of COVID-19 Tests](#)
 - [CFTC Issues No-Action Letter Offering Regulatory Relief for CPOs](#)
 - [Building a Case for Force Majeure in Construction Contracts](#)
- **March 20**
 - [Employee Benefits & Executive Compensation Advisory: Coronavirus Impact on Health Benefits: A Deeper Dive](#)
 - [FDA Compliance & Enforcement Advisory: FDA Temporarily Postpones Routine Domestic Inspections](#)
- **March 19**
 - [Antitrust / Mergers & Acquisitions Advisory: COVID-19 Impacts Antitrust Deal Reviews: New Procedures and Delays](#)
 - [Construction Advisory: Five Best Practices for Construction Industry Stakeholders During the Coronavirus Pandemic](#)
 - [Labor & Employment Advisory: Employee Leave Requirements Under the Families First Coronavirus Response Act](#)
 - [Labor & Employment / Health Care Advisory: Coronavirus \(COVID-19\) FAQs for Employers](#)
- **March 18**

- [Cyber Alert: Six Practical Tips for Practicing Cyberhygiene in the Middle of a Global Pandemic](#)
- [Advisory: Are You an "Essential Business" in California Counties Where Shelter-in-Place Order Have Been Issued?](#)
- **March 17**
 - [Finance Advisory: Coronavirus and Securitization: Disclosure and Diligence Issues](#)
- **March 16**
 - [Securities Law Advisory: SEC Provides Guidance on the Possible Impacts of COVID-19 on Annual Meetings](#)
 - [Health Care / Cybersecurity Preparedness & Response Advisory: COVID-19 and HIPAA: Privacy, Security, and Breach Response During a Global Pandemic](#)
- **March 13**
 - [Financial Services & Products Advisory: FINRA Guidance: COVID-19 and Business Continuity Planning](#)
 - [Food, Drug & Device/FDA Advisory: FDA Seeks Help to Solve Personal Protective Equipment Shortages](#)
 - [Securities Litigation Advisory: Securities Litigation Risk Arising Out of the Coronavirus Pandemic](#)
- **March 12**
 - [FDA Compliance & Enforcement Advisory: FDA Postpones Foreign Inspections Through April 2020: Considerations for Industry](#)
- **March 10**
 - [Labor & Employment / Health Care Advisory: Coronavirus, Employers, and Domestic Travel: A Complicated Business Decision](#)
- **March 6**
 - [Securities Law Advisory: SEC Provides Conditional Relief to Companies Affected by COVID-19](#)
- **March 5**
 - [Health Care Advisory: Congress Expands Medicare Telehealth Benefit Amid Coronavirus Concerns](#)
- **February 28**
 - [Labor & Employment / Health Care Advisory: The Coronavirus: Employer and Workplace Considerations](#)