

Coronavirus *Flash Update*: Friday, May 8, 2020

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The Latest News

- **U.S. COVID-19 cases** exceed 1,250,538 and 75,254 U.S. deaths. (Source: CDC) (**Updated 5/8/20**)
- **U.S. stock market:** Thursday ended with the major U.S. benchmarks up for the day, with the Dow rising 211 points, the S&P up 32 points, and the Nasdaq gaining 125 points. (**New**)
- Following yesterday’s release of the weekly **unemployment report** showing that 3.2 million Americans applied for unemployment benefits last week, bringing the seven-week total to over 33.5 million, the Bureau of Labor Statistics announced today that the US unemployment rate rose to 14.7% in April, the highest since the Great Depression. (5/8/20) (**New**)

- The Bureau of Economic Analysis [announced](#) that the good and services deficit was \$44.4 billion in March, up from \$38.9 billion in February. (5/6/20) (**New**)
- The **Small Business Administration** released its latest data on the Paycheck Protection Program [reflecting](#) that the agency had processed 2.5 million applications from 5,425 lenders for loans totaling \$185.4 billion. The average loan size is a little greater than \$74,000. The posted data also shows that 53% of the loan amount has come from banks with more than \$50 billion in assets, 15% from mid-size banks, and 32% from lenders with less than \$10 billion in assets. (5/7/20) (**New**)
- The Urban Institute is [collecting and tracking](#) the impact of the coronavirus on state revenue reflecting the tough budget decisions ahead for state officials. (**New**)

COVID-19 Federal Legislation

- **Bill 4.0:** The House Democratic leadership stated they will be releasing their 4.0 proposal within days and could vote within the next two weeks. Information discussed on Democratic caucus calls this week indicate their priorities will cover a broad range of issues for assistance (**New**):
 - Additional state and local funds, possibly in the range of \$500 billion
 - Student loan relief
 - Child care assistance, especially for essential frontline health care workers and first responders
 - Stimulus for individuals through unemployment extension, worker protections, and increase in the dependent child tax credit
 - Possible expansion of the SBA PPP loan program including extending the repayment period and clarification on loan forgiveness
 - Additional assistance for health care providers, and increase in the Federal Medicaid Assistance Program (FMAP)
 - Tax credit issues could include a retention tax credit and additional support for multiemployer pension plans
 - Extension of eviction and foreclosure bans, and ban on negative credit reporting
 - An emergency rental assistance and homeowner assistance fund
 - Expanding mental health grants
- When released, the House Democratic proposal will more officially open negotiations on 4.0 and these relief package discussions are expected to be more challenging on both content, cost, and timing of the package. (**New**)
- **Bill 3.5: Paycheck Protection Program and Health Care Enhancement Act, (H.R. 266)** 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 5/7/20**)
- A&B [Provider Relief Funds disbursements tracker](#) – (**Updated 5/7/20**)
- 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

COVID-19 State Legislation

- **New legislative resource to track how states** and localities are responding to the COVID-19 pandemic with emergency relief programs for small and medium-sized businesses. Follow our tracker [here](#). (Updated 5/5/20)

Transition to “Reopening”

- **State/Other Actions**
 - For the latest information on state reopening decisions, see the [A&B 50-State Openings Tracker](#) - updated in each A&B Coronavirus Flash Update. (**Updated 5/7/20**)
 - A&B’s Labor & Employment Group identifies issues likely to arise as workers are invited to return to their jobs and that employers may confront in developing return-to-work action plans in this [advisory](#). (4/22/20)
- **Administration Actions**
 - The CDC updated or issued new guidance regarding **reopening and continued mitigation** efforts for individuals, businesses, schools, health departments, and community settings. These individual guidance can be found [here](#). (**Updated 5/7/20**)
 - FEMA released a new [fact sheet](#) on federal support for **expanded national testing capabilities** to support the reopening and testing plans of businesses and other entities. (5/5/20) (**New**)
 - The HHS Administration for Community Living has released [guidance](#) on the phased **reopening of senior nutrition programs**. (5/5/20) (**New**)
 - The Department of Labor is seeking ideas from the public about the **challenges facing businesses in the process of reopening**. A [dialogue page](#) has been created to facilitate this input. (5/1/20)

- The President stated that his **social distancing guidance, which expired on April 30, will not be extended** allowing the guidance to “be fad[ed] out, because now the governors will be doing it.” The President added that the governors would be making the reopening decisions and other guidance about social distancing. (4/30/20)
- FEMA released [guidance](#) for ‘Planning Considerations for Organizations in Reconstituting Operations’ as states begin to unveil reopening plans. (4/30/20)
- The EPA and the CDC jointly provided new re-opening [guidance](#) for **cleaning and disinfecting** public spaces, workplaces, businesses, schools, and homes. (4/29/20)
- The White House released its **COVID-19 testing overview** and [blueprint](#) (4/27/20) as part of its **Opening Up America Again** initiative. The plans describe the partnership necessary between the private sector and the federal and state governments.
- CMS [announced](#) recommendations to **re-open health care facilities to provide non-emergent non-COVID-19 care, including elective surgeries**. The [recommendations](#) state that non-COVID-19 care should be offered as clinically appropriate if the state, locality, or facility has the resources to provide such care **and** the ability to quickly respond to a surge in COVID-19 cases if necessary. (4/19/20)

Environmental Protection Agency

- The **Environmental Protection Agency (EPA)** [announced](#) that it is making \$1 million in grant funding available to states to help local environmental justice communities address COVID-19 concerns faced by low-income and minority communities. (4/30/20)

Federal Communications Commission

- The **Federal Communication Commission (FCC)** issued an [order](#) waiving its requirement that certain broadcast stations engage in broad recruitment outreach for full-time job vacancies if they re-hire employees released due to COVID-19. (5/5/20) (**New**)

Department of Health and Human Services

- The **Department of Health and Human Services (HHS)** Coronavirus [toolkit](#) page has been updated. (**Updated 5/7/20**)
- HHS [announced](#) through HRSA it had awarded \$583 million in grants to community health centers in all 50 states. (5/7/20) (**New**)
- The US Surgeon General [released](#) a new video on telehealth that shares basic information with consumers about telehealth including the privacy protections and Medicare allowance of payments for visits. (5/7/20) (**New**)
- HHS announced the creation of a new [website](#) on community-based testing. (5/7/20) (**New**)
- The HHS Office for Civil Rights [announced](#) that it was issuing [guidance](#) reminding covered health care providers that the HIPAA Privacy Rule requires that they obtain patient consent before media is given access to PHI. (5/5/20)

- HHS has a **tracking feature that allows public viewing of all COVID-19 HHS grant** 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 5/5/20**)
- The HHS Office of Minority Health [announced](#) a competitive **funding opportunity** to invest up to \$40 million for the development and coordination of a strategic network of national, state, territorial, tribal, and local organizations to deliver **COVID-19 information to racial and ethnic minority, rural, and socially vulnerable communities** hardest hit by the pandemic. (5/1/20)
- The Substance Abuse and Mental Health Services Administration (SAMHSA) [announced](#) \$15 million in **supplemental grants awards** for **Tribal COVID-19 behavioral response**. (5/1/20)

Assistant Secretary for Preparedness and Response

- The **Assistant Secretary of Preparedness and Response (ASPR)** has [posted](#) a new telehealth tipsheet that outlines what it is, who is using it, ongoing challenges for telehealth, and trends to watch post-COVID-19. (5/7/20) (**New**)
- **ASPR** Office of Biomedical Advanced Research and Development Agency (BARDA) [announced](#) it was expanding testing capacity by expanding its partnership with Hologic, Inc. for the development of a second high-throughput molecular assay for SARS-CoV-2. Starting later in May, the new test expects to begin producing at least one million Aptima® SARS-CoV-2 assays per week. (5/1/20)

Centers for Disease Control and Prevention

- The **Centers for Disease Control and Prevention (CDC)** [COVIDView Weekly Summary](#) is available. (Updated 5/1/20)
 - The CDC weekly COVID [forecast](#). (**Updated 5/6/20**)
- The CDC updated or issued new guidance regarding reopening and continued mitigation efforts for individuals, businesses, schools, health departments and community settings. These individual guidance can be found [here](#). (**Updated 5/7/20**)
- CDC [guidance](#) on COVID-19 Infrastructure Sector Response planning and infrastructure worker preparedness. (5/7/20) (**New**)
- The CDC provided updated COVID-19 [laboratory reporting data](#) for hospitals. (5/6/20) (**New**)
- CDC guidance on [pets and other animals](#), and [quarantine and isolation](#). (5/6/20) (**New**)
- The CDC has updated its [FAQs](#) on clinical questions about COVID-19. (5/6/20) (**New**)
- The CDC updated their [interim guidelines](#) for specimen collection, handling, and testing from persons for coronavirus disease. (5/5/20) (**New**)
- The CDC updated its [FAQ for businesses and employers](#), including information on suspected or confirmed cases of COVID-19, reducing the spread of COVID-19, cleaning and disinfecting, and critical infrastructure. (5/3/20)
- The CDC updated its interim [guidance](#) on **discontinuation of isolations for persons with COVID-19 outside the healthcare setting**. The CDC also updated its [decision memo](#) on symptom-based strategy to discontinue isolation for persons with COVID-19 (5/3/20)

- The CDC has updated its [webpage](#) on **contact tracing**, including resources from the CDC and other federal agencies and private sector organizations. (5/2/20)
 - The CDC also updated its guidance on [contract tracing](#) and [evaluating and testing persons for COVID-19](#) (Updated 5/4/20).
- The CDC updated guidance or informational documents for [healthcare systems on how to operate effectively during the COVID-19 pandemic](#), [COVID-19 testing and reporting by laboratories](#), [pediatric healthcare providers](#), [dental settings](#), [community and faith-based organizations](#), [veterinarians](#), [environmental health practitioners](#), [health departments on reporting COVID-19 cases](#), and [breastfeeding women](#). (Updated 5/5/20)
- The CDC released [information](#) guidance for public spaces called COVID-19 Considerations for Cleaner Air Shelters and **Cleaner Air Spaces to Protect the Public** from Wildfire Smoke. (5/1/20)

Centers for Medicare & Medicaid Services

- The **Centers for Medicare and Medicaid Services (CMS)** latest [news alerts](#). (**Updated 5/7/20**)
- CMS [issued](#) a memo and FAQs on the new requirements for notification of confirmed and suspected COVID-19 cases among **nursing home residents** and staff. (5/7/20) (**New**)
- CMS [released](#) their Final **Payment Notice for 2021 Coverage Year**. CMS also announced a one week extension of the Qualified Health Plans certification and rate review timelines. (5/7/20) (**New**)
- A&B Health Care Public Policy Practice provides a **detailed [summary](#) of the CMS interim final rule**. The interim final rule is intended to provide additional flexibilities for individuals and entities that provide health care services to Medicare, Medicaid, Basic Health Program, and Exchange beneficiaries to assist in the response to threats associated with COVID-19. Comments are due July 7, 2020. (5/6/20) (**New**)

These regulatory changes impact:

- Coverage and payment rules
 - Hospitals
 - Rural health clinics
 - Physicians
 - Post-acute care providers
 - Durable Medical Equipment
 - Clinical laboratories
 - Medicare Shared Savings Program
 - Health care coverage and insurers
- CMS updated its [COVID-19 FAQs](#) for Medicare Fee-for-Service billing. (5/6/20) (**New**)
 - CMS updated its [FAQ](#) for state **Medicaid and Children's Health Insurance Program (CHIP)** agencies. CMS also issued a separate document only listing the [new FAQs](#). (Updated 5/5/20)
 - A&B's Health Care and Litigation Groups explore how to **take advantage of remote health care** now and prepare for continued telehealth operations after the pandemic ends in this [advisory](#). (4/29/20)

HHS/CMS/HRSA CARES Act Provider Relief Funds

- HHS [announced](#) it was disbursing another \$22 billion in CARES Act **Provider Relief Funds** last Friday for hospitals in “hot spots” or COVID-19 high impact areas (\$12 billion) and for rural providers (\$10 billion). The CMS Provider Relief Fund [webpage](#) has been updated and additional portals opened: (5/2/20)
 - HHS [announced](#) an **extension of the deadline for attestation and acceptance of the terms and conditions** for Provider Relief Fund payments for 45 days. (5/7/20) (**New**)
 - HHS released the terms and conditions for [high impact](#) and [rural provider](#) distributions. The distributions to rural providers began on May 6 and to high impact providers on May 7. (5/7/20) (**New**)
 - HHS [released](#) provider level data for the **general** distribution of the Provider Relief Fund. This **provider specific data** is based on providers who attested as of May 4 and includes 142,419 providers and their cumulative payments. (5/6/20) (**New**)
 - Provider Relief Funds general distribution [FAQs](#) updated. (5/7/20) (**New**)
 - Attestation Portal (<https://covid19.linkhealth.com/#/step/1>) provides the initial steps to be completed for distribution to be followed by requirements in the revenue portion of the portal, which is required for both:
 - Providers eligible for funds which must be applied for; and
 - Providers who received an automatic payment terms and conditions for fund recipients are available [here](#).
 - The [state-by-state congressional district distribution totals](#) for the initial \$30 billion which began on April 10 has been posted. (5/1/20)
 - The CARES Provider Relief hotline is (866) 569-3522. Entities can also try contacting the Provider Hotline at the [applicable MAC](#).
- HHS through the **Health Resources and Services Administration** [began distribution](#) of another \$20 billion from the CARES Act Provider Relief Fund for the care of the uninsured, which augments the \$30 billion which was released in the first tranche from the fund. (4/28/20)
 - HRSA launched the [COVID Uninsured Portal](#) allowing health care providers who have conducted COVID-19 testing or provided treatment for uninsured COVID-19 individuals on or after February 4, 2020 to request claims reimbursement.
 - HRSA released [FAQs](#) with clarifying questions related to eligibility for patients and providers, eligible claims and coding, program administration, and reimbursement/payment. (5/7/20) (**New**)
 - HRSA [posted](#) the FAQs from their webinars on the uninsured program. (5/7/20) (**New**)
- HHS Provider Relief Fund [first disbursements](#) of \$30 billion began on April 10 and the initial information outlined five allocation categories for the **remaining \$70 billion** (the CARES Act authorized \$100 billion – bill 3.5 has authorized an additional \$75 billion).
 - This detailed A&B [Provider Relief Fund disbursements](#) tracker provides a full overview of the \$70 billion disbursement and the previous \$30 billion (Updated 5/3/20).

Food and Drug Administration (Drugs and Devices)

- FDA provides a **daily roundup on COVID-19** related actions. The latest update is [here](#), (**updated 5/6/20**), and here is a listing of [all announcements](#).
 - FDA maintains its COVID-19 [FAQs](#) for the general public. (Updated 5/1/20)
 - The agency also maintains a [public database](#) of drug shortages. (Updated 5/1/20)
- The FDA has posted [FAQs](#) for consumers on Remdesivir and COVID-19. (5/7/20) (**New**)
- The FDA [provided](#) an update on the agency's efforts to combat fraudulent actions by companies and individuals. (5/7/20) (**New**)
- The FDA released new [guidance](#) on reporting and mitigating animal drug shortages during the COVID-19 public health emergency. (5/7/20) (**New**)
- The FDA issued final [guidance](#) on manufacturer notifications to the FDA Center of Devices and Radiological Health of a permanent discontinuance or interruption of manufacturing of a device during the COVID-19 public health emergency. (5/6/20) (**New**)
- The FDA announced a new [webpage](#) on EUA authorized serology test performance. (5/5/20) (**New**)
- The FDA [announced](#) that it was updating its [guidance](#) to **improve antibody testing quality**. The document explains FDA's policy for laboratories and commercial manufacturers to help accelerate the use of tests they develop in order to achieve more rapid and widespread testing capacity in the United States. The FDA also updated its [fact sheet](#) on antibody tests and provided [insight](#) on its revised policy (Updated 5/4/20)
- FDA issued [guidance](#) to clarify the scope of the public health emergency exemption and exclusion under the **Drug Supply Chain Security Act** to help ensure adequate distribution of finished prescription drug products throughout the supply chain to combat COVID-19. (4/30/20)
 - Review this A&B [advisory](#) for more information about the FDA's new guidance. (5/5/20)

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

- Secretary of Agriculture Perdue issued [letters](#) to Governors directing meat processing plants to follow CDC and OSHA guidance on worker safety. (5/6/20) (**New**)

National Institutes of Health

- The National Institutes of Health (NIH) [announced](#) anew research survey to examine the impact of COVID-19 on individuals with rare diseases. (5/7/20) (**New**)

Health Resources and Services Administration

- The **Health Resources and Services Administration (HRSA)** [announced](#) nearly \$583 million in [awards](#) to 1,385 HRSA-funded health centers. (5/7/20) (**New**)
- HRSA provides COVID-19-related FAQs [here](#). (**Updated 5/7/20**)

Department of Homeland Security/FEMA

- The **Department of Homeland Security (DHS)** [issues](#) a weekly roundup of its response to COVID-19. (Updated 5/4/20).
- The DHS Transportation Security Administration [announced](#) new security measures which include requiring its employees to wear masks while at screening checkpoints. **Passengers are already encouraged to wear facial protection** but may be asked to pull down the mask for identification purposes. (5/7/20) (**New**)
- FEMA and HHS jointly released a [video](#) on how the agencies collect critical data, analyze the data, and communicate the findings to appropriately distribute supplies. (5/7/20) (**New**)
- FEMA issued a fact sheet describing the **federal support being provided to expand national testing capabilities**. (5/5/20)
- FEMA [announced](#) \$200 million in supplemental funding under the CARES Act for local jurisdictions to help service organizations that provide critical resources. (5/4/20)
- President Trump signed an [executive order](#) temporarily **“pausing,” for period of 60 days, certain U.S. immigration processes**. The President noted he would revisit the issue after 60 days and depending on the economy may choose to extend the suspension. (4/22/20)
 - Review this A&B [advisory](#) for more information on the order, who it applies to, who is exempted, and what employment-based visas are affected. (4/28/20)
- **FEMA refines scope of medical supply export ban**. The FEMA offered more details on its plans for exemptions to a temporary rule banning some medical supplies from being shipped overseas. In an [April 21 Federal Register notice](#), FEMA codified and tailored the exemptions, which provide a path for some exporters to make sales of medical products not in high demand in the U.S. See A&B advisory about it [here](#). (4/23/20)

Department of Justice/Federal Trade Commission/Litigation

Consumer Protection/Anti-fraud

- On May 7, the Federal Trade Commission (FTC) [sent](#) 45 more letters warning marketers nationwide to **stop making unsubstantiated claims that their products** and therapies can treat or prevent COVID-19. This fourth round of letters targeted “treatments” including Chinese herbal medications, music therapy, homeopathic treatments, and even shields claimed to boost the immune system by protecting the wearer from electromagnetic field. There is currently no scientific evidence that these or any services can treat or cure COVID-19. The letters warn that if marketers refuse to stop making false claims, the FTC may seek an injunction and an order requiring money be refunded to consumers. (**New**)
- The FTC provided [guidance](#) for businesses to **avoid scams** while applying for loans through the SBA’s Paycheck Protection Program (PPP) or Economic Injury Disaster Loans (EIDL) program. FTC advises businesses to get information directly from the SBA’s website (sba.gov/coronavirus) and not apply for a loan before verifying the lender. If businesses identify scams, they are asked to submit a complaint at ftc.gov/complaint. (4/29/20)

Litigation Issues

- The Department of Justice [announced](#) the **first enforcement action regarding alleged PPP fraud**. The DOJ alleged that two defendants falsely claimed to have dozens of employees at several locations to get more than \$500,000 in forgivable loans. (5/5/20)
- **Higher education** protected students' and employees' health by closing their campuses and moving – virtually overnight – to online learning. Now they face **high-risk class actions** from students and their parents. A&B's Colleges & Universities Team provides insight into current litigation in this [advisory](#). (4/30/20)
- In response to COVID-19, individual courts have often made their own rules on how to proceed, and businesses are caught in the gridlock. For a deeper understanding of how individual states are treating statutes of limitations and some key takeaways, read this A&B [advisory](#). (4/24/20)

Department of Labor/OSHA

- **Department of Labor (DOL)** [announced](#) over \$10 million in dislocated workers grant awards. (5/7/20) (**New**)
- **DOL** [announced](#) that states and territories can use Dislocated Worker Grant funding for contact tracing. (5/5/20)
- DOL [announced](#) that it was issuing additional [guidance](#) about the **short-time compensation program** under the CARES Act. (5/4/20)
- DOL [announced](#) that it was issuing additional [guidance](#) to state unemployment insurance programs regarding reporting requirements for administrative grants and sharing commonly asked questions about unemployment insurance. (5/4/20)
- DOL's **Employee Benefits Security Administration (EBSA)** [issued](#) FAQs under the Consolidated Omnibus Budget Reconciliation Act (COBRA) and [revised COBRA model notices](#). Plan administrators can use these model notices to notify plan participants and beneficiaries of their rights under COBRA and qualified beneficiaries of their rights to elect COBRA. (5/1/20)

Small Business Administration

- **Small Business Administration (SBA)** – In response to the **CARES Act** requirements, the SBA formally [launched](#) its **Paycheck Protection Program (PPP)** for small businesses. (4/3/20)
 - The SBA released a [Summary](#) PPP of Round 2 data. (5/7/20) (**New**)
 - The SBA and Treasury **updated their FAQs on the Paycheck Protection Program**. The [FAQs](#) clarify that **employers will not be penalized if they are unable to rehire a worker** despite good faith efforts. (**Updated 5/6/20**)
 - The FAQs also **extend the safe harbor to repay PPP loans** until May 14 and confirms that **foreign affiliate employees** must be counted for size purposes.
 - The SBA [released](#) a list of PPP participating lenders. (5/7/20) (**New**)
 - Review this A&B [advisory](#) for information on relief under the CARES Act for fund managers. (5/5/20)

- The SBA [announced](#) that **agricultural businesses are now eligible for Economic Injury Disaster Loan (EDIL) and EDIL Advance programs** under the Paycheck Protection Program and Healthcare Enforcement Act. (5/4/20)
- The SBA and Treasury [announced](#) making 2.2 million loans in Round 2 of the Paycheck Protection Program totaling more than \$175 billion. Summary information on Round 2 is available [here](#). (5/3/20)
- The SBA and Treasury [announced](#) that they would review all PPP loans over \$2 million, in addition to other loans as appropriate, to ensure that applicants meet eligibility criteria. (4/28/20)
 - A&B's White Collar, Government & Internal Investigations Team summarizes the latest stimulus addition and **emerging enforcement developments** related to the certification, receipt, and use of PPP funds, including for banks processing the related loans, in this [advisory](#). (4/30/20)

Department of Treasury/IRS/Federal Reserve

- The Department of Treasury [website](#) for **CARES Act** programs, including specific sections on assistance for [American workers and families](#), [small businesses](#), [state and local governments](#), and [preserving jobs for American industry](#).
- Treasury Secretary Steven Mnuchin has [communicated to Senator Grassley](#) his decision to revise the employee retention tax credit rules to make the **tax break available to companies who have furloughed workers but are still providing health insurance**. The IRS has updated its [FAQs](#) to reflect the change. (5/7/20) (**New**)
- The Treasury [announced](#) plans to increase the amount of debt the Department will issue in quarterly **refunding auctions to a record high of \$96 billion**. The announcement noted that the "Treasury's borrowing needs have increased substantially as a result of the federal government's response to the COVID-19 outbreak." (5/6/20) (**New**)
- Treasury and the Department of the Interior [announced](#) an agreement to begin making \$4.8 billion in funds available to Tribal governments under the CARES Act. (5/5/20)
- The Federal Reserve [announced](#) that it was [modifying](#) its **liquidity coverage ratio for banks** participating in the Money Market Mutual Fund and Paycheck Protection Program Liquidity Facilities. (5/5/20)
- The Federal Reserve [announced](#) an expansion of the scope and eligibility for the Main Street Lending Program, essentially creating a third option to help credit flow to small and medium-sized businesses. (4/30/20)
 - [FAQs](#) regarding the Main Street Lending Program were released. (4/30/20)
 - For more information on how to chart a course through all three Main Street Lending Program options, read this A&B [advisory](#). (5/6/20) (**New**)
- The **Internal Revenue Service (IRS)** posted several [FAQs on higher education financial aid](#) relief under the CARES to clarify that emergency CARES Act aid is not taxable. (5/7/20) (**New**)
- The IRS [announced](#) three new employer tax credits on employee retention, sick leave, and family leave. (5/7/20) (**New**)
- The IRS provided answers to [common questions](#) on the Economic Impact Payment Program and stated that checks continue to be sent. (4/30/20)

- IRS provided [guidance](#) clarifying that **no deduction is allowed** under the Internal Revenue Code for an expense that is otherwise deductible if the payment of the expense results in forgiveness of a covered **PPP loan**. (4/30/20)

Other Agencies

- The **Department of Commerce** [announced](#) it was **accepting applications for grants** from the Economic Development Administration to help communities prevent, prepare for, and respond to COVID-19. (5/7/20) (**New**)
- The **Cybersecurity and Infrastructure Security Agency (CISA)** and its counterpart in the United Kingdom [warned](#) that they had **exposed malicious cyber campaigns targeting** organizations involved in the COVID-19 response. CISA issued an [advisory](#) for **health care and medical research** organizations recommending staff to change passwords and implement two-factor authentication. (5/5/20)
- The **Federal Housing Finance Agency (FHFA)** [announced](#) that it was **extending loan processing flexibilities for Fannie Mae and Freddie Mac customers** through June 30 to allow alternative appraisals, alternative methods of verifying employment, flexibility for documentation requirements to allow renovation disbursements, and expanding the use of power of attorney and online notarizations. (5/5/20)
- FHFA announced that Fannie Mae and Freddie Mac created **online property lookup tools** to allow renters to see if they live in a property that is covered by the temporary eviction moratorium. (5/4/20)
- The **Department of Housing and Urban Development (HUD)** on May 1 [announced](#) the allocation of \$685 million in funding for public housing authorities to assist low-income Americans living in public housing. (5/1/20)
 - **HUD** also provided COVID-19 [FAQs](#) for Public Housing Agencies. (updated 4/22/20)
- The **US Patent and Trademark Office** announced (4/28/2020) that it would further extend certain [patent](#) and [trademark](#) deadlines to June 1, 2020, given the ongoing effects of the COVID-19 pandemic. These extended deadlines apply to those situations identified in the USPTO's [March 31, 2020, guidance](#), such as responses to Office Actions.
 - For more detail, read Alston & Bird's [advisory](#) explaining how and when to claim these extensions. (4/2/20)
- The **Securities and Exchange Commission (SEC)** [announced](#) that it was issuing a temporary [final rule](#) providing temporary relief to certain companies to meet urgent needs through regulation crowdfunding offerings. (5/4/20)
- The **Department of Transportation (DOT)** [announced](#) exemptions under the CARES Act for [Spirit Airlines](#) and [JetBlue Airlines](#) to stop providing service at certain large hubs and focus city airports. (5/5/20)
- The **Department of Veterans Affairs (VA)** Board of Veterans' Appeals [announced](#) it was expanding access to **virtual hearings** to all veterans awaiting their board hearing. (5/1/20)
- The VA [announced](#) it is participating in **the plasma from COVID-19 patients clinical trials** aimed at finding ways to potentially prevent symptoms of the coronavirus disease. (5/1/20)

- The VA [announced](#) it was providing supplies and **clinical personnel to non-VA facilities** in 38 states to care for COVID-19 patients. (5/1/20)

Trade and International Business Issues

- **ICE Working with Health care, E-Commerce Companies to Fight COVID-19 Scams.** The Homeland Security Investigations unit within ICE is working with multiple health care and e-commerce companies to fight fraudsters that are trying to take advantage of the COVID-19 pandemic, ICE said in a [news release](#). The partnership aims to prevent the sale of counterfeit pharmaceuticals and medical equipment and illicit online sales and trade importation violations of products claiming to be treatment options. **(New)**
- **FDA Withdraws Approvals for Some Chinese Mask Makers.** The Food and Drug Administration took away approvals for more than 60 mask makers in China to export masks similar to N95 into the U.S., according to the *Wall Street Journal*. In a [notice](#) issued May 7, the FDA noted that certain filtering facepiece respirators from China may not provide adequate protection. An [updated list](#) of authorized respirator imports from China now only lists 14 manufacturers. **(New)**
- **China on U.S. tariff threats: A pandemic is not the time for a trade war.** At the [daily press briefing](#) on Wednesday, a Chinese Foreign Ministry spokeswoman responded to President Trump’s threats to again impose tariffs on China —this time claiming Beijing must be punished for its role in the coronavirus outbreak —by saying that new duties on Chinese goods would only harm the U.S. when the two countries should instead be working together. **(New)**
- **Canada, Mexico, China, 39 Other Countries Say Trade Restrictions Should Be Temporary.** Canada, Mexico, China, the United Kingdom, Japan and an assortment of other countries around the world [said](#) the World Trade Organization has an essential role to play in ensuring the continued flow of essential goods—including medical supplies—across borders. The signatory countries “pledge to not impose export restrictions and to refrain from implementing unjustified trade barriers on agricultural and food products in response to the COVID-19 pandemic.” No country in the European Union signed the statement, issued May 5, nor did the U.S. **(New)**
- With everyone focused on COVID-19, this A&B [advisory](#) analyzes the **implications of Brexit on cross-border litigation in Europe**. (5/5/20)

Insurance Issues

- For a **50-state review of business interruption insurance related issues** see this new COVID-19 [Insurance litigation and Regulatory Issues tracker](#). The tracker is updated weekly. (Updated weekly - 5/3/20)
- On April 30, the General Assembly of Pennsylvania proposed [Senate Bill No. 1127](#) “[r]elating to property and business interruption insurance coverage for COVID-19 Pandemic-related Losses.” The Bill is structured differently than [earlier proposals](#) in that rather than simply asserting that policies will be construed to cover COVID-19 business income losses, it instead applies certain “rules of construction” to first-party insurance policy provisions in order to tie common coverage-triggering terms to COVID-19 related executive orders and the presence of the virus in a particular business. For example, the Bill provides that “[i]f a person positively identified as having been infected with COVID-19 has been present in...a building...that area of

business activity shall be deemed to have experienced property damage.” Despite the different approach, the intent behind the bill appears to be the same as for earlier proposals—to retroactively define policy terms to provide for sweeping coverage of COVID-19 related business income losses. **(New)**

- The National Association of Insurance Commissioners has issued a [Business Interruption COVID-19 Data Call Letter](#) to property and casualty insurers indicating that state insurance regulators in 50 states, the District of Columbia, and the U.S. territories “have agreed to participate in a data call to collect data related to business interruption insurance and COVID-19.” Insurers are “requested to complete both parts of the COVID-19 business interruption data call” and to submit a “Premiums Data Template” by May 22, and a “Claims Data Template” by June 15, with mid-monthly update filings thereafter. **(New)**
- S&P Global Ratings has [weighed in](#) on state legislative efforts to retroactively alter insurance policy language to cover business income losses relating to the COVID-19 pandemic. S&P opines that any “such efforts in any state would be largely unsuccessful” and would likely come up against “a host of constitutional and legal challenges.”
- On April 30, the Council of the District of Columbia issued a [Memorandum](#) requesting to place certain measures on the agenda for the May 5th Legislative Meeting, including changes to the law that would impose “new requirements for business interruption insurance to pay for certain business closures during the pandemic.” On May 5, the D.C. Council [reportedly](#) decided not to push the proposal forward.
- The pace of new business income coverage claims flooding state and federal courts nationwide has continued at break-neck pace over the last few weeks. A group of plaintiffs led by celebrity chefs have [reportedly](#) formed a non-profit group—the Business Interruption Group—for the purpose of lobbying for business interruption coverage for COVID-19 losses, and have stated that “[i]f insurers do not start paying . . . we will bring BIG legal action in every state.” And notably, Plaintiffs firm Loeff Cabraser Heimann & Bernstein LLP has joined the fray, [reportedly](#) indicating that they intend to file many lawsuits on behalf of restaurant owners going forward. **(Updated 5/7/20)**
- Other Notable case filings include:
 - On May 5, Plaintiff Royal Palm Optical filed suit in federal court against its insurers, State Farm Mutual Auto Insurance Company and State Farm Florida Insurance alleging claims for both declaratory relief and breach of contract. Plaintiff alleges that its policy’s “Fungi, Virus or Bacteria” exclusion is inapplicable to its claim because its alleged business income losses were caused not by the presence of SARS-CoV-2 on the premises, but instead by the executive orders issued by authorities in Florida. Plaintiff seeks to represent both a nationwide class and a Florida state class. The case is *Royal Palm Optical, Inc. v. State Farm Mut. Auto. Ins. Co.*, 9:20-cv-80749-RS (S.D. Fla.).

For background and the most up-to-date information, please visit the Centers for Disease Control and Prevention Coronavirus Disease 2019 website: [HERE](#).

The additional federal agency links are provided by the White House Coronavirus Task Force:

U.S. Department of Health and Human Services:

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

Centers for Disease Control and Prevention:

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

What you should know:

- [Workplace, School, and Home Guidance](#)
- [People at Risk for Serious Illness from COVID-19](#)
- [How COVID-19 Spreads](#)
- [Symptoms](#)
- [Steps to Prevent Illness](#)
- [Testing](#)
- [Frequently Asked Questions](#)
- [What to Do If You Are Sick with COVID-19](#) (updated 4/28/20)
- [Stigma Related to COVID-19](#)
- [Facts about COVID-19](#)
- [Information for People at Higher Risk and Special Populations](#)
- [Communication Resources](#)

Situation Updates:

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

Information for Businesses:

- [Interim Guidance for Businesses and Employers](#)
- [Information for Communities, Schools, and Businesses](#)
- [Environmental Cleaning and Disinfection Recommendations – Community Facilities](#)
- FEMA: [Coronavirus Response](#)
- SBA: [COVID-19 Resources](#)
- DOL: [Guidance for Preparing Workplaces for Coronavirus](#)
- DOL: [OSHA Resources for Workers and Employers on COVID-19](#)
- WHO: [Get Your Workplace Ready for COVID-19](#)
- CISA: [Risk Management for COVID-19](#)
- EPA: [Disinfectants for Use Against COVID-19](#)
- Federal Reserve: [Coronavirus Disease 2019 \(COVID-19\) Resources](#).

- FDIC: [Coronavirus \(COVID-19\) Information for Bankers and Consumers](#).
- OCC: [COVID-19 \(Coronavirus\)](#).
- Conference of State Bank Supervisors: [Information on COVID-19 Coronavirus](#).
- NYDFS: [Coronavirus: Information for Industry and Regulated Entities](#).
- NMLS: [State Agency Communication/Guidance on Coronavirus/COVID-19](#)

Information for Travel and Transportation:

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

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

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

Information for Law Enforcement:

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

Information for Families and Households:

- [Information on COVID-19 for Pregnant Women and Children](#)
- [Interim Guidance for Household Readiness](#)

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

Information for Schools and Childcare Providers:

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

Information for Community Events and Gatherings:

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

Agency Resources and Information:

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

Alston & Bird Coronavirus Links

- Alston & Bird Coronavirus [Task Force](#) Web page
- To [Subscribe](#) to Alston & Bird Advisories
- For Alston & Bird [COVID-19 Insights and Events](#)
- **Previous Alston & Bird Coronavirus Advisories** (not included in the above)
 - **April 22**
 - [Financial Advisory: FHFA Limits Servicer Advancing Obligations for Loans in COVID-19 Forbearance](#)
 - **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 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](#)