

Coronavirus *Flash Update*: Monday, June 15, 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 2,084,840 and 114,002 U.S. deaths. (Source: CDC) (**Updated 6/15/20**)
- **U.S. stock market:** On Friday, the markets ended up for the day, with the Dow rising 477 points, the S&P 500 up 39 points, and the Nasdaq gaining 96 points. Weekend trading in stock futures were pointing to losses as of Sunday night. (**New**)
- The CDC [data on new COVID-19 cases](#) shows that while new cases have decreased nationwide, cases are on the rise in several states, including Alabama, Arizona, Arkansas, California, Florida, North Carolina, and South Carolina. The Johns Hopkins University of Medicine Coronavirus Resources Center has [state specific graphics](#) tracking the data trends. (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) (**New**)
 - Additional travel related guidance has also been released on road trips, whether for business or personal - [Road Trip Toolkit for Travelers](#) and [Public Health Information for Travelers](#) (6/12/20) (**New**)

COVID-19 Federal & State Legislation

- **Bill 4.0:** The timing of the next emergency stimulus bill remains unclear with both the Administration and members of Congress noting issues which might be important or nonstarters for the next package. Congressional action on Fiscal Year 2021 appropriations has been the short term focus as well as legislation on policing reform and issues related to the civil unrest. To date, the House passed HEROES Act is the only official proposal on the table for Bill 4.0. **(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 6/13/20**)
 - A&B [Provider relief Fund Disbursements tracker](#) (**Updated 6/13/20**)
 - 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 6/11/20**)
 - 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 Labor has released [guidance](#) on **wearing face masks in the workplace**. (6/10/20)
 - [DOL FAQs on wearing face cloths in the workplace](#). 6/12/20) (**New**)
 - FDA has [issued guidance](#) on the use of **hand sanitizers for consumers**. (6/10/20)
 - The FDA has [updated guidance](#) for **import offices and ports of entry** on FDA face coverings policy and signage at FDA spaces. (6/8/20) (**New**)
 - CMS has released a [guide to reopening](#) to provide information for patients and [recommendations on how to reopen safely](#) for **health care facilities** (6/9/20)
 - FEMA jointly released with HHS and CISA an [updated fact sheet](#) on the distribution of **cloth facial coverings to the non-healthcare sector** to assist in the transition to reopening. (6/8/20)
 - The President [announced an executive order](#) to **allow federal agencies to use COVID-19 emergency authority to bypass environmental regulation**, including “provisions of major environmental laws such as the National Environmental Policy Act (NEPA), Endangered Species Act (ESA), and Clean Water Act (CWA) and their implementing regulations.” The order directs the agencies to compile reports to be submitted within 30 days identifying projects these emergency and other authorities may be used for to facilitate economic recovery. (6/4/20)
 - To understand the Executive Order’s impact on infrastructure investments and environmental regulations read this A&B [advisory](#). (6/5/20)
 - 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:
 - [Road Trip Toolkit for Travelers](#) (6/12/20) (**New**)
 - [Agricultural Workers and employers](#) (6/11/20) (**New**)
 - [Aquatic Venues Checklist for Staff](#) and [Safety Poster](#) (6/11/20) (**New**)
 - [Face Cloth information for Consumers](#) (6/10/20)
 - [Guidance for Nail Salon Employees](#) and [Employers](#) (6/9/20)
 - [Public Health Information for Travelers](#) (6/8/20)
 - [Communities exposed to person with known or suspected COVID-19](#) (**Updated 6/5/20**)
 - [Contact Tracing for Reopening](#) (**Updated 6/4/20**)

Department of Health and Human Services

- The **Department of Health and Human Services (HHS)** Coronavirus [toolkit](#) page has been updated. (Updated 6/9/20)
- 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 6/11/20**)
- 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) (**New**)
- HHS Office of Assistant Secretary for Preparedness and Response (ASPR) [released information](#) on hurricane preparedness during COVID-19. (6/11/20) (**New**)
- The HHS Health Resources and Services Administration (HRSA) [awarded](#) \$8 million in grants to 73 organizations to provide **health center COVID-19 training and technical assistance**. (6/11/20) (**New**)
- The HHS Office of Biomedical Advanced Research and Development Authority (BARDA) [announced](#) a partnership with Snapdragon Chemistry, Inc. to develop and demonstrate an innovative continuous **manufacturing platform to produce ribonucleotide triphosphates (NTPs)**, a raw material for COVID-19 vaccines. (6/11/20) (**New**)
- BARDA [announced a partnership](#) with the Sepsis Alliance to provide two high-quality, evidence-based education and training **webinars on sepsis and COVID-19** in order to improve patient outcomes. (6/11/20) (**New**)
- BARDA has [announced](#) a partnership with OraSure Technologies to develop an in vitro diagnostic test for SARS-CoV-2 in oral fluids. (6/10/20)
- The NIH has [launched a project to evaluate drugs prescribed to children](#) with COVID-19. (6/10/20)
- BARDA has [announced](#) a **collaboration with AstraZeneca to development a novel COVID-19 Therapeutic**. (6/9/20)
- The HHS Office of Civil Rights (OCR) has [announced](#) it had reached **Early Case Resolution with the State of Connecticut** after the state issued an executive order regarding non-visitation policies for short-term hospitals and outpatient clinics to ensure that people with disabilities are not denied reasonable access to needed support persons after it agreed to grant a 73-year old woman with aphasia access to support persons to help. **OCR also reached an agreement with Hartford Hospital** with her communication and comprehension in her treatment. (6/9/20)
- HHS released a [fact sheet](#) on the departments steps to address the disparate impact of COVID-19 on Black and other racial or ethnic minorities. (6/8/20)

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

- 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 [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) (**New**)
 - **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 **must submit their information by June 15, 2020** at 9:00 pm ET and to be submitted 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 6/10/20**)
 - And the PRF [FAQs](#) (**Updated 6/10/20**) have been **updated and capture numerous modifications**.
- 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 6/12/20)
 - The CDC weekly COVID [forecast](#). (Updated 6/12/20)
 - The CDC [U.S. testing data](#). (Updated 6/12/20)
 - The CDC [updated](#) its information on **contact tracing and case investigation**. (Updated 6/12/20)
- 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 [updated its information for laboratories](#) and its [FAQs for COVID-19 lab testing](#). (6/10/20)
- The CDC has released new guidance for:
 - [Contact Tracing Resources for States and Localities](#) (Updated 6/12/20)
 - [Veterinarians on Companion Animal Medical Care](#) (6/12/20) (New)
 - [Keeping Dialysis Facilities Safe](#) (6/11/20) (New)
 - [Face Coverings and How They Work](#) (6/11/20) (New)
 - [Youth Camps](#) (Updated 6/10/20)
 - [Breastfeeding and Breast Milk](#) (6/10/20)
 - [Evaluation and Management for Neonates at Risk for COVID-19](#) (6/10/20)
 - [Health Care Provider PPE Guidance when caring for COVID-19 Patients](#) (6/9/20)
 - [Park and Recreational Facilities](#) (6/9/20)
 - [Guide for Case Investigators focusing on Talking with Patients](#) (6/9/20)

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 6/10/20)
- CMS [released a press statement](#) that seizing nursing home resident federal economic incentive payments is prohibited. (6/11/20) (New)
- CMS has [emailed a statement](#) the **delay of the start of the Seriously Ill Population (SIP)** component by three months for Primary Care First (PCF) applications – it will now begin April 1, 2021. (6/11/20) (New)
- CMS [guidance](#) and FAQs for State Survey Agencies and non long-term care providers and suppliers providing care for individuals with disabilities. (6/10/20)

Food and Drug Administration

- FDA provides a **daily roundup on COVID-19** related actions. The latest [announcements](#). (Updated 6/12/20)

- **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 6/12/20**)
- **FDA** maintains its COVID-19 [FAQs](#) for the general public. (**Updated 6/9/20**)
- **FDA** [webpage](#) for health professionals. (**Updated 6/10/20**)
- The agency also maintains a [public database](#) of drug shortages. (**Updated 6/10/20**)
- The FDA has published a new [webpage on COVID-19 Educational Resources](#). (**Updated 6/12/20**)
- The FDA [issued an FDA Voices](#), titled Rare Disease Therapy Development and Access Remain Top FDA Priorities During COVID-19. (6/11/20) (**New**)
- 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) (**New**)
- The FDA has [updated its list of EUAs for medical devices](#). (6/11/20) (**New**)
- The FDA [posted updated FAQs](#) on **hospital beds, stretchers, and mattresses** during COVID-19. (6/10/20) (**New**)
- The FDA [updated product reporting](#) on **compounding drugs from outsourcing facilities**. (6/9/20) (**New**)
- The FDA, jointly with the National Institutes of Health (NIH), has made updates to the [CURE ID crowd-sourcing app](#) to make it easier for health care providers to share their experiences treating COVID-19 patients who are unable to be enrolled in a clinical trial. (6/8/20) (**New**)
- The FDA has [released a Spanish translation of FAQs](#) on the EUA for Remdesivir for certain hospitalized COVID-19 patients. (6/1/20) (**New**)
- The FDA has [approved](#) an abbreviated new drug application for succinylcholine chloride injection. (6/10/20)
- The FDA has [issued a Emergency Use Authorization](#) to Illumina, Inc. for the first COVID-19 diagnostic test utilizing next generation sequence technology. (6/10/20)
- The FFA has [issued guidance](#) on the distribution of drug samples during COVID-19. (6/9/20)
- The FDA has [added the BioMed Innovations SuppleVent Ventilator](#) to the list of authorized ventilators. (6/9/20)
- The FDA [reissued an emergency use authorization](#) revising which **types of respirators can be decontaminated for reuse**. (6/7/20)
 - The FDA has also [announced](#) it has reissued two emergency use authorizations covering imported respirators by tightening other criteria in the Non-NIOSH-Approved Filtering Face piece Respirators Manufactured in China and Imported, Non-NIOSH-Approved Disposable Filtering Face piece Respirators. (6/9/20)

Department of Homeland Security/FEMA

- The **Department of Homeland Security (DHS)** posts a [weekly update](#) of its response to COVID-19. (Updated 6/8/20)
- 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) (**New**)
- FEMA released an updated [state-by-state PPE data](#). (6/12/20) (**New**)

- FEMA [released a document](#) on developing mass care and emergency assistance plans for pandemics. (6/12/20) (**New**)
- FEMA has released [guidance](#) on providing Mass Care during a pandemic. (6/10/20)

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) (**New**)
- The Department of Justice (DOJ) [filed Friend-of-the-Court Brief](#) in support of free speech challenge to California's COVID-19 ban on in-person political protests. (6/10/20) (**New**)

Small Business Administration

- **Small Business Administration (SBA)** – In response to the **CARES Act** requirements, the SBA **Paycheck Protection Program (PPP)** [website](#) has updated its [FAQs](#) for lenders and borrowers. (**Updated 6/12/20**)
 - 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) (**New**)
 - [Interim Final Rule on Additional Revisions to the First Interim Final Rule for PPP](#) (6/12/20) (**New**)
 - [Interim Final Rule on Revisions to the First Interim Final Rule to PPP](#) (6/11/20) (**New**)
 - [New PPP Lender Application](#) (6/12/20) (**New**)
 - [New PPP Borrower Application](#) (6/12/20) (**New**)
 - The SBA, jointly with the Department of Treasury [announced Paycheck Protection Program changes](#) in response to the recent passage of the Paycheck Protection Flexibility Act. (6/9/20)

Department of Treasury/IRS/Federal Reserve

- The Department of Treasury [website](#) for **CARES Act** business assistance programs.
- 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) (**New**)

- The IRS [announced new guidance](#) for employers whose **employees forgo sick**, vacation or personal leave because of the COVID-19 pandemic. (6/11/20) (**New**)
- The Federal Reserve announces [expansion of its Main Street Lending Program](#) and [reaffirms its commitment to provide assistance during the pandemic](#). (6/9/20)
- The Internal Revenue Service (IRS) released a [reminder](#) that the deadline for those who pay estimated taxes has been delayed until July 15. (6/10/20)

Other Agencies

- The U.S. Department of Agriculture has announced an [extension](#) of the waiver allowing flexibility in **child nutrition programs through the summer**. (6/10/20)
- 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) (**New**)
 - The Air Force [concluded a mass rapid oral fluid COVID-19 test](#) of roughly 2% or 7800 of Air Force personnel. (6/11/20) (**New**)
- 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) (**New**)
- 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) (**New**)
- The Federal Communications Commission has [approved](#) another 67 telehealth funding applications to health care providers totaling \$20.18 million. (6/10/20)
- The Department of Housing and Urban Development has [announced](#) the final allocation of **Emergency Solutions Grants** funding to support homeless programs and low-income housing. (6/10/20)
- The Department of Labor has [awarded](#) nearly \$239 million in **Dislocated Worker grants**. (6/9/20)
- The Department of Labor Wage and Hour Division:
 - [announced](#) that a West Point, Georgia company has paid an employee after it was determined the employer wrongly denied emergency paid sick leave related to the coronavirus. (6/9/20)
 - [announced](#) a Maryland electrical contractor **has reinstated an employee after an investigation** found the employer denied paid sick leave under the provisions from the Families First Coronavirus Response Act. (6/9/20)

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

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 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](#)