

## **MELICK & PORTER, LLP COVID-19 MEMO:**

Melick & Porter, LLP provides you with an update regarding the impact of COVID-19 on issues relating to insurance in the United States. The below is not meant to be all-inclusive, but provides an overview as to the trends in the United States. If you have any questions regarding any of the updates below, please do not hesitate to contact us.

### **SUMMARY OF IMPORTANT LEGISLATION AND EMERGENCY ORDERS AND DIRECTIVES:**

Below we provide an overview as to the types of legislative actions that have been occurring, both on a federal and state level:

- In the U.S., [379 million vaccine doses](#) have been administered. In the last week, an average of 721,844 vaccine doses per day were administered.
- [President Biden](#) signed an executive order to provide adequate COVID-19 safety protocols for federal contractors and sub-contractors.
- [President Biden](#) announced all federal employees will be required to get the COVID-19 vaccination.
  - The order comes as part of the administration's [action plan](#) to confront COVID-19 which also includes requiring employees at companies with 100 or more employees to be vaccinated or tested weekly, lays the groundwork for a booster shot campaign, and recommends that large venues require proof of vaccination or a negative COVID-19 test.
- The [Biden administration](#) convened state and local leaders to showcase cities, counties, and states that are protecting tenants and rapidly delivering assistance to stop evictions.
- A series of [studies](#) have found that some people amount an extraordinarily powerful immune system response against COVID-19. Their bodies produce high levels of antibodies and also make antibodies with great flexibility – likely capable of fighting off the variants currently circulating.
- [Los Angeles](#) will require all students aged 12 and up to be vaccinated against COVID-19 to attend in-person classes in the nation's second largest school district.
- An [Ohio judge](#) reversed an earlier emergency order that required a hospital to administer ivermectin to a COVID-19 patient against the hospital's wishes.
  - The judge ruled that after considering all of the evidence presented, there can be no doubt that the medical and scientific community do not support the use of ivermectin as a treatment for COVID-19.

- Federal agencies and medical associations have cautioned against the use of ivermectin to treat COVID-19 as there is little evidence it is effective.
- [Moderna](#) announced it is developing a single vaccine that combines a booster dose against COVID-19 with its experimental flu shot.
- The [FDA](#) declined Humanigen’s request for emergency use authorization of its lenzilumab drug to treat newly hospitalized COVID-19 patients.
  - The FDA stated that it was unable to conclude that the known and potential benefits of lenzilumab outweigh the known and potential risks of its use as a treatment of COVID-19.
- The [National Institute of Health](#) awarded one-year supplemental grants totaling \$1.67 million to five institutions to explore potential links between COVID-19 vaccination and menstrual changes.
  - The supplemental grants are funded by NIH’s Eunice Kennedy Shriver National Institute of Child Health and Human Development and the NIH Office of Research on Women’s Health.
- A new [study](#) from [The American Academy of Physical Medicine and Rehabilitation](#), using data from Johns Hopkins University as well as U.S. Census data, found roughly 30% of surviving COVID-19 cases result in Post-Acute Sequelae of Sars-CoV-2 infection, otherwise known as “Long COVID.”
  - Symptoms of Long COVID include cognitive impairment, chest pain, palpitations, shortness of breath, fatigue, and joint pain.
- Effective May 29, 2021, [Massachusetts](#) lifted all COVID-19 industry restrictions. Face coverings are still required while using public and private transportation as well as in facilities housing vulnerable populations.
  - [Boston’s](#) mask mandate for indoor public settings took effect on August 27, 2021.
  - The new mandate does include exemptions for places of worship including churches, temples, and synagogues, though acting Mayor Kim Janey’s administration strongly urges faith communities to wear masks indoors.
- [New Hampshire](#) released Universal Best Practices which replaced all existing “Safer at Home 2.0” business operations guidance put in place in March 2020.
  - [Governor Chris Sununu](#) closed both the State Emergency Operations Center and Joint Information Center on June 30, 2021. Ongoing pandemic operations transitioned to the New Hampshire Department of Health and Human Services.

- [Maine](#) lifted all capacity limits and physical distancing requirements in outdoor and indoor settings, individuals who are not vaccinated are urged to continue wearing face masks.
  - [Governor Janet Mills](#) ended Maine’s State of Civil Emergency on June 30, 2021. The face covering requirement for indoor prek-12 schools and child care facilities also ended on June 30, 2021.
  - The [Mills administration](#) announced that the state of Maine will follow CDC updated face covering guidelines. York and Piscataquis counties have “substantial” levels of community transmission at this time.
  - The [Mills administration](#) announced that it will begin enforcement of its COVID-19 vaccination requirement for health care workers on October 29, 2021, providing an additional month for healthcare workers to complete their vaccination protocol.
- As of May 19, 2021, all [Connecticut](#) business sector rules enacted to prevent the spread of COVID-19 have been lifted with the exception of certain mask requirements.
  - Effective August 5, 2021, Connecticut municipal leaders have the option of requiring masks to be worn in indoor public places within their respective towns and cities, regardless of vaccination status.

**INSURANCE AND COVERAGE RELATED NEWS AND ORDERS/LEGISLATION:**

Below we provide an update as to regulations, news, and litigation specifically related to insurance and potential coverage.

- According to a survey by [Willis Towers Watson](#) (WTW), by the fourth quarter of this year, more than half of employers could have on or more vaccine mandate requirements in the workplace.
  - The mandates range from necessitating vaccination for employees to access common areas to making vaccinations obligatory for a subset of employees, to requiring vaccinations for all employees.

**BUSINESS AND COMMERCE NEWS AND LEGISLATION RELATED TO COVID-19:**

Below we discuss news regarding the economic impact of COVID-19 and measures being taken to address that.

- The [SBA](#) announced major enhancements to the COVID Economic Injury Disaster Loan (EIDL) program, a federal disaster relief loan designed to better serve and support small business communities still reeling from the pandemic, especially hard-hit sectors such as restaurants, gyms, and hotels.

- The [SBA](#) announced the co-sponsors for National Small Business Week. This year's Gold co-sponsor is Visa U.S.A Inc.
- The [IRS](#) reminded individuals that September 15, 2021 is the deadline for third quarter estimated tax payments. This generally applies to people who are self-employed and some investors, retirees, and those who may not normally have taxes withheld from their paycheck by employers.
- The [Treasury Department and the IRS](#) issued Notice 2021-53 which provides guidance to employers about reporting on Form W-2 the amount of qualified sick and family leave wages paid to employees for taken in 2021.
- Massachusetts opened all industries with no restrictions on May 29, 2021. Learn more about reopening Massachusetts here: <https://www.mass.gov/info-details/reopening-massachusetts>

### **LITIGATION/CIVIL JUSTICE SYSTEM UPDATES AND ORDERS:**

Below we, highlight additional judicial orders and trends related to the COVID-19 pandemic.

- As of May 18, 2021, All [New Hampshire](#) courts clerks' offices in all courts and committees' offices are open to the public. Face coverings are not required; though unvaccinated individuals are urged to wear a mask.
- Beginning June 1, 2021, the [Connecticut](#) Judicial Branch resumed summoning jurors to courthouses throughout the state to restart the jury trial process. No person is permitted to enter a Judicial Branch courthouse or facility without a face covering. All Judicial Branch Law Libraries reopened to patrons on June 16, 2021.
- Effective August 16, 2021, members of the public, regardless of vaccination status, must wear an approved face mask while inside a [Maine](#) courthouse or other Judicial Branch facility.
- Effective July 12, 2021, [Massachusetts](#) lifted all capacity limits and restrictions on jury trials. On July 1, 2021, the Supreme Judicial Court passed two orders that rolled back or amended COVID-19 era policies. All participants, regardless of vaccination status, will be required to wear a mask and some proceedings will continue to take place remotely.
- State Guidance on Foreclosure proceedings:
  - Connecticut - <https://portal.ct.gov/-/media/Office-of-the-Governor/Executive-Orders/Lamont-Executive-Orders/Executive-Order-No-10A.pdf>
  - Rhode Island  
<https://www.courts.ri.gov/Courts/SupremeCourt/SupremeExecOrders/20-12.pdf>

- Massachusetts - [COVID-19 Eviction Information / Reliance on CDC Federal Moratorium through 06.30.2021](#)
- New Hampshire - <https://courts-state-nh-us.libguides.com/evictions>