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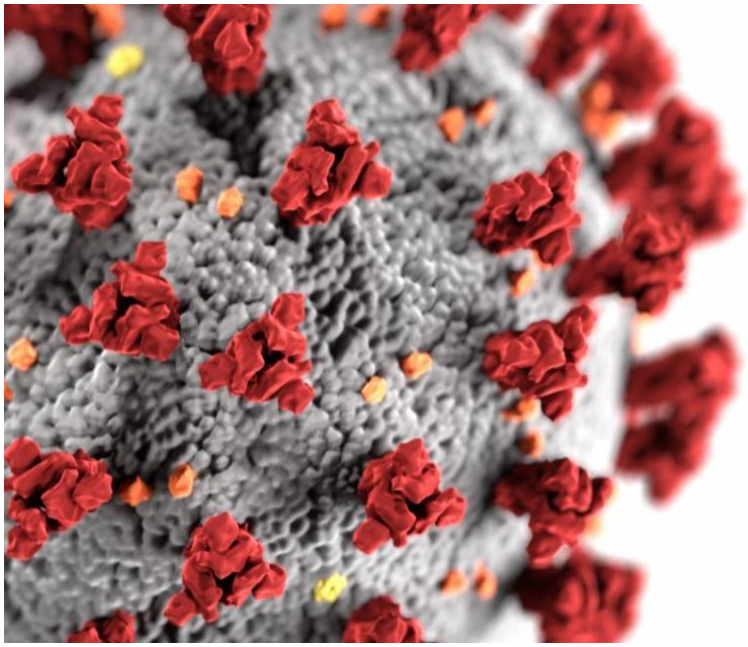

Coverage of State Actions Surrounding COVID-19

February 5, 2021

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Governor's Briefings and Announcements

During the Governor's most recent **briefing**, he provided an update on statewide COVID-19 data and activity as of 2/4/2021. The overall statewide positivity rate is 4.31%, and statewide hospitalizations decreased by 30, for a total of 7,937. ICU admissions associated with COVID-19 total 1,516, of which 1,000 are intubated. The Governor also confirmed that, on the previous day, 153 New Yorkers have passed away as a result of COVID-19.

Governor Cuomo along with New Jersey Governor, Phil Murphy, spoke in support of federal actions toward providing state and local aid. The **federal legislation** proposed by President Biden includes $350 billion in aid for state and local governments, with an allocation plan yet to be determined.

Long Island and the Mid-Hudson regions continue to present the highest positivity rates out of the ten regions, with 5.56%, and 5.54% respectively, while the Bronx presents a COVID positivity rate of 6.67%, which is a slight increase from the last briefing data. The State's positivity rate based on a 7-day rolling average is at 4.67%, and is the lowest rate since November 38, 2020.

A total of 2.2 million doses of COVID-19 vaccines have been administered across the State, of which 1.7 million were first doses and almost 0.5 million second doses. Overall, 99% of first dose vaccines deliver to NY through Week 7 have been administered. The focus on vaccinating hospital staff continues to be a priority under Phase 1A, with the vaccination rate of hospital workers currently at 75%, which happens to be up from 63% in late January. However, after one more additional week for hospitals to focus on vaccinating staff, the Governor stated that this allocation of vaccine will be shifted to individuals with comorbidities, and is to be administered through local health departments. The State has established a list of the following medical conditions which qualify an adult of any age to receive the COVID-19 vaccine beginning on February 15, 2021:

- Cancer (current or in remission, including 9/11-related cancers)
- Chronic kidney disease
- Pulmonary Disease, including but not limited to, COPD (chronic obstructive pulmonary disease), asthma (moderate-to-severe), pulmonary fibrosis, cystic fibrosis, and 9/11 related pulmonary diseases
- Intellectual and Developmental Disabilities including Down Syndrome

- Heart conditions, including but not limited to heart failure, coronary artery disease, cardiomyopathies, or hypertension (high blood pressure)
- Immunocompromised state (weakened immune system) including but not limited to solid organ transplant or from blood or bone marrow transplant, immune deficiencies, HIV, use of corticosteroids, use of other immune weakening medicines, or other causes
- Severe Obesity (BMI 40 kg/m2), Obesity (body mass index [BMI] of 30 kg/m2 or higher but < 40 kg/m2)
- Pregnancy
- Sickle cell disease or Thalassemia
- Type 1 or 2 diabetes mellitus
- Cerebrovascular disease (affects blood vessels and blood supply to the brain)
- Neurologic conditions including but not limited to Alzheimer's Disease or dementia
- Liver disease

NOTE - This list is subject to change as additional scientific evidence is published and as New York State obtains and analyzes additional state-specific data.

The Governor affirmed that both the CDC and the FDA have not yet recommended the use of second doses as additional first dose supply, though if approved in the future the Governor stated that New York will be ready to do so. Also in regards to vaccine supply, Johnson & Johnson ("J&J") has submitted an application seeking approval for an Emergency Use Authorization (EUA) for their version of the COVID-19 vaccine. The J&J vaccine requires reduced storage and handling procedures compared to current vaccines, and is also a single dose vaccine. The CDC is expected to review the application over the next weeks before making a decision of approval.

The mass vaccination site located at the NY Yankees' Stadium opened today to service eligible Bronx residents. The Governor shared data showing evidence of a "hesitancy" to accept the vaccine among some ethnic communities, specifically among African American and Hispanic communities. The State's special efforts will continue to focus on overcoming the two major challenges of access to, and acceptance of, the COVID-19 vaccine within these communities.

Post Long Term Care Federal Program

The DOH has informed nursing home administrators **(DAL NH 21-04)** of plans to enact programs and/or regulation in the near future to help reinforce vaccine access for residents and staff of nursing homes throughout New York beyond the completion of the federal **Pharmacy Partnership for Long-Term**

Care Program. The DOH intends to gain real-time data from nursing homes through the daily HERDS survey, as well as use of a supplemental survey, to properly assess each nursing home's ability to administer the vaccine through in-house clinical staff or a third party clinical partner.

It is the Department's objective to ensure every Skilled Nursing Facility licensed by NYS DOH has a clinical partner or the clinical capabilities to provide vaccinations for residents and staff on an ongoing basis as new residents/staff are admitted/hired or become eligible or accepting of the vaccine.

COVID-19 Healthcare Provider Compilation - Updated

The DOH has posted a consolidated reference document which includes hyperlinks to important guidance that has been issued by the Department relating to the COVID-19 pandemic response. This **COVID-19 Healthcare Provider Compilation** document is updated as of February 4, 2021 at 9:00 a.m. Additional COVID-19 resources for providers can be found on the NYSDOH **Information for Healthcare Providers** webpage.

Five Additional Awards to NY Companies for Needed Medical Supplies

New York State **recently announced** that four additional New York companies and one company that has previously received state support will be awarded nearly $2 million in state support to produce needed supplies to help combat the COVID-19 pandemic. The following NY companies will be awarded funding to support increased medical supplies for purchase across the State.

- 1 Atelier - $500,000 award – This New York City based company has committed to producing an initial run of 250,000 N95 respirators.
- Aero Healthcare US LLC - $800,000 – This global healthcare supply manufacturer and distributor will expand manufacturing of hand sanitizer and bottles and pumps for its use. Expansions will include the company's Rockland County facility.
- ARX Sciences- $200,000 – This biochemical manufacturer will begin manufacturing viral transport mediums, or VTMs in their Western New York facility.
- Borden Manufacturing - $46,000 – This manufacturer will produce Level 1 disposable hospital gowns and disposable masks out of the New York City area.

- Genesis Disposables LLC - $400,000 (second grant) – This second investment will help Genesis to expand production of Level 1 and Level 2 isolation gowns out of the Mohawk Valley area.

NYSED FAQs Re: Cancellation of January 2021 HS Regents Exams

On November 5, 2021 the NYS Board of Regents in collaboration with the NYS Education Department issued **announced** the cancellation of the January 2021 High School Regents Examination Program. Since then, NYSED has provided updates to the related frequently asked questions (FAQs) document which can be found **here**.

CMS Toolkit for States to Mitigate COVID-19 in Nursing Homes

The Centers for Medicare & Medicaid Services (CMS) has recently provided updates to its **Toolkit for States to Mitigate COVID-19 in Nursing Homes**. This document is a compilation of actions employed by organizations, including state governments, in the U.S. and outlying territories to assist nursing homes in meeting the needs of their residents since the onset of the COVID-19 pandemic.

Updated Links and Resources

Hinman Straub Resources:

- **COVID-19 Executive Orders Reference Table**
- **COVID-19 Vaccine Status: 1.14 - 1.22 Update**

New York Forward:

- **Cluster Action Initiative**
- **Cluster Zones Maps**
- **COVID-19 Hot Spot Zones by Address**

Department of Health:

- **"Am I Eligible?" - Application**
- **COVID-19 Vaccine**
- **COVID-19 Vaccine Tracker**
- **COVID-19 – Phased Distribution of the Vaccine**
- **COVID-19 Vaccine Information for Providers**
- **Information for Healthcare Providers**
- **COVID-19 Travel Advisory**

State Education Department

- **Coronavirus (COVID-19)**
- **Guidance for P-12 Schools**

"Plugged In To COVID-19" is prepared by Hinman Straub P.C. and is intended to keep our clients informed about news surrounding the COVID-19 public health emergency and State issued guidance and regulatory developments that may affect or otherwise be of interest to them. The comments contained herein do not constitute legal opinion and should not be regarded as a substitute for legal advice. If you prefer not to receive these updates, please alert us so we may remove you from our distribution list.

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