

Weekly COVID-19 Update From EKA – October 28, 2020

Nine Months of Coronavirus

The [Safer at Home](#) order has been in place in Los Angeles since March 19. COVID-19 has infected over 300,000 LA County residents and killed more than 7,000. The worldwide outbreak of the coronavirus currently is more than 43.5 million confirmed cases across more than 180 countries. The US has more than 8.7 million confirmed cases of the COVID-19 and more than 225,735 people in the US have died from the virus. Click [here](#) to track the COVID-19 outbreaks across the United States with daily updated maps, total cases and deaths.

Previous EKA COVID-19 updates

Our previous COVID-19 updates can be found [here](#). Feel free to share our updates with friends and colleagues. We hope you find the information in the EKA updates and the questions they raise to be informative. If you have any COVID-19 government or communications questions, please reach out to any EKA team members.

Emmy-Award Winning Veteran Journalist Jeff Michael joins EKA

Veteran Los Angeles television journalist Jeff Michael has joined strategic communications firm EKA as a Joint Venture Partner. Michael brings his more than 35 years of news reporting, anchoring and producing to EKA, adding his expertise to the firm's media relations, litigation support, crisis communications and political campaign management capabilities. To read the full release, click [here](#).

OPENING & CLOSING

LA County To Ease Rules

Los Angeles County public health officials have eased the rules requiring customers at outdoor breweries and wineries to make reservations 24 hours in advance. The health order also removes the rule that wineries need to serve food in order to open outdoors, a rule that was put in place in early October by the County but not required by the state. The reservation rule, despite being an attempt to help breweries and wineries that don't normally serve food to open outdoors, actually made it difficult to draw customers — so many simply chose not to open. The revised County Health Officer Order (HOO): "[Reopening Safer at Work and in the Community for Control of COVID-19: Blueprint for a Safer Economy- Tier 1,](#)" dated October 23, 2020." The order was also revised to:

- permit batting cages, miniature golf, and go-cart racing for outside services;
- permit personal care establishments to offer services indoors with modifications;
- clarify permitted food services at indoor malls and shopping centers;
- increase the percentage of students with IEPs and ELs and other high-need students allowed at any one time on a K-12 campus from 10% to 25%; and
- permit schools to reopen TK-2nd grades for classroom instruction only with a waiver application approved by Public Health.

This HOO as well as other pertinent information can be found on [the LA County COVID-19 website](#).

Private Schools In LA County Granted Waivers To Reopen

Four private schools in Los Angeles County can start welcoming students in transitional kindergarten through the second grade back to campus. The [list](#), made public marks the first time area schools have been given the go-ahead to reopen for its youngest students under a waiver program the County approved late last month. The schools that have been granted the waivers are Holy Angels School in Arcadia, Kadima Day School in West Hills, Los Encinos School in Encino and Rabbi Jacob Pressman Academy of Temple Beth Ann in Los Angeles. The County is only granting up to 30 waivers per week, with priority given to schools that serve more low-income students. The waivers are to be distributed equally between the five districts that make up the County. LA County Supervisor Sheila Kuehl, who represents District 3 where three of the four approved schools are located, noted in a statement that all of the approved schools are independent schools, "as are many of the schools that have applied" for waivers.

Public Health's Compliance Teams

This last week, Public Health observed many instances of customers at restaurants not following the required infection control protocols while watching sporting events such as the World Series on television. Public Health urges restaurants, breweries, and wineries that show sporting events on televisions to strictly adhere to public health protocols and directives to prevent increases of COVID-19. This includes not allowing customers to congregate in any areas or around televisions, ensuring guests are seated at a table, and keeping at least six feet of physical distance between tables. Employees should always be wearing appropriate face coverings, and customers should use a face covering when they are not eating or drinking. Public Health's compliance teams visit businesses across the County every day. Inspectors review public health protocols with business owners, identify deficiencies, and issue citations and fines for those out of compliance. From October 12 through October 18, a total of 48 [citations](#) were issued to businesses including restaurants, hotels, gyms, and places of worship for noncompliance with Health Officer Orders. Since the end of August, a total of 194 citations have been issued. The [COVID-19 Safety Compliance Certification Program](#) continues to be available for business owners and employees in Los Angeles County. The program allows employers and employees to learn about COVID-19 infection control protocols and to self-certify that they are fully implementing the protocols. To date, 3,488 employers and 3,685 employees have completed the training.

LOS ANGELES COUNTY

COVID-19 Recovery Charge as an Economic Tool for Restaurants, Breweries and Wineries

A Motion by Supervisor Solis was passed that instructs the Acting Director of Consumer and Business Affairs to report back to the Board prior to the November 24, 2020 Board meeting with draft ordinance language to allow food establishments, breweries and wineries to temporarily charge a "COVID-19 Recovery Charge" within the unincorporated areas of the County, the draft ordinance and report back, at a minimum, should investigate the following:

- A fee, and any cap on the fee, that would only apply to on-premises dining and drinking, the fee shall not apply to take-out or delivery orders;
- Disclosures to the customer that clearly identifies surcharge labeled "COVID-19 Recovery Charge" on the bill and clearly note and enumerate the use of such service charge on the menu and in an accessible conspicuous place, such as the counter, in English or in the same language used in the document upon which the surcharge is disclosed;
- The disclosure to the customer must clearly state that the "COVID-19 Recovery Charge" is a surcharge and not a substitute for tax, gratuity or tip to the employees, and whether such a charge must be imposed on the pre-tax amount of a bill;
- Include a sunset day of 90 days after full indoor dining is once again permitted;
- Food establishments, breweries and wineries allowed under County ordinance to impose the COVID-19 Recovery Charge must neither be a part of a chain nor franchise with more than five locations doing business under that name, regardless of the type of ownership of the locations; and
- Considerations for compliance and enforcement including, but not limited to, outreach and technical assistance, record keeping and the imposition of any penalties for violations of the ordinance.

LA County Will Issue Citations

Organizers of a family fair held at a Walnut church against the orders of county health officials will be issued citations, as will the church itself. Hundreds of people attended On a Mission Church's Walnut Family Fair 2020 with a petting zoo, a blessing of the animals, a puppet show, food and other entertainment.

CITY OF LOS ANGELES

LA City Council Considers Making AI Fresco Dining Program Permanent

The Los Angeles City Council's Transportation Committee voted in favor of having a report created on the possibility of making permanent the AI Fresco program, which enables restaurants to provide unconventional outdoor dining amid the COVID-19 pandemic. The motion instructs city departments to report back on a potential program structure and any safety and infrastructure requirements necessary for implementation. The AI Fresco program was launched on May 29 and streamlines requirements and approvals across multiple city departments for outdoor dining on sidewalks, parking lots and streets. In its most recent phase, the program dedicates 55 percent of resources to businesses owned by Black, Indigenous, and people of color or businesses in areas that have experienced disproportionate job loss due to COVID-19. Eligible applicants can receive immediate approval for sidewalks and private property use.

LA County, City Advancing Plans For Coronavirus Rapid Testing Program

Two months after Los Angeles Mayor Eric Garcetti announced a coordinated effort to establish wide-scale use of rapid, at-home COVID-19 tests, City and county officials announced a rapid antigen testing pilot program. Antigens are toxins within the body, and the tests will try to

identify someone's health irregularities before they are further along in their symptoms. Test results are delivered within minutes instead of days or hours. The first phase will be completed in the next two weeks. The second phase will provide antigen tests to the City and County's COVID-19 testing sites and will be distributed to schools once they're allowed to reopen. The second phase will likely last a few months. Antigen tests administered through the pilot program are a nasal swab, but they don't need to be inserted as far up someone's orifices as the earlier COVID-19 tests, making it a more comfortable method.

ORANGE COUNTY

Red Tier

Orange County [remains in the red tier](#) after posting a case rate of 5.1 in the past week, up from 4.6 the prior week. The County has been in the red tier since September 8 after being unable to meet the orange tier's requirements of having fewer than four average daily cases per 100,000 residents. Its testing positivity rate of 3.2% remains within orange tier requirements, but the County's health equity positivity rate rose to 6% from 5.6% last week. It needs a testing rate of less than 5.2% to advance into the next tier. Orange County is expected to remain in the red tier for at least another two weeks, as the region struggles to reduce its case rate to less than 4.

SACRAMENTO

California won't allow virus vaccines without state approval

California won't allow any distribution of coronavirus vaccines in the state until it is reviewed by the state's own panel of experts. Vaccinations for the pandemic "will move at the speed of trust," said Governor Newsom. Newsom said he named 11 doctors and scientists to review any vaccines rollout by the federal government or vaccine developers. The board members hail from top California universities and medical providers, along with state and local public health officials. The pledge raises the possibility that California residents might not receive a vaccine as distribution begins in other states, though the governor said widespread vaccinations are unrealistic until sometime next year. While there is always a risk that the vaccine could be delayed only in California, Dr. Jeffrey Klausner, a professor of epidemiology at the UCLA Fielding School of Public Health, said [Newsom named a renowned group](#) that should be able to quickly make credible decisions.

State to allow visitors inside nursing homes in most California counties

The [guidelines](#) released apply to long-term care facilities, including nursing homes, but not necessarily assisted living or independent living homes. The California Department of Social Services, which regulates assisted and independent living facilities, generally has deferred to public health visiting guidelines during the pandemic, with some exceptions. Indoor visits will now be allowed at nursing homes in the 46 counties currently in California's red, orange and yellow tiers, which have lower virus transmission levels than the remaining 12 "purple" counties. Visitors must be screened for fever and COVID-19 symptoms, wear masks and wash hands upon entering the facility. Among other requirements, homes must have had no COVID-

19 cases in residents and staff for the past 14 days. But county health officers retain the power to ban indoor visits if they think local conditions are too dangerous.

NATIONAL

SBA Clarifies PPP Forgiveness Application Due Date

The U.S. Small Business Administration confirms that Paycheck Protection Program (PPP) loan forgiveness applications are **not** due on October 31. Fears of a late-October PPP surprise came to the SBA's attention because the application forms display an expiration date of "10/31/2020" in the upper-right corner. The SBA explains that borrowers may submit a loan forgiveness application any time before the maturity date of the loan, which is either two or five years from the loan's origination, depending on the borrower's agreement. But the SBA also reminds borrowers that loan payments are deferred only until ten months after the last day of each borrower's loan forgiveness covered period. For example, the SBA wrote, a borrower with a covered period that ends October 30, 2020, has until August 30, 2021, to apply for forgiveness before loan repayment begins.

FDA Approves Remdesivir As Treatment For COVID-19 Patients In Hospital

The FDA approved the antiviral drug remdesivir as a treatment for patients with COVID-19 who require hospitalization. Given through an IV, remdesivir works to stop the replication of SARS-CoV-2, the virus that causes COVID-19, according to the drug's manufacturer, California-based Gilead Sciences, Inc. Previously authorized by the FDA for emergency use to treat COVID-19, the drug is now the first and only approved COVID-19 treatment in the United States, [Gilead said in a release](#). "Since the beginning of the COVID-19 pandemic, Gilead has worked relentlessly to help find solutions to this global health crisis," Gilead CEO Daniel O'Day said in a statement. "It is incredible to be in the position today, less than one year since the earliest case reports of the disease now known as COVID-19, of having an FDA-approved treatment in the US that is available for all appropriate patients in need." The drug cut the time to recovery by five days – from 15 days to 10 on average – in a large study led by the US National Institutes of Health. A large study of patients hospitalized with COVID-19 [conducted by the World Health Organization recently found that remdesivir had no effect on deaths](#), the need for ventilation or length of hospital stay, though some have criticized the research.

PPP Loan Fraud Enforcement

While the \$525 billion Paycheck Protection Program (PPP), enacted as part of the CARES Act, has undoubtedly helped millions of deserving businesses survive the COVID-19 pandemic, it has also provided a unique opportunity for fraudsters to take advantage of the government's unprecedented largesse. The Justice Department has already filed charges against dozens of borrowers alleging PPP loan fraud, but federal authorities are preparing to cast a wider net that will dramatically expand the number of loans that face scrutiny. Since the CARES Act passed barely seven months ago, the Justice Department has filed criminal charges against 65 borrowers who it alleges collectively tried to fraudulently obtain \$227 million in PPP loan funding, in loan amounts ranging from \$30,000 to \$24 million. These early criminal cases represent the most brazen examples of PPP fraud, such as borrowers claiming phantom

employees and using PPP funds for personal items. But these early cases are just the beginning, as government investigators move beyond the most egregious examples of fraud to focus on more nuanced issues of potential fraud, such as eligibility for PPP loans, expenditure of PPP loan proceeds and loan forgiveness. Simultaneously, the Small Business Administration has vowed to audit all PPP loans over \$2 million and Congress has intensified its oversight (and criticism) of the PPP program.

Hidden ICE Guidance On Virtual I-9s

[Seyfarth's Business Immigration Group](#) recently sent out information about guidance buried within the Immigration and Customs Enforcement (ICE) website is seemingly recent guidance regarding how to update "virtual" Forms I-9 after companies return to "normal business operations." While it's unclear when the guidance was actually published, we have been predicting an update to the US Citizenship and Immigration Services (USCIS) [Form I-9 Examples Related to Temporary COVID-19 Policies](#) released in late June and further updated on July 27. So the fact that this guidance is now appearing comes as no surprise. By way of background, on March 20, 2020, the Department of Homeland Security (DHS) announced interim guidelines to temporarily ease I-9 compliance for employers operating remotely as a result of the COVID-19 pandemic. ICE has since issued several extensions to the "virtual" guidance, with the latest one currently set to expire on November 19. Under this guidance, employers are authorized to complete the Section 2 verification or Section 3 re-verification process remotely, relaxing the USCIS Form I-9 instructions mandating an in-person review of work eligibility and identification documents. ICE expects the worksite to be 100% remote to utilize the relaxed guidance. This exception, therefore, is not available when employees are physically present at an employer's work location.

How Do We Complete Forms I-9 After Returning to Work?

The discrete placement of the new guidance appears to be a simple oversight by the public affairs division of ICE who should have dropped it squarely on the ICE homepage. Instead the Supplemental Guidance was published under the ICE Worksite Enforcement webpage, and is not currently linked under the Employment Verification (I-9) section of the [ICE Guidance on COVID-19](#) page. Fortunately, Seyfarth was able to locate the buried [Frequently Asked Questions](#) which outline how to address two very specific scenarios and also provide additional COVID-19 related I-9 information to employers.

LEGAL DEVELOPMENTS

Restaurant Owners Seek Refunds of State and Local Fees Amid Pandemic

California restaurant owners from across the state, including Los Angeles and Orange counties, filed government claims today seeking refunds of state and local fees assessed during the COVID-19 pandemic, saying public health orders have forced them to shutter their doors or operate under capacity restrictions even as they're charged fees for liquor licenses, health permits and tourism assessments. The claims were also filed in San Diego, Sacramento and Monterey counties and will additionally be filed in San Francisco, Fresno and Placer counties.

The state has 45 days to respond to the claims, which are necessary precursors to a potential class-action lawsuit. The move was supported by the California Restaurant Association.

Fresno private school fined \$15,000

Fresno County's Immanuel Schools have been ordered to pay \$15,000 for defying a judge's order to close classrooms and stop in-person teaching, according to the Associated Press. The three-month legal battle between the private K-12 Christian school and the County and state officials went all the way up to the Fresno County Superior Court. The decision to fine the Reedley school came on Tuesday.

This judgment may be the first of its kind against a California school for violating health orders to slow the spread of COVID-19.

WHAT WE'RE READING

Disney Considers Coronavirus-Related Lawsuit to Force California's Theme Parks Open

A consortium of California's biggest theme park companies is [considering a lawsuit](#) aimed at Gov. Gavin Newsom's office, according to multiple reports. At issue is the state's stifling tiered coronavirus business plan, says the California Attractions and Parks Association (CAPA), which would put most large theme parks at or near the back of the queue for reopening, all while leaving tens of thousands of workers without their old jobs until well into 2021. To read the full story, click [here](#).

Average Daily Virus Cases at All-Time High

The US is averaging more daily coronavirus cases than at any previous point in the pandemic. Data from Johns Hopkins University shows the nation's seven-day average for infections is near 69,000 daily cases. The development comes as the nation has entered the third peak of its outbreak. Every region is seeing an increase in cases, with the South and the Midwest reporting the majority of new infections. Experts are concerned it can only get worse with colder weather and the flu season. To read the full story, click [here](#).

Virus Surges Again Across the United States

After weeks of warnings that cases were again on the rise, a third surge of coronavirus infection has firmly taken hold in the United States. The nation is averaging 59,000 new cases a day, the most since the beginning of August, and the country is on pace to record the most new daily cases of the entire pandemic in the coming days. ... The rising case count has so far not translated to increased deaths: About 700 people are dying on average each day, a high but steady rate. So far, more than 220,000 Americans have died from the virus. The latest developments represent a serious new level of spread. To read the full story, click [here](#).

Study Projects Up To Half A Million U.S. Coronavirus Deaths By End Of February

As the US enters what some experts are calling the third peak of its coronavirus outbreak, a new study predicts a massive death toll by the end of February – more than half a million lives. The study, published in the journal Nature Medicine on Friday, was performed by researchers

at the University of Washington's Institute for Health Metrics and Evaluation, which produces a well-known coronavirus model. To read the full story, click [here](#).

Governor Gavin Newsom Fails To Address State's Massive Surge In New Infections At Friday Press Conference

California on Friday reported a massive surge in new coronavirus cases, from 3,707 the day before to 6,141. That's a number of daily infections not seen in the state since August. California's governor, however, failed to mention the high new numbers in a nearly hour-long press conference he participated in on Friday. Gavin Newsom and local officials spoke at length about the governor's Project Room Key initiative and took questions from the press. No mention was made of the new spike. Nor was any mention made of the recent furor over the governor's restrictions on theme parks, which earlier this week prompted talk of a lawsuit from operators. To read the full story, click [here](#).

Privacy Concerns End Google-Run COVID Testing in Two Counties

Amid fanfare in March, California officials celebrated the launch of a multimillion-dollar contract with Verily — Google's health-focused sister company — that they said would vastly expand coronavirus testing among the state's impoverished and underserved communities. But seven months later, San Francisco and Alameda counties — two of the state's most populous — have severed ties with the company's testing sites amid concerns about patients' data privacy and complaints that funding intended to boost testing in low-income Black and Latino neighborhoods instead was benefiting higher-income residents in other communities. To read the full story, click [here](#).

Nurses Most Hospitalized Virus Workers

A new report from the Centers for Disease Control and Prevention found that nearly 6% of all patients hospitalized with COVID-19 were health care workers, with 36.3% of those patients being nurses. Nearly 90% of health care workers who were hospitalized with the virus had at least one underlying medical condition, with the most common, 73%, being obesity. To read the full story, click [here](#).

Volunteer In AstraZeneca And Oxford's Coronavirus Vaccine Trial Dies In Brazil

AstraZeneca shares turned negative after a Brazilian health authority, Anvisa, said a volunteer in its coronavirus vaccine study died. The Federal University of Sao Paulo, which is helping coordinate late-stage trials in Brazil, separately said that the volunteer was Brazilian, according to Reuters. The news comes as the Food and Drug Administration still has a late-stage clinical trial from AstraZeneca on hold in the United States. To read the full story, click [here](#).

CalFresh during the Pandemic

Enrollment in CalFresh, the state's largest nutrition safety net program, has risen substantially during COVID-19. Still, many California households report not having enough food and lack a connection to the nutrition safety net. To read the full story, click [here](#).

Rheumatoid Arthritis Drug Tocilizumab Advances As A COVID Treatment, As Other Regimens Fall Back, Studies Show

The list of drugs shown effective for treating COVID-19 got longer Tuesday, even as another well-used drug lost some of its luster. In a large clinical study, tocilizumab, an immune modulator long used to treat rheumatoid arthritis, showed it can save lives if given to critically ill COVID-19 patients within the first two days of being admitted to an intensive care unit. To read the full story, click [here](#).

San Quentin must release or transfer half its prisoners because of lack of COVID care, court rules

Finding that state officials have acted with "deliberate indifference" to the health of prisoners at San Quentin — where 75% of them have tested positive for the coronavirus and 28 have died — a state appeals court took the unprecedented step Tuesday of ordering at least half of the prison's 2,900 inmates transferred or released. The failure to take proper safety measures at the 148-year-old prison is "morally indefensible and constitutionally untenable," said the First District Court of Appeal in San Francisco. The court said San Quentin inmates, many of them elderly or medically vulnerable, could be relocated to other prisons or correctional facilities with safer conditions or granted early parole. To read the full story, click [here](#).

San Francisco Makes Huge Leap To Yellow Tier, Allowing New Openings

San Francisco has done an excellent job following public health guidance and made a huge leap from the orange tier to the less restrictive yellow tier Tuesday, providing a pathway for more businesses and activities to reopen. SF is the only Bay Area county and only urban area in the yellow tier. Mayor London Breed announced that with the new yellow status the City will move forward with reopening offices at 25% capacity starting October 27, as well as reopening climbing gyms and some new personal services. To read the full story, click [here](#).

California Will Allow Fans At Pro Sports But Not Disneyland

California will let fans back in outdoor stadiums for pro sporting events in counties with low coronavirus infection rates but isn't ready to allow Disneyland and other major theme parks to reopen, the state's top health official said Tuesday. San Francisco and neighboring Alameda and Santa Clara are the only counties that meet the threshold for pro sports. However, immediately after the announcement officials in Santa Clara, home to the San Francisco 49ers, issued a statement saying they weren't prepared to allow even a limited number of fans into Levi's Stadium. Major theme parks, on the other hand, strongly objected to the state's restrictions, saying they could safely operate even with thousands of people in attendance. To read the full story, click [here](#).

Immanuel Schools Ends Legal Fight With State, County Over In-Person Classes Amid COVID-19

Immanuel Schools recently agreed to a settlement with Fresno County and the California Attorney General's Office over a legal dispute stemming from the government's requirement for the private, Christian school to stop in-person classes. The three sides last week agreed to drop all pending legal matters. That includes a contempt of court hearing against Immanuel plus a cross-complaint by the schools against Fresno County. The K-12 school in Reedley came

under fire about two months ago when it defied a state order requiring that schools in counties on the state watch list due to the coronavirus pandemic (including Fresno) not reopen their campuses for in-person instruction. To read the full story, click [here](#).

Why Sacramento Won't Be On Orange Tier Before Halloween Like Officials Wanted

Sacramento County officials and businesses set out to "Turn Sacramento Orange" before Halloween. However, after Tuesday's tier update from the California Department of Public Health, the likelihood that the County would move tiers shrunk significantly. To read the full story, click [here](#).

CDC Warns of 'Distressing Trend' in COVID-19 Cases as Country Heads Into Fall

The government's top public health officials warned that the number of COVID-19 cases is rising across a majority of the country in a rare briefing Wednesday afternoon, NBC News reports. Dr. Jay Butler, deputy director for infectious diseases at the Centers for Disease Control and Prevention, said the agency has noted a "distressing trend" in which coronavirus case numbers are "increasing in nearly 75 percent of the country. To read the full story, click [here](#).

Gender Gaps in the COVID-19 Labor Market

In September, California's economy remained in severe distress. The unemployment rate stood at 11%, falling just 0.2 points since the previous month. The industries hit hardest by this recession continued to lag behind. Students also went back to school, with most learning virtually from home. Early evidence suggests that this may have had a disproportionate impact on how women are faring in the state's labor market. To read the full story, click [here](#).

OSHA Criticized for Lax Regulation of Meatpacking in Pandemic

When the pandemic hit in March, a JBS meatpacking plant in Greeley, Colo., began providing paid leave to workers at high risk of serious illness. But last month, shortly after the plant was cited by the federal Occupational Safety and Health Administration for a serious virus-related safety violation and given two initial penalties totaling about \$15,500, it brought the high-risk employees back to work. To read the full story, click [here](#).

Puerto Rico Closes 911 Centers Amid Outbreak; New Jersey Gov. Phil Murphy In Quarantine; CDC Redefines Close Contact

A Centers for Disease Control and Prevention report shows that, since the coronavirus pandemic began, the US has seen nearly 300,000 more deaths than in recent years. Usually about 1.9 million deaths are reported from February to September. This year, it's closer to 2.2 million. The largest increase – 54% – was among Hispanic Americans. To read the full story, click [here](#).

CDC says two-thirds of 2020's excess deaths due to COVID-19

The US CDC said in its latest Morbidity and Mortality Weekly Report (MMWR) that the total number of deaths due to COVID-19 as of October 15, 2020 was roughly 216,000, a number the agency said "might underestimate the total impact of the pandemic on mortality." The estimate of excess deaths between late January 2020 and October 3, 2020, was 299,028, roughly two-

thirds of which (198,018) were attributed directly to the SARS-CoV-2 virus. To read the full story, click [here](#).

As Stimulus Talks Drag On In Washington, Millions Of Small Businesses Await Guidance On PPP Loan Forgiveness

Time is running out for millions of small business owners on Main Street. It's not just another round of cash that they need from Washington to avoid contagion. They need clarity on how to receive forgiveness on the \$525 billion in Paycheck Protection Program (PPP) loans they received under the CARES Act. They also need to know the tax consequences that await them if they apply for loan forgiveness by year-end. One sticky point is whether PPP loans will be taxed as ordinary business income, or if they will be deductible as an expense. To read the full story, click [here](#).

FDA Says Manufacturer Failed To Comply With Medical Device Reporting Related To Respirator Decontamination

Battelle Memorial Institute received an FDA emergency use authorization in late March to decontaminate N95 respirators during supply shortages due to COVID-19 pandemic. After requesting and receiving information from Battelle, the FDA concluded that Battelle did not meet the reporting requirement. To read the full story, click [here](#).

COVID-19 Surges Across US, Some Hospitals Stretched

Several US states, many of them in the Midwest, reported record single-day increases in COVID-19 infections on Thursday, further evidence that the pandemic is accelerating anew as cooler weather takes hold in many parts of the country. To read the full story, click [here](#).

Do I Need to Wear a Mask if I'm 6 Feet Away From Others?

Experts recommend wearing masks in public and staying at least 6 feet away from others to reduce the risk of a coronavirus infection, but whether you should do both could depend on the situation. To read the full story, click [here](#).

How California Turned The Corner On COVID-19

While COVID-19 infections spike uncontrollably across the country, California has turned the corner. After a brutal summer as one of the worst coronavirus hot spots, the most populous state in the country is once again being touted as a success story. Hospitalizations are down, and positivity rates have declined to some of the lowest they've been. The 14-day positivity rate is just 2.6 percent, and hospitalizations have shrunk from a peak of more than 7,100 in late July to 2,351 as of Thursday. To read the full story, click [here](#).

Return To The Office? Some Employees Say It Would Improve Their Mental Health

Some employees who have been working from home during the coronavirus pandemic say they'd like to return to their offices to improve their mental health. According to results of a survey from New York-based law firm Jacoby & Meyers, 34% of Wisconsin workers surveyed said the mental health benefits of returning to the office outweighed the risks of coming down with COVID-19, the illness caused by the new coronavirus. To read the full story, click [here](#).

Some Hospitals In Crisis As US Nears High For COVID-19 Cases

The United States is approaching a record for the number of new daily coronavirus cases in the latest ominous sign about the disease's grip on the nation, as states from Connecticut to the Rocky Mountain West reel under the surge. To read the full story, click [here](#).

Coronavirus Stimulus: Senator pushes for new tax credits to boost travel, hospitality industry

As House Speaker Nancy Pelosi and Treasury Secretary Steven Mnuchin attempt to agree on a roughly \$2 trillion stimulus package, Sen. Catherine Cortez Masto says her legislation aimed at shoring up the travel and hospitality industry should be part of a potential deal. Cortez Masto and Sen. Kevin Cramer (R-ND) introduced the Hospitality and Commerce Job Recovery Act last week. The legislation would use tax credits, for both individuals and businesses, as a way to support the hospitality sector, which has been wrecked by the COVID-19 pandemic. To read the full story, click [here](#).

Unemployment Fraud Concerns Prompt Action In California

At least 350,000 debit cards filled with money for unemployment benefits in California have been frozen because of suspected fraud, state officials said, revealing how prevalent the problem has become now that the state has paid more than \$105 billion in benefits since March. The Employment Development Department said the debit cards were frozen for several reasons, including "a high number of claims at a single address." The agency said the claims were part of the federal Pandemic Unemployment Assistance program, which offers unemployment benefits to people who would not normally be eligible to receive them, including independent contractors. To read the full story, click [here](#).

LA Needs To 'Aggressively' Cut Services, Costs As Projected Revenue Gap May Hit \$600 Million

The City of Los Angeles's fiscal outlook has worsened, and leaders will need to cut services "aggressively," including potentially moving forward with layoffs, in order to find as much as \$600 million to close the revenue gap in this year's budget, the municipality's top budget adviser said in a report released Friday, October 23. City officials had previously been projecting that amid the novel coronavirus pandemic, revenues could come up short by between \$200 million and \$400 million. But in a new financial status report, City Administrative Officer Richard Llewellyn said the difference could widen by another \$200 million. He now estimates that the shortfall will be at least \$400 million, but could balloon to \$600 million. To read the full story, click [here](#).

Utah's hospitals prepare to ration care as a record number of coronavirus patients flood their ICUs

With new coronavirus cases shattering records on a daily basis, Utah's hospitals are expected to begin rationing care in a week or two. That's the prediction of Greg Bell, president of the Utah Hospital Association, who said administrators of the state's hospitals confronted Gov. Gary Herbert on Thursday with a grim list: Criteria they propose doctors should use if they are forced to decide which patients can stay in overcrowded intensive care units. Under the criteria, which

would require Herbert's approval, patients who are getting worse despite receiving intensive care would be moved out first. In the event that two patients' conditions are equal, the young get priority over the old, since older patients are more likely to die. To read the full story, click [here](#).

Europe's Virus Numbers Look Like They Did In The Spring: High And Getting Higher

Britain, which had the greatest surge of excess deaths during the pandemic's first peak in Europe and still holds the most reported deaths in the region, has recorded 151,391 new cases in the past seven days, according to a New York Times database. In Germany, where 71,567 new cases have been documented in the past week, Chancellor Angela Merkel said she foresees a bleak winter ahead, and in neighboring Austria, Chancellor Sebastian Kurz evoked the possibility of a second lockdown as cases continued to spike. Experts in Belgium, which has recorded 83,156 cases in the past seven days, warned that the country is entering a crucial week for its hospitals. France has added nearly a quarter of a million cases — 241,473 — in the past seven days. On Sunday alone, the country reported 52,010 new cases, and the head of the scientific council that advises the government on the pandemic said that the real number could be over 100,000 cases per day. To read the full story, click [here](#).

America's Agenda: COVID-19 & A Responsive Rx Supply Chain

Over the past six months, the coronavirus pandemic has forced people all over the world to abide by a new way of life. Nothing is the same and while accommodations can be made for our lifestyle choices, there is little flexibility when it comes to healthcare needs. For patients with chronic diseases and those most at risk from the coronavirus, access to regular medications is not a choice. In some cases it is the difference between life and death. To read the full story, click [here](#).

Hospitals Overwhelmed as Texas Border City Fights Virus Surge

As a troubling surge of coronavirus cases and Covid-19 hospitalizations continues to hammer the border city of El Paso, Texas, officials over the weekend delivered an urgent and straightforward plea to residents: stay home for the next two weeks. The message comes as hospitals in the region have become overwhelmed, prompting officials to set up a new temporary hospital and implement a nightly curfew. To read the full story, click [here](#).

Idaho Governor Orders Return to Some COVID-19 Restrictions

Idaho Gov. Brad Little has ordered a return to some restrictions to slow the spread of the coronavirus as intertwined health care systems across the state show early signs of buckling. To read the full story, click [here](#).

Pandemic Fuels Global Decline in Internet Freedom

Amid the COVID-19 pandemic that has forced lockdowns and limited access to workspaces, schools and public venues, internet access is more important than ever before. But according to a recent report from Freedom House, not all access is equal around the world, and it's trending downward. To read the full story, click [here](#).

How to Have a Safe Thanksgiving During the COVID-19 Pandemic

Should you cancel Thanksgiving dinner to avoid contracting or spreading the novel coronavirus? For tens of millions of Americans, the holiday means traveling to be with their family for a cozy gathering and an elaborate Thanksgiving dinner featuring turkey, cranberry sauce, mashed potatoes and other traditional foods. To read the full story, click [here](#).

SF waives fees for nightclubs, bars and music venues

San Francisco's entertainment and nightlife businesses will get some relief in the form of fee and tax waivers, offering a reprieve for businesses still on the hook for expenses while revenues plummet during the coronavirus pandemic. ... Mayor London Breed announced the initiative Monday, saying that waiving license and registration fees as well as taxes is important for the survival of such businesses. The City expects to forgo \$2.5 million in revenue with the move. To read the full story, click [here](#).

Verily's COVID Testing Program Halted in San Francisco and Oakland

San Francisco and Alameda counties — two of the state's most populous — have severed ties with the company's testing sites amid concerns about patients' data privacy and complaints that funding intended to boost testing in low-income Black and Latino neighborhoods instead was benefiting higher-income residents in other communities. San Francisco and Alameda are among at least 28 counties, including Los Angeles, where California has paid Verily to boost testing capacity through contracts collectively worth \$55 million, according to a spokesperson for the California Governor's Office of Emergency Services. About half of them have received COVID tests through six mobile units that travel among rural areas. To read the full story, click [here](#).

Texas now tied with California for most Covid-19 cases in country

The Lone Star State had reported 910,124 cases since the start of the pandemic while California, which had led the nation in this woeful category for months, had 909,161, according to the tally. While the numbers were fluid and it remained possible that California could retake the lead, the number of new cases in Texas increased at a rate of 19 percent over the past two weeks, compared to 15 percent in California. To read the full story, click [here](#).

Banks, PPP recipients caught in bind between two SBA rescue programs

Banks are urging Congress to address more confusion about the Paycheck Protection Program, this time as it relates to the impact of another coronavirus relief initiative. As lenders process PPP forgiveness applications, they are being hit with the surprise that a certain amount of PPP loans cannot be forgiven if a borrower also sought aid from the Small Business Administration's preexisting Economic Injury Disaster Loans program. To read the full story, click [here](#).

Why Is San Jose State Allowed To Host A New Mexico Team That Can't Host Spartans?

A health order in Bernalillo County, New Mexico, will prevent the San Jose State football from traveling to Albuquerque for a game on Saturday, but it won't stop the University of New Mexico from flying to play the Spartans in the Bay Area. To read the full story, click [here](#).

What Is California's Role In Reopening Schools Amid Coronavirus?

Under the California COVID-19 tier system for reopening, schools can begin in-person learning again once a county has entered the red tier for two weeks. The state lists 12 steps schools must abide by to reopen safely during the pandemic, including a worksite-specific COVID-19 prevention plan, promoting healthy hygiene practices, training staff on how to check for signs and symptoms of COVID-19, and to have a plan if someone tests positive. To read the full story, click [here](#).

How California Managed A Flood Of Phony PPE Offers

California officials dealing with an overwhelming number of personal protective equipment vendors — some illegitimate — said during a webcast Tuesday that using a cloud-based customer relationship management system, rather than a system based on emails or spreadsheets, saved time and lives at the onset of the pandemic. Officials said in a webcast hosted by Salesforce that they used the company's software to procure more than \$2 billion of PPE and medical equipment in just 45 days at the beginning of the pandemic. To read the full story, click [here](#).

Note: While EKA monitors governmental announcements, guidelines and recommendations, our updates are prepared for informational purposes and are compiled from publicly available sources. Our updates should not be considered health, medical, legal, or tax advice. Always consult a qualified professional regarding any specific questions you may have. All hyperlinks are live and will bring you to the information mentioned. If you are not interested in receiving future emails from us, then please reply with a "Remove" in the subject line and mention the email addresses to be removed.