

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

Melick & Porter, LLP provides you with the below 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.

- A group of Democratic senators is urging [President Biden](#) to include recurring direct [payments](#) in his forthcoming coronavirus recovery plan, slated to follow the current pending relief package.
- [Merck](#) will help manufacture rival Johnson & Johnson's COVID-19 vaccine. Johnson & Johnson's vaccine was authorized by the FDA over the weekend, but the company has faced production delays. President Biden [said](#) Tuesday the partnership with Merck, will move up the timeline for offering shots to citizens by nearly two months.
- President Biden [announced](#) plans to prioritize teachers and childcare professionals for vaccines throughout March. The President has pledged to have the majority of K-8 schools reopened this spring.
- Congressional leaders wrote a [letter](#) to the Biden Administration urging the CDC and the OSHA to update ventilation and respiratory protection guidance and standards to address aerosol transmission of the COVID-19 virus.
- President Biden previously issued [Executive Order 13999](#), § 2(b) (Jan. 21, 2021), 86 FR 7211 (Jan. 26, 2021) focusing on *Protecting Worker Health and Safety*, which required OSHA to “consider whether any emergency temporary standards on COVID-19, including with respect to masks in the workplace, are necessary,” and if so, to issue such emergency temporary standards by March 15, 2021.
- The Centers for Disease Control and Prevention has been actively reviewing its COVID-19 guidance over the past few weeks and has issued significant new guidance and updates. These updates include direction on topics relevant to employers, including testing, quarantining, and mask-wearing.
  - First, new CDC [guidance](#) on testing advises employers to seek informed consent for any workplace-based COVID-19 testing program.

- Second, the CDC updated its quarantine [recommendations](#) to provide that fully vaccinated persons who meet certain criteria will no longer be required to quarantine following an exposure to someone with COVID-19.
- Third, the CDC published a study [online](#) showing that wearing two masks, one surgical mask and one cloth mask, can significantly reduce the spread of COVID-19.

### **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.

- PropertyCasualty 360 author, Thomas Bongi of Argo Pro, reported five professional liability insurance trends to watch in 2021, [full article](#). The five trends are:
  - The market continues to harden;
  - Consultants go solo, boosting demand for individual coverage;
  - Remote work is here to stay;
  - The pandemic will trigger delay claims for construction projects; and
  - Fewer coverage bells and whistles

### **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.

- On March 3, 2021, the U.S. Treasury Department posted an updated set of [FAQs](#) concerning the Paycheck Protection Program (PPP) as administered by the Small Business Administration (SBA).
- The Internal Revenue Service and the Department of Labor separately issued important guidance on COVID-19-related relief over the past week. See specifically [IRS Notice 2021-15](#) and [EBSA Disaster Relief Notice 2021-01](#).

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

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

- On March 3, 2021, the Boston Municipal Court posted its [First Revised Standing Order 12-20: Jury trials during the exigent circumstances created by the COVID-19 pandemic](#) (amended February 27, 2021, effective March 1, 2021).
- On March 2, 2021, the Massachusetts District Court issued [Standing Order 1-21: Inventory and prioritization of jury trial-ready criminal cases](#) (effective March 1, 2021).

- On March 2, 2021, the Massachusetts Superior Court issued [Standing Order 2-21: Fifth updated protocol governing Superior Court operations during the coronavirus \(COVID-19\) pandemic](#) (effective March 1, 2021, Rescinding and superseding Standing Order 9-20).
- All New Hampshire Judicial Branch courts remain open during regular business hours. Due to the COVID-19 pandemic, public access to courthouses and/or clerk's offices remains restricted.
  - With narrow exceptions, only individuals who are filing for emergency relief or who are scheduled for in-person court proceedings may be admitted.
  - The Courts continue to hold in-person hearings only in essential case types. All others have been suspended per emergency order. Anyone seeking admission to a courthouse will be screened for COVID-19 and must observe social distancing to the extent reasonably possible.
  - The Courts remain committed to maintaining the judicial process while protecting staff and the public. Please check the [NHJB COVID-19 Response page](#) for updates on current operations.