

BRIEF19

A daily review of covid-19 research and policy.

POLICY BRIEFING

CDC updates school reopening decision guidelines. The Centers for Disease Control and Prevention—and indeed the entire federal government—has had a controversial stance on school reopenings during the pandemic. In late July the CDC’s recommendations [downplayed](#) the risk to children and the administration [threatened](#) to withhold funding where schools did not reopen. This week, the CDC [released](#) new recommendations that encourage localities to decide when reopening is right for them through a series of core and secondary indicators. The core indicators fall into two categories: community burden (new cases per 100,000 individuals over 14 days; percent of RC-PCR tests that are positive over 14 days) and mitigation strategies (consistent and correct mask usage; social distancing; hand hygiene and respiratory etiquette; cleaning and disinfection; contact tracing infrastructure). The CDC recommends using both community burden indicators and one mitigation assessment to determine overall infection risk. The document stresses that even medium- or high-risk assessments do *not* mean an area must choose not to reopen, but that alternatives to in-person classes *can* be considered, and that even a low-risk region may see more infections. The document goes on to discuss each of the mitigation strategies in detail, as well as providing a breakdown of risk for different classroom modalities and sports activities. *CDC. [18 September 2020](#). —Joshua Lesko, MD*

Federal relief tied to coronavirus diagnosis.

Going forward, patients transported to hospital emergency rooms for covid-19 care outside of their insurance network won’t be hit with massive bills. The Coronavirus Aid, Relief, and Economic Security (CARES) Act is attempting to negate “balanced billing,” a concept wherein patients treated outside of their network of healthcare providers covered by their insurance are charged any remaining expenses beyond a set reimbursement. Generally speaking, this can be problematic with care received in emergency departments, as patients often can’t choose which hospital they are [transported](#) to via ambulance. The caveat to this, of course, is that patients will need to receive a coronavirus diagnosis to qualify for the relief funding.

In other policy news, the Centers for Medicare and Medicaid Services (CMS) has [expanded](#) the list of locations a patient suspected of having covid-19 may be transported by ambulance if it is deemed “medically necessary” for the duration of the Public Health Emergency. While expansion of ambulance accessibility is a step forward, CMS has also come under [fire](#) from hospitals for tying relief funds to a positive coronavirus test. Hospital administrators argue that given the inconsistencies in testing and the speed at which care is being delivered, such a requirement hinders care. CMS insists that it is a necessary step to prevent fraud and abuse of government funds. *Various. [16 September 2020](#). —Joshua Lesko, MD*

The CDC orders a halt on evictions after Congress fails to extend the CARES Act.

When the covid-19 pandemic began to unfold in the United States, unprecedented action was taken by Congress, including a [section](#) of the CARES act which temporarily placed a halt on evictions of residential tenants unable to make rent. That provision expired on July 24 and has not yet been revisited.

Earlier this month, the US Centers for Disease Control and Prevention issued an *Agency Order*, that essentially [renewed](#) this policy and extended it for the duration of the pandemic, or until otherwise stated. Under the order, private individuals may not be evicted from their rental homes or apartments, as long as their inability to pay rent stems from “loss of household income, loss of

compensable hours of work or wages, a lay-off, or extraordinary out-of-pocket medical expenses”—the latter of which is defined as any bill greater than 7.5 percent of one’s income for the year. The order does not apply to other reasons that a tenant may be evicted—such as criminal behavior, threatening the health and safety of other residents, and property damage. Also, the order does not imply that people who can still afford to pay rent despite the economic problems caused by the pandemic do not have to do so. In addition, the action only applies to individuals earning no more than \$99,000 per year (or double that for those filing joint tax returns).

Of note, the order specifically states that the reason for the action results from what public health officials have learned about the spread of coronavirus and patterns related to eviction and the severity of the overall situation. For example, the order notes that most people faced with eviction would likely be forced to move in with relatives, which would mean entering into and creating more crowded living conditions than they previously had. The agency also sees this policy as reducing homelessness, which is especially important given how many cases have been associated with temporary housing (i.e. homeless shelters).

The legal terrain may be rocky. Legal experts I spoke with stated that an *Agency Order* from a federal agency such as the CDC is binding and enforceable, even though it has not gone through the formal “rulemaking process” that governs federal rules. This action appears to be possible as a result of the national state of emergency concerning covid-19. However, the CDC also stated that if this particular order were to become a rule, it would not need to go through the longer and cumbersome process that most rules must (including a public comment period) due to the time-sensitive nature of the provisions. That said, it is not clear whether this order would withstand a serious legal challenge, if for example, landlords decided to take the federal government to court over this issue.

Interestingly, the order does not apply to American Samoa, as there are no known coronavirus cases there. Of major American carriers, only Hawaiian Airlines serves Pago Pago directly. Currently, service to American Samoa on that carrier has been suspended with reconsideration occurring after October 1st. [15 September 2020](#). —*Jeremy Samuel Faust MD MS*

Continued politicization of science. Since the early days of the covid-19 pandemic, there have been reports of the White House seeking to limit the role of the Centers for Disease Control and Prevention (CDC), such as reducing their communications in [May](#), redirecting hospital data away from the organization in [July](#), and pressuring them to change testing protocols in [August](#). The latest example of such interference by the White House was reported by a federal health official, who [claims](#) that communication personnel within the Department of Health and Human Services (HHS) regularly altered the CDC’s weekly coronavirus update to avoid contradicting statements made by the President. It should be noted that the source was unable to point to specific changes made in a given brief, but that there appeared to be a culture of modifications made for political means as opposed to scientific facts. Senior officials within HHS have defended their oversight of CDC-produced materials, as the organization does fall within the Department’s purview. *Various*. [14 September 2020](#). —*Joshua Lesko, MD*

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Brief19 is a daily executive summary of covid-19-related medical research, news, and public policy. It was founded and created by frontline emergency medicine physicians with expertise in medical research critique, health policy, and public policy.