



Coronavirus:
Update and Discussion on Continuing Legal
and Practical Issues Related to COVID-19

 **A Bond Webinar Series**
December 1, 2020



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Introduction



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Update from Albany



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Big Changes Announced

- Five strategies for fighting COVID-19
 1. Hospital capacity
 2. Increase/balance testing resources and availability
 3. Keep schools open (emphasis on K-8)
 4. Small gatherings
 5. Vaccination program



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Cluster Metric Changes

- Cluster metrics will now include “hospital-related metrics”
 - Regional hospital bed capacity
 - ICU capacity
 - Staffing ratios
 - Daily hospital admissions
- Add “Emergency Brake” – can put a region under NY on PAUSE guidelines



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Hospital Emergency Measures

1. Identify retired nurses and doctors to bolster staff;
2. Erie County must suspend elective surgeries on Friday;
3. Hospital systems must begin balancing patient loads across their individual hospital facilities;
4. Prepare plans to utilize emergency field hospitals;
5. Prepare plans to increase hospital bed capacity by 50 percent;
6. Prepare plans to implement statewide 'Surge and Flex' operations
7. Prepare plans to staff emergency field hospitals; and
8. Confirm availability of resources in existing stockpiles.



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Region	Gross New Hospitalizations per 100k (7-Day Rolling Avg)	Share of Total Hospital Beds % Available (7-Day Rolling Avg)	Share of ICU Beds % Available (7-Day Rolling Avg)
STATEWIDE	2.30	27%	39%
Capital Region	1.66	30%	45%
Central New York	2.69	32%	35%
Finger Lakes	4.37	34%	65%
Long Island	2.32	24%	27%
Mid-Hudson	2.69	31%	50%
Mohawk Valley	2.77	35%	26%
New York City	1.72	23%	28%
North Country	0.68	49%	58%
Southern Tier	2.14	42%	36%
Western New York	4.03	33%	53%



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What does this mean?



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Supreme Court

- Lots of uncertainties surrounding the decision.



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Return to Work Guidance



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Return to Work Guidance

- NYDOH: 5/31/20 Interim Guidance for Public/Private Employers
 - <https://tinyurl.com/yabhs9g5>
 - *What about the prior 3/31/20 guidance???*
- CDC: 11/27/20 (Updated) General Guidance
 - <https://tinyurl.com/yy8xlunt>

NEW YORK STATE OF OPPORTUNITY. Department of Health

ANDREW M. CUOMO Governor HOWARD A. ZUCKER, M.D., J.D. Commissioner SALLY DRESLIN, M.S., R.N. Executive Deputy Commissioner

May 31, 2020

Interim Guidance for Public and Private Employees Returning to Work Following COVID-19 Infection or Exposure

Coronavirus Disease 2019 (COVID-19)

Your Health Community, Work & School Healthcare Workers & Labs Health Depts Cases & Reporting

YOUR HEALTH

Returning to Work

Updated Nov. 27, 2020

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Return to Work Guidance (Cont.)

- NYDOH: 7/24/20 Guidance for Healthcare Settings (except Nursing Homes)
 - <https://tinyurl.com/y4tvlqvk>
- NYDOH: 4/29/20 Guidance for Nursing Homes
 - <https://tinyurl.com/yy6ylvxs>
- NYDOH: 9/2020 Pre-K to 12 Toolkit
 - <https://tinyurl.com/yygvodns>

NEW YORK STATE OF OPPORTUNITY. Department of Health

ANDREW M. CUOMO Governor HOWARD A. ZUCKER, M.D., J.D. Commissioner LISA J. PINO, M.A., J.D. Executive Deputy Commissioner

DATE: July 24, 2020

TO: All Healthcare Settings, except Nursing Homes, including but not limited to Hospitals, Adult Care Facilities (ACFs), End Stage Renal Disease (ESRD) Facilities, Emergency Medical Services (EMS), Home Care, Outpatient Clinics, and Private Practices

FROM: New York State Department of Health (NYSDOH)

NEW YORK STATE OF OPPORTUNITY. Department of Health

ANDREW M. CUOMO Governor HOWARD A. ZUCKER, M.D., J.D. Commissioner SALLY DRESLIN, M.S., R.N. Executive Deputy Commissioner

April 29, 2020

Dear Nursing Home Administrator:

BOND SCHOENECK & KING ATTORNEYS

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Travel Guidance



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Leave Issues



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New Leave Laws Passed in 2020

- Families First Coronavirus Response Act
 - Emergency Paid Sick Leave
 - Emergency Family and Medical Leave
- New York COVID-19 Leave
 - Paid/Unpaid Leave
 - COVID-19 Paid Family Leave and COVID-19 Disability Benefits
- New York Paid Sick Leave
- New York Unemployment, as Modified



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Existing Leave Laws

- Family and Medical Leave Act
- Americans with Disabilities Act
- New York Human Rights Law
- New York Paid Family Leave
- New York Disability Benefits
- New York Workers' Compensation Leave



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Update from Albany

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Return to Work Guidance

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Travel Guidance

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Leave Issues

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