

# CLEAR ADVOCACY

## CLEAR COMMENTARY July 16, 2020



### Your Dimmer Switch Is Someone Else's Off Switch

Many businesses throughout the state received another gut punch this week when Governor Newsom announced a second shut down to quell the spread of COVID-19.

Infections in California are holding steady after weeks of substantial increases—meaning the outbreak erupted over the month of July and is not beginning to contract. The Governor specified the following on Monday:

- Several sectors will once again shut down amid an increasingly concerning coronavirus surge.
- The state will begin modification of original stay at home order
- Restaurants, wineries, movie theaters, family entertainment venues, zoos, museums, and card rooms will shut down all indoor operations (The Governor owns a winery and most see he has to shut them down).
- Bars must close down entirely.
- Restaurants must cease indoor operations; but outdoor dining and takeout still permitted.

- All counties must close all indoor operations at wineries, tasting rooms, movie theaters, family entertainment centers, zoos, museums, and cardrooms.
- Counties on the states watch list -- Los Angeles, Orange, Riverside, San Bernardino, and Ventura counties – must close gyms, hair salons, barbershops, other personal care services, indoor malls, offices in non-critical sectors, and places of worship.

[Click here to see the Governor's Website and related mandates.](#)

Counties that have remained on the County Monitoring List for three consecutive days will be required to shut down the following industries or activities unless they can be modified to operate outside or by pick-up.

- Fitness centers
- Worship services
- Protests
- Offices for non-essential sectors
- Personal care services, like nail salons, body waxing and tattoo parlors
- Hair salons and barbershops
- Malls

The push-back was immediate. From both sides of the aisle.

A group of Northern California legislators (where the virus has shown little sign of increasing) sharply criticized the order as unnecessary and confusing. The Senate Republican Leader sent a pointed letter about the closure of places of worship.

And from the Democrat side, moderate Senator Steve Glazer had a 180 degree different take: The Governor's order was too little, too late. The dimmer switch should be dumped and the state should fully lock down again and, inserting a stinger in the tail, publicly opined that by issuing just a partial shutdown the Governor was placing his political position ahead of public safety.

And did you know it is [Small Business Month?](#)

Candidates actually spend millions to be Governor.

## No School Start for Many

Forget the back-to-school sales. In a large swath of California, there are no school openings this Fall. The collective groan (and a run on [Rombauer wines](#)) from parents was throughout the state with this announcement.

The two largest school districts in the state — Los Angeles Unified and San Diego Unified — announced this week they will not reopen for in-person learning when the school year begins next month, saying that it would not be safe to do so while the coronavirus continues to spread. Sacramento County Schools announced later this week that they too will remain closed this Fall. We expect more to come.

An unsurprising outlier is Orange County, where its board of education recommended Monday that students return to school without face masks or physical distancing, contradicting guidelines from the state Department of Education and testing Newsom's avowed commitment to allowing local districts to decide for themselves whether to reopen schools in the Fall.

On what possible basis you might ask? According to state Department of Public Health website, there have been no reported COVID-19 associated death by any resident under 18 in California. However, there have been over 29,000 cases of infection.

We'll see what parents have to say.

# California COVID-19 By The Numbers

July 16, 2020

Numbers as of July 15, 2020

## CALIFORNIA COVID-19 SPREAD

**356,178 (+8,544)**

TOTAL CASES

### Ages of Confirmed Cases

- 0-17: 29,945
- 18-49: 213,083
- 50-64: 69,998
- 65+: 42,748
- Unknown/Missing: 404

### Gender of Confirmed Cases

- Female: 176,728
- Male: 177,540
- Unknown/Missing: 1,910

**7,345 (+118)**  
Fatalities

### Hospitalizations

Confirmed COVID-19  
**6,777/1,897**  
Hospitalized/in ICU

Suspected COVID-19  
**1,586/223**  
Hospitalized/in ICU

For county-level  
hospital data:  
[bit.ly/hospitalsca](https://bit.ly/hospitalsca)

Your actions **save lives.**

For county-level data:  
[data.chhs.ca.gov](https://data.chhs.ca.gov)  
[covid19.ca.gov](https://covid19.ca.gov)



## More Testing, Please!

Not school testing. Virus testing. This week the administration announced the state will increase efforts to reprioritize guidance and expand access to non-hospital-based testing.

And in a partial answer to the question, “Who pays for it?” will release regulations shortly on health plan coverage of testing. Testing is key to re-flattening the curve and maintaining an economy.

But the simple plan of expanding testing into the community rather than labs and hospitals isn't so simple.

Who can and can't perform lab tests and under what circumstance is one of the toughest Gordian knots in California healthcare politics. It's a three dimensional turf war.

Physicians, clinicians, pharmacists, nurses, med techs, phlebotomists....the list goes on and on into a tightly bundled, intertwined, wasps nest of competing interests governed by a dense thicket of statute, and regulated by Agencies charged with disparate missions and even opinions.

So the simple concept of moving tests closer to consumers must legally navigate ever-so-contradicting and thorny statutes, with the added benefit of the regulators sometimes disputing what and why.

And the costs?

Not all tests are created equal. If a test is medically necessary the health plan pays for it. But what about non-medical “surveillance testing” that isn't under a doctor's direction, especially for employers and workers? What about workers who must be tested frequently?

This is where the Department of Managed Health Care is expected to issue regulations shortly.

## Another Iconic Event Cancelled

The historic Rose Parade announced this week they are cancelling the January 1 event...for the first time in 75 years.



## When Will the Legislature Return?

Publicly the leaders of each house have said session will begin on July 27, two weeks later than originally planned. The delay was result of two COVID-19 positive legislators and a number of legislative staff.

We are now hearing July 27 may be an aspirational date to get rolling again. Many legislators have expressed misgivings about participation in Capitol hearings and travel.

And given the Governor's all-but shelter in place order this week, some are questioning the optics since many businesses have been brought to a halt. Stay tuned.

Thanks to ZOOM, we have screen-to-screen-lobbied more legislators than we can count. It's one more new abnormal, but it works. We always ask their thoughts on returning. None are certain how and when the session continues.

