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COVID-19 resources for life sciences and health care companies

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Helping you make the world healthier

Despite the professional and personal challenges that each of us is faced with due to the COVID-19 pandemic, the life sciences and health care industry world-wide is rallying to find solutions that enable us to respond to, treat, and prevent the spread of COVID-19, and as advisors we are proud to have been called upon to support you in these efforts.

We recognize the extreme challenges of moving your business and efforts forward through uncertainty in local, regional, and international efforts to address these critical public health needs. To assist you during this time, we will try to assemble our guidance, client alerts, and thought leadership promptly and efficiently. In the following pages, you will find a compilation of the guidance that our Global Life Sciences and Health Care team has published to date to address the COVID-19 crisis, along with key contacts for each subject matter.

If you have questions or need support, please do not hesitate to get in touch with the key contacts listed in this guide or the Hogan Lovells lawyers with whom you regularly work.

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Clinical trials

We are starting to see clients consider and address a number of clinical trial-related issues and concerns caused by COVID-19 and the containment efforts including issues with travel restrictions and reimbursement, clinical trial vendors, study conduct, and supply chains. We have also assisted many of our pharmaceutical, biotechnology, and medical device clients with the development and initiation of clinical studies and expanded access programs for therapeutic products and medical devices intended to treat COVID-19 infections.

Global

- [The global impact of COVID-19 on clinical trials and countermeasure development](#)

Asia

- [The impact of COVID-19 on clinical trials and countermeasure development in Japan](#)
- [Japan considers utilization of “compassionate use” exception to fast-track COVID-19 treatments](#)
- [Japan waives clinical trial waiting period for COVID-19 treatments](#)

Europe

- [EDPB’s new guidelines – clinical trials in the EU and COVID-19](#)
- [EU Guidance to sponsors, investigators on how to manage clinical trials during the COVID-19 pandemic](#)

Belgium

- [Belgian AFMPS issues guidance regarding the management of clinical trials during the COVID-19 epidemic](#)

Germany

- [Additional German guidance on the management of clinical trials during the COVID-19 pandemic](#)

Key contact



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Italy

- [Emergency regulation for COVID-19 clinical trials and compassionate use in Italy](#)
- [Italy’s AIFA issues clinical trial management guidance during COVID-19 outbreak](#)

United Kingdom

- [UK coronavirus guidance for clinical trials](#)

United States

- [FDA proposes annual summary reporting requirements for Right to Try drug sponsors, manufacturers](#)
- [HHS offers flexibility on human subjects protection regs during COVID-19 pandemic](#)
- [Navigating limits on product liability under the PREP Act for COVID-19 clinical trial activities](#)
- [COVID-19’s impact on clinical trials prompts FDA to issue guidance to assist with study conduct](#)

Listen on-demand:

[How COVID-19 is changing the clinical trials landscape](#)

U.S. regulatory

Given the urgency of the outbreak, we believe Congress and the administration will work together to take additional action to bolster the fight against coronavirus and strengthen confidence in the U.S. economy. Companies and organizations can help the government fight the coronavirus but may need assistance presenting their ideas to policymakers, responding to government orders and requests for proposals, and in connecting with the government officials. That's where we can help.

FDA

- [FDA issues new policy for evaluating impact of viral mutations on COVID-19 tests](#)
- [2021 U.S. Regulatory Outlook: Watch For What FDA Does With EUAs – And More](#)
- [Election 2020 Snapshot: Impacts of the U.S. election for the life sciences and health care industry](#)
- [FDA extends enforcement discretion period for regenerative medicines, citing COVID-19 challenges](#)
- [FDA to restart domestic inspection program using new Advisory Rating system](#)
- [FDA updates FAQ on COVID-19 tests and validation](#)
- [FDA revises EUA guidance for mask & respirator decontamination and bioburden reduction systems](#)
- [New FDA inspection program released for “streamlined approach” for combination product cGMP](#)
- [FDA’s revised COVID-19 test kit policy requires EUAs for serology tests](#)
- [FDA issues minor updates to guidance on hand sanitizer production](#)
- [FTC cracking down on coronavirus cons: How the agency is protecting consumers during COVID-19](#)
- [In midst of COVID-19, FDA reminds industry that it plays both good and bad cop](#)

Medical Devices

- [Pandemic Accelerates Expanding Role Of Real-World Evidence In FDA Medical Device Submissions](#)
- [CDRH plan for FY-2021 guidance prioritizes cybersecurity, CDS software, COVID-19 updates](#)
- [FDA explains how EUA medical devices can electronically comply with AE reporting requirements](#)
- [FDA authorizes first diagnostic test for screening people without known or suspected COVID-19 infection](#)
- [FDA releases enforcement policy for VTM and PBS/saline transport media during the COVID-19 pandemic](#)

- [Facilitating diagnostic test availability for asymptomatic testing, sample pooling](#)
- [QMS eAudits and remote inspections](#)

Pharmaceuticals and Biotechnology

- [FDA issues list of essential medicines and countermeasures required under Buy American Executive Order](#)
- [FDA cracks down on pharmaceutical firm for misbranding drug as COVID-19 treatment](#)
- [Protecting biomedical innovation as a national security asset](#)
- [Navigating the new ‘buy American’ drug landscape: opportunities for some, pitfalls for others](#)
- [FDA, CMS actions on drug importation promise much, likely deliver little](#)
- [FDA creates Coronavirus Treatment Acceleration Program to speed COVID-19 therapy development](#)

Laboratories

- [California Governor vetoes bill to establish the Genetic Information Privacy Act](#)
- [Senate bill proposes laboratory developed tests to be regulated under CLIA process](#)
- [FDA issues expanded testing policy for novel coronavirus to address public health emergency](#)
- [FDA permits waivers of some REMS-required laboratory tests, imaging studies due to COVID-19](#)

Health and Human Services (HHS)

- [National Academies release early draft framework for equitable COVID-19 vaccine allocation](#)
- [HHS ends EUA requirement for Laboratory Developed Tests; FDA may continue to assert authority](#)
- [Stark Law waivers, HHS-OIG announcement offer health care providers greater flexibility during COVID-19 pandemic](#)
- [HHS-OIG launches portal for COVID-19 related questions about its enforcement authorities](#)

CARES Act & COVID-19 Relief

- [House committees move swiftly to pass COVID-19 relief legislation](#)
- [Coronavirus: The Hill and the Headlines](#)
- [More stimulus coming: President-elect Biden lays out immediate plans for additional COVID relief](#)
- [COVID relief legislation update \(Phase 4/CARES 2.0\)](#)
- [Braving a perfect storm: Avoiding legal and reputational risk associated with CARES Act oversight and investigations](#)
- [Navigating the Paycheck Protection Program under the CARES Act and recent SBA guidance](#)
- [At long last, landmark OTC Drug reform legislation is enacted](#)

Emergency Procurement/Defense Production Act

- [Buy American EO applies domestic preferences for “essential medicines” and “medical countermeasures”](#)
- [Emergency government contracting: FEMA issues regulation implementing Defense Production Act](#)
- [Emergency Federal contracting tools streamline medical device, drug acquisition](#)

PREP Act

- [First courts consider application of PREP Act Immunity in the context of removal](#)
- [PREP Act declaration amended to clarify coverage of certain products not directly used for COVID-19](#)
- [HHS guidance confers PREP Act immunity to pharmacists for certain COVID-19 tests](#)
- [Liability immunity under the PREP Act for COVID-19 countermeasures: What manufacturers need to know](#)

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Talking the Cure podcast series:

- [Discussing in vitro diagnostics \(IVDs\) in times of a pandemic](#)
- [Discussing COVID-19's impact on FDA's inspection program and next steps after the pandemic](#)
- [Discussing FDA authorities for handling a global pandemic for medical devices](#)
- [Discussing how the coronavirus pandemic is affecting the pharmaceutical industry and FDA](#)

Listen on-demand:

- [Impacts of the U.S. election for the life sciences and health care industry](#)
- [“Buy American” panel discussion: How will the Executive Order impact drug and device companies, and what should you do about it?](#)
- [How landmark OTC drug reform legislation will affect your business](#)
- [Paths for medical device companies to partner with the federal government](#)
- [The Defense Production Act and the PREP Act: Key tools in the fight against COVID-19](#)

Global supply chain

The COVID-19 pandemic has disrupted supply chains, created delays and disruption, and caused businesses worldwide to consider invoking force majeure. The magnitude and complexity of supply chain problems created in the wake of COVID-19 are unprecedented in the modern era. To navigate this crisis, businesses need to assess risk, consider pragmatic and tailored solutions, and act promptly to mitigate damage and safeguard vital business functions.

Global

- [U.S. and European authorities actively pursue COVID-19 price gouging violations](#)

Asia

- [Chinese regulators announce new requirements for exports of medical supplies and nonmedical masks](#)
- [Impact of the coronavirus outbreak on international trade involving China](#)

Europe

- [Combating COVID-19: Government powers for safeguarding supply of critical products and potential conversion of production](#)

Germany

- [Proposed measures in Germany for safeguarding supply of critical goods in the combat against COVID-19](#)
- [Top 5 questions from Germany on COVID-19, contracts, and supply chains](#)

India

- [COVID-19 - Implications for the Indo-German supply chain](#)

Italy

- [Converting your production to make masks and disinfectants? Our legal guide for Italy](#)

Netherlands

- [Supplying medical devices without CE mark in the Netherlands during COVID-19](#)

Spain

- [Spain responds to COVID-19 with new reporting obligations, supply chain controls](#)

United Kingdom

- [Blockchain – the vaccine to pharma’s supply chain issue](#)
- [NHS medicine and device suppliers urged to carry out supply chain coronavirus risk assessment](#)

United States

- [Increased use of virtual tools, optimized inspectional activities, & enhanced supply chain oversight](#)
- [FDA advises drug manufacturers on best practices for restarting operations during COVID-19 pandemic](#)
- [FDA updates industry on what drug & biologic inspections will occur during COVID-19 pandemic](#)
- [FDA takes action to reduce surgical mask shortage](#)
- [Five key takeaways from the Senate hearing on FDA oversight of foreign drug manufacturing](#)
- [FDA takes significant action to reduce mask and respirator shortage](#)
- [USTR invites comments on potential Section 301 exclusions in response to the coronavirus](#)
- [FDA temporarily postpones all domestic routine facility inspections in response to COVID-19 pandemic](#)
- [Medical devices and coronavirus part II: Supply chain issues and minimizing the impact](#)

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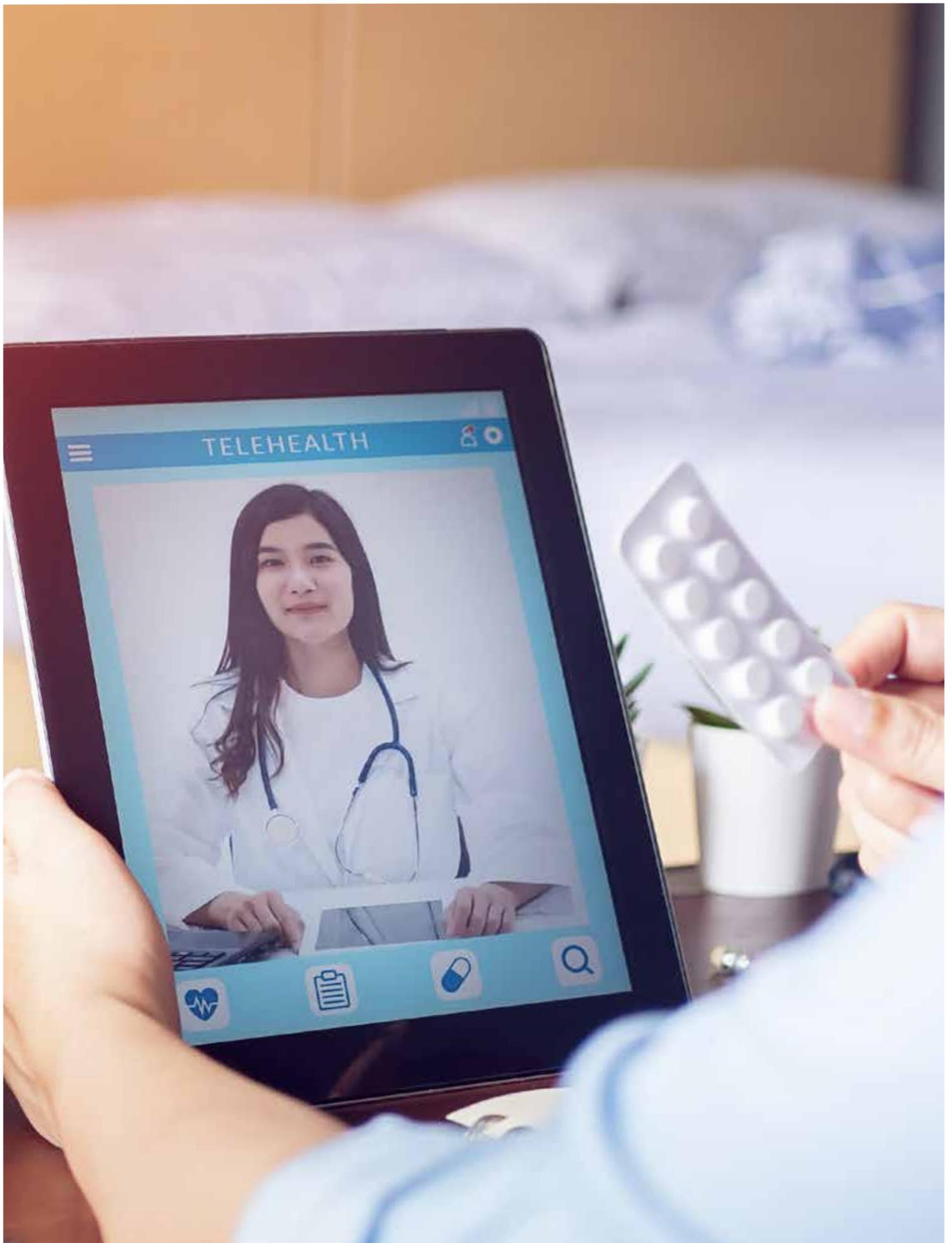
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Listen on-demand:

- [Managing supply chain risks effectively in time of crisis](#)
- [COVID-19-Challenges for supply chains in international business relationships: An Indo-German perspective](#)
- [Managing supply chain disruption in the life sciences and health care industry](#)
- [COVID-19 and the supply chain – contracts and force majeure](#)



Virtual health

As the world responds to the COVID-19 pandemic, physicians and patients are increasingly turning to virtual health solutions, including telehealth and remote monitoring, as a central facet of health care delivery. Providers are reaching across state and national borders using technology to provide medical services via email, interactive video, and apps that facilitate diagnosis, consultation, treatment, monitoring, and even medical research.

- [Reforms to software-based medical devices take effect](#)
- [EU Member States agree on interoperability specifications for national COVID-19 tracing apps](#)
- [Virtual Health: What's on the horizon for telehealth and remote monitoring](#)
- [Deciphering International Telemedicine Regulations](#)
- [Expanded access to telehealth services during the COVID-19 pandemic](#)
- [COVID-19 threat prompts Florida's Health Officials to expand telehealth under Emergency Order](#)
- [International Telemedicine: A Global Regulatory Challenge](#)

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Talking the Cure podcast series:

- [Discussing the current surge of digital health innovations in Europe](#)
- [Discussing the rise of telehealth in the life sciences and health care industry](#)

Listen on-demand:

- [What's on the horizon for telehealth and remote monitoring](#)

EU regulatory

To help combat the threat posed by the COVID-19 outbreak, the European Commission announced the publication of new guidance aimed at assisting manufacturers to increase production of essential medical equipment.

Europe

- [IoT in the EU: Lessons from COVID-19, and next steps for liability and regulation](#)
- [Remote QMS audits under the MDR are finally allowed by the European Commission](#)
- [The European Commission proposes a new Pharmaceutical Strategy for the EU](#)
- [EC working group provides guidance concerning COVID-19 product claims on cosmetic products](#)
- [Towards a revision of current tissue, blood, and cells legislation in the European Union](#)
- [EMA publishes list of COVID-19 treatments that have been the subject of the Agency's guidance](#)
- [Regulation of COVID-19 Tests in the EU: when do you need to involve a Notified Body?](#)
- [COVID-19: Summary of National Payment Moratoria Measures in Europe](#)
- [European Commission issues guidance on lawful placing on the market of PPE and medical devices](#)
- [EMA recommends expanding remdesivir compassionate use to non-ventilated COVID-19 patients](#)
- [MDCG issues guidance for ventilators and related accessories](#)
- [The European Commission extends export restrictions on Personal Protective Equipment](#)
- [EMA publishes guidance providing regulatory adaptations for MAHs in the context of COVID-19](#)
- [European Commission issues guidelines for COVID-19 in vitro diagnostic tests and their performance](#)
- [An update on cooperation in the life sciences industry: the European Commission's framework for sending "comfort letters" on cooperation efforts for essential products](#)
- [MDCG guidance on notified body audits in the context of COVID-19 restriction measures](#)
- [Ramping up production of key medical equipment: new EU guidance issued for manufacturers](#)
- [European Commission issues guidelines for the production of products used in the COVID-19 pandemic](#)

Belgium

- [The AFMPS issues third version of the Alternative Test Protocol for surgical face masks](#)
- [The AFMPS further extends measures to combat shortages of medicinal products by another month](#)
- [AFMPS recalls the risks associated with the use of chloroquine and hydroxychloroquine](#)
- [AFMPS announces continued use of medications believed to aggravate COVID-19 after EMA's confirmation](#)
- [AFMPS issues guidelines for the use of consumables related to ventilators for COVID-19 patients](#)
- [AFMPS issues guidelines for the production of accessories of respiratory devices using 3D-printing](#)
- [AFMPS releases new version of the Alternative Test Protocol for surgical face masks](#)
- [AFMPS authorizes hospital pharmacies to deliver medicines directly to outpatients](#)
- [AFMPS issues Circular allowing hospitals to reprocess single-use devices](#)

Germany

- [Overview of EU, German federal and German states' financing measures for companies responding to COVID-19](#)
- [German MoH confirms admissibility of supply of kits for SARS-CoV-2 lab tests to medical laypersons](#)
- [Overview of EU, German federal and German states' financing measures for companies responding to COVID-19](#)

Italy

- [Impact of coronavirus on loans in Italy](#)
- [Italy introduces changes to historical trademarks of national interest](#)
- [Italian first measures in favor of insurance market operators against COVID-19 emergency](#)
- [Italian Law Decree no. 18/2020: Impacts on the life sciences industry](#)

Poland

- [New COVID-19-related rules impacting the pharmaceutical industry in Poland](#)
- [Poland enacts new measures in response to COVID-19](#)
- [The COVID-19 Act in Poland in force since 8 March 2020 – impact on the life sciences business](#)

Russia

- [The Supreme Court of Russia to Clarify Certain COVID-19 Related Legal Issues](#)
- [Russian regulatory trends in the pharma industry in light of the outbreak of COVID-19](#)

Spain

- [New reform of the Foreign Direct Investment regime in Spain](#)
- [Spain's AEMPS clarifies position on hydroxychloroquine, echoing statements of EMA and Lancet](#)
- [Use of face masks in Spain becomes mandatory](#)
- [The Spanish insurance sector in the light of the COVID-19 pandemic](#)
- [Spain takes new steps to facilitate the availability of a wide range of PPE](#)
- [Spain intervenes in the price of face masks and other essential products within the COVID-19 context](#)
- [Impact of Spanish government's COVID-19 measures on life sciences companies operating in Spain](#)

United Kingdom

- [The Legacy of Lockdown: Making law and policy post COVID-19](#)

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Listen on-demand:

- [Making law and policy post COVID-19: changing machinery of government](#)
- [Making law and policy post COVID-19: regional fragmentation](#)

Talking the Cure podcast series:

- [Discussing innovation in drug development, the competitive aspects and affordability of medicines in Europe](#)
- [Discussing European developments on COVID-19](#)

Additional resources

You can access all of the firm's latest publications, webinars, and useful tools on the Hogan Lovells [COVID-19 Topic Center](#).

Global

- [Key data protection challenges for 2021](#)
- [Looking ahead to 2021: AI – A brave in world?](#)
- [A Global Privacy and Cybersecurity Guide](#)
- [COVID-19: A Global Guide](#)

Antitrust

- [State aid rules applicable to COVID-19 recapitalizations](#)
- [Acquisition of businesses in financial difficulty as a result of COVID-19: Do buyers still need to wait for prior antitrust/competition clearance?](#)
- [Reducing antitrust risk of collaborations during the COVID-19 pandemic](#)

Asia

- [Southeast Asia – looking ahead into 2021](#)
- [Hong Kong government announces long-awaited corporate rescue regime](#)
- [A review of MAC Clauses in a COVID-19 Climate in Japan](#)
- [A closer look - opportunities for foreign investors in China insolvency](#)
- [Shifting sands – Trends and opportunities in China bankruptcy law](#)
- [China: Life sciences deals flourishing, but it's largely a domestic story](#)
- [Containing the corruption and fraud virus](#)
- [COVID-19 – top China court puts restructuring to the fore in key corporate insolvency rulings](#)
- [Monthly Hong Kong Corporate Insights | April 2020](#)
- [China takes a pragmatic approach to relaxing regulation of the life sciences sector during COVID-19](#)

Corporate Governance

- [Second extension of the temporary measures allowing for virtual meetings of corporate bodies](#)
- [Is Your Board Ready? 10 tips for boards facing an emerging crisis](#)

Employment

- [On the basis of sex – Select Committee report into economic impact of coronavirus](#)
- [COVID-19 update: President Biden issues Executive Order on COVID-19 worker safety](#)
- [D.C. employers have continuing COVID-19 leave obligations in 2021](#)
- [FFCRA COVID-19 leave is voluntary for Q1 2021](#)
- [UK employees and COVID-19 – employers' frequently asked questions](#)
- [Can employers adopt mandatory COVID-19 vaccination programs? Should they? Key considerations in light of the EEOC's COVID-19 vaccine guidance](#)
- [OSHA issues revised guidance as to reporting incidents of COVID-19 in the workplace](#)
- [Department of Labor issues revised FFCRA regulations](#)
- [D.C. requires employers to adopt COVID-19 worker protection policies, increases retaliation protections](#)
- [Virginia's new COVID-19 workplace safety standards create extensive additional obligations for employers, including mandatory documentation and training](#)
- [Force majeure claims in future waves of COVID-19: four key actions](#)
- [Return to the workplace: Privacy & Cybersecurity offering](#)
- [CDC issues testing strategy for COVID-19 in high-density critical infrastructure workplaces after a COVID-19 case is identified](#)
- [Employers need to consider whether they must compensate employees for mandatory COVID-19 testing](#)
- [Practical insights for boards of directors in the time of COVID-19](#)
- [CDC provides updated guidance and toolkit for employers preparing to re-open](#)
- [What do "work-related" COVID-19 infections mean for employers](#)
- [We are all in this together: navigating employment issues during COVID-19](#)
- [Practical and legal considerations for reopening U.S. worksites related to COVID-19](#)

Finance

- [COVID-19: Measures taken by financial supervisory authorities in certain jurisdictions](#)
- [COVID-19: Overview of EU and Spain's financing measures to protect companies](#)
- [COVID-19: Tracker for SEC and related developments for U.S. public companies](#)

Insurance

- [The UK Supreme Court decides on COVID-19 business interruption coverage](#)
- [COVID-19: Government guarantee for Trade Credit Insurance](#)

Intellectual Property

- [Russia PTO: New Rospatent Rules come into force on 6 September 2020](#)
- [COVID-19 IP update: Intellectual Property Office developments](#)
- [COVID-19 IP update: Impact on litigation](#)
- [COVID-19 and emergency inventions](#)

Transactions

- [Negotiating M&A Transactions in the COVID-19 Era](#)
- [Joint ventures: Key topics surrounding the COVID-19 pandemic](#)

Litigation Landscape podcast series:

- [An ethical return to the workplace](#)
- [Preparing yourself for virtual hearings](#)
- [Key considerations for employers](#)
- [Market abuse: in the regulatory spotlight](#)

Listen on-demand:

- [Navigating the return from lockdown in the UK](#)
- [U.S. employment considerations](#)
- [COVID-19 webinar series – Insurance](#)



How we can help

The COVID-19 pandemic requires quick-turn, out-of-the-box approaches to mitigating a global health crisis that changes daily. We are helping our clients navigate the minefield of regulations around the world and work with the relevant government agencies to develop creative approaches that respond to the immediate needs and potentially alter the long-term implications of this disease.

Whether you are managing disruptions in your supply chain or clinical trials, are looking to increase access to digital tools, or are exploring pathways to expedite regulatory approvals for critical medical products such as tests, therapies, vaccines, and personal protective wear, our team is at the ready to help.

Led by our world-renowned Global Regulatory practice, we have a dedicated team of lawyers and regulatory specialists who have long-standing relationships and experience with key U.S. and EU regulatory agencies, as well as in-depth knowledge of health care policies and legislation, privacy and cybersecurity requirements and threats, and new developments in international trade and government contracts.

Our Global Regulatory team is supported by lawyers from our Corporate, Litigation, and Employment practices who are advising on contracting issues, crisis leadership, liability and risk management, and employment considerations.

A selection of our experience

- Advocating to FDA on behalf of multiple clients regarding regulatory issues related to recent FDA guidance on alcohol-based hand sanitizers during the COVID-19 emergency.
- Assisting multiple clients with regards to Emergency Use Authorization (EUA) submissions for COVID-19 diagnostic tests, treatments, and surgical masks.
- Assisting manufacturers regarding the application of PREP Act liability immunity in connection with large scale manufacture and supply of medical devices and drugs needed for the COVID-19 response.
- Advising manufacturers in connection with orders of medical devices and drugs by FEMA and HHS for the Strategic National Stockpile, including rated orders issued under the Defense Production Act.
- Advising clients on the impact of COVID-19 on clinical trials, such as patient travel to clinical sites and potential force majeure claims from clinical trial vendors.
- Advising clients on the use of telehealth and other digital health applications to monitor COVID-19 patients in their homes.
- Advising clients on drug shortage and supply chain disruption due to export bans of certain medicinal products.
- Advising clients in drafting COVID-19 policies, including employee communications, privacy requirements, travel policies, etc.
- Advising clients on the regulatory pathway and expanded coverage for home infusions for immunocompromised patients.
- Advising non-traditional life sciences and device companies on the requirements and logistics of producing critical need supplies.
- Assisting new-market entrants on the procurement of supplies from overseas and helping them navigate the FDA and CBP requirements to import these products.
- Advised **Vayu Global Health Innovations** in obtaining an EUA from FDA that allowed its bubble CPAP (bCPAP) device to be immediately distributed to hospitals to help alleviate the ventilator shortage associated with COVID-19.
- Teamed up with regulatory consultant Wanda Henry Co. to advise **Sansure Biotech, Inc.** in its FDA EUA for a molecular diagnostic test kit for COVID-19.

- Advising **Ford Motor Company** in its collaboration with GE Healthcare to help reinforce the Strategic National Stockpile and to support the treatment of coronavirus patients.
- Advised the **Kraft Group/New England Patriots** to obtain the necessary government approvals to pick up 1.3 million N95 masks from Shenzhen, China, and deliver them to the Commonwealth of Massachusetts.
- Advised **Valneva** on its partnership with the UK Government for its inactivated adjuvanted COVID-19 vaccine, VLA2001.
- Advised **Lucira Health** on obtaining the first FDA Emergency Use Authorization for an at-home COVID-19 testing kit.



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