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How Many Laws Are WuFlu Crisis Making People Realize Are Very Dumb?

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The pandemic over the Wuhan coronavirus has prompted states worldwide to reconsider a wide array of government policies and reevaluate whether they are necessary as nations scramble to combat the outbreak. The answer has consistently been no.

As of this writing, there have been more than 240,000 confirmed cases of the virus worldwide and more than 11,000 in the United States. Nearly 10,000 people have died globally and almost 200 fatalities have been recorded in the United States, or 0.00006 percent of the population.

The federal government is firing everything in its arsenal to stop the virus, precipitating widespread economic destruction and prompting some to question the costs and benefits of a global shutdown over a virus with a relatively low spread and fatality rate in the country so far. Policymakers have temporarily waived certain regulations to enhance the nation's capacity to battle the outbreak and ease the economic consequences of extreme social distancing.

The recent series of regulatory rollbacks, although temporary, expose government rules that were unnecessary in the first place.

Rules On Alcohol Delivery

Many states and localities are now slashing rules on prohibiting alcohol to be delivered after shutting down restaurants and bars and forcing them to transition to take-out services only.

To soften the blow to businesses, establishments in New York City, Washington D.C. and other places around the country such as Texas and Maryland are temporarily being granted permission to include alcohol on their carry-out menus despite normally being barred from doing so.

Texas Gov. Gregg Abbott has taken things one step further by allowing trucks normally restricted to delivering alcohol to liquor stores to now be able to deliver grocery supplies to supermarkets too. The move comes as a measure to strengthen supply chains as Texans raid store shelves in the midst of the crisis.

“By waiving these regulations, we are streamlining the process to replenish the shelves in grocery stores across the state,” Abbott said.

Once the epidemic subsides, it will remain a mystery why these rules were ever in place to begin with. It's clear these regulations have only impeded creative opportunities for commerce.

TSA Regulations on Hand Sanitizer

As hand hygiene grew, the Transportation Security Administration (TSA) announced a temporary change to its liquids rule for hand sanitizer last week. Airplane travelers can now bring 12-ounce bottles of hand sanitizer as a carry-on item, far above the 3.4 ounce rule still in place for all other liquids. Are flyers now far less safe? Or could this rule have been relaxed before?

Rules On Doctors and Nurses Working Across State Lines

On Wednesday, Vice President Mike Pence announced a new directive under the Department of Health and Human Services (HHS) to allow doctors and nurses to work across state lines to aid short-handed hospitals struggling to operate through a projected epidemic.

“HHS is issuing a regulation today that will allow all doctors and medical professionals to practice across state lines, to meet the needs of hospitals that may arise in adjoining areas,” Pence said during a White House press conference.

Physicians and nurses certified in one state may now temporarily provide care to patients in another to deal with the outbreak. Prior to the new guidance, health-care workers were only allowed to practice medicine within the states they were granted permission through certification.

Laws For Hospitals Limiting Ability to Acquire Equipment

Last week, the North Carolina Department of Health and Human Services temporarily lifted a regulation that requires hospitals to seek state permission to obtain new beds. According to state law, hospitals are prohibited from adding more than 10 percent of their licensed bed capacity without approval from government bureaucrats in the form of a “Certificate of Need” (CON).

Applying for a CON can cost up to \$500,000 and often takes months to process. The state’s HHS waived the law “to allow the hospital to provide temporary shelter and temporary services to adequately care for patients that may be stricken by COVID-19 [Wuhan Virus].”

Probably better to allow hospitals to acquire medical equipment as needed regardless of whether in a pandemic.

CON laws are not exclusive to North Carolina. Jeffrey Singer, a senior fellow at the libertarian Cato Institute, reports that they exist in 37 other states and explains that they merely act as a high barrier to entry or expansion.

“Imagine a CON law for restaurants that empanels existing restaurant owners to review applications by persons wishing to build a new restaurant or expand the capacity or offerings of an existing one,” Singer wrote in a blog post. “It doesn’t take long to understand how that turns into an incumbent protection law.”

Government Restrictions on Telehealth

On Tuesday, the U.S. HHS announced that the federal agency would temporarily waive potential violations of the Health Insurance Portability and Accountability Act (HIPAA) to empower health care providers to treat patients remotely.

HIPAA protects patient privacy by prohibiting their medical history from being shared by providers, which also prevents their records from being used for advertising and marketing

campaigns. One consequence of the privacy law, however, is that it deters doctors and nurses from using certain technologies such as FaceTime and Facebook Messenger to communicate with patients unable to reach a hospital over concerns that information might be shared unknowingly without proper consent.

HHS made clear that even under its new directive: “Facebook Live, Twitch, TikTok, and similar video communication applications are public facing, and should not be used in provision of telehealth by covered health care providers.” The department included a list of alternative platforms that should be used instead to take advantage of the temporary waiver, such as Skype for Business, Updox, VSee, Zoom for Healthcare, Doxy.me, and Google G Suite Hangouts Meet.

Although these could all be handy tools to provide remote health care even under normal circumstances, doctors and hospitals have been hesitant to embrace telehealth since they cannot charge as much. In the end, some people likely end up skipping out on health care altogether.