

MEMORANDUM

To: Governor Gavin C. Newsom

From: Rinaldo S. Brutoco,
President and Founder

Date: April 6, 2020

RE: Health Identity Card: A Proposal for how to get
California residents back to work *QUICKLY* and *SAFELY*

Executive Summary

Less than four months ago, no one knew that SARS-CoV-2 existed. Yet over the past 90 days, the U.S. has gone from zero to now having over 350,000 confirmed cases. The disease has already taken over 10,000 human lives in the U.S. and the number of infected persons and associated death count are growing literally by the hour.

Thanks to early and well-conceived actions instituted by your Administration, the state of California has been successful thus far in blunting the most catastrophic health effects. However, as we all recognize, this is merely the first phase of addressing the novel coronavirus crisis. Lagged just behind this first wave of pandemic-related challenges is the monumental economic toll being assessed on the State, national and world economies. In mitigating this damage, you and your Administration are once again in a position to demonstrate strong and effective leadership by putting forward a well-conceived way to reopen the state of California without setting off a disastrous second wave of contagion.

Over the past few days, a number of articles have begun to appear regarding the importance of immunity testing as part of this transition back to work.¹ Last week, I recommended considering this approach in my weekly podcast.² Based on the favorable responses I received following the show, the Academy has prepared this memorandum to formalize our advocacy for a comprehensive “Health Identity Card” program under the California Department of Motor Vehicles (DMV) to test for antibodies, identify and officially designate those individuals who have had, recovered from and developed at least a temporary immunity to the virus. If expeditiously undertaken, we believe such an approach provides a means for completing the work of flattening the curve of disease infection, reducing the risk of a second wave, and simultaneously minimizing the economic disruption from the pandemic.

¹ See, for example, Jason Horowitz, “In Italy, Going Back to Work May Depend on Having the Right Antibodies,” *The New York Times*, April 4, 2020 [<https://tinyurl.com/rzeq8kd>]. “Italians in possession of antibodies showing they no longer have the virus could obtain a ‘license’ that allows them to move around the country and work;” and quotes an expert in saying that “From an ethical perspective, [] the question of using antibodies as a basis for free movement reconciles a utilitarian vision of what is best for society with respect for individual humanity by protecting ‘the most fragile, not marginalizing them.’”

² Rinaldo Brutoco, “New Business Paradigms: Getting America Healthy and Back to Work,” *World Business Academy Podcast*, March 31, 2020 [<https://tinyurl.com/tueu48b>]. Mr. Brutoco is the founding president and CEO of the World Business Academy. He is a co-founder and Board member of JUST Capital, and for over 35 years has been a serial entrepreneur, executive, author, radio host and futurist respecting the role of business in relation to pressing environmental and social concerns. The Academy is a 501(c)(3) organization.

Key implementation features:

- Using local DMV offices throughout the State for free drive-by antibodies testing that will identify (if positive) all persons who either have COVID-19 (and should remain in quarantine), or who previously had the virus and have recovered; and (if negative) all persons who have yet to come into contact with the virus.
- Offering the antibodies tests at no-cost to all California residents.
- Issuing a State-sponsored Health Identity Card to officially confirm that the bearer pictured on the card has COVID-19 antibodies, is free of the disease and is able to participate in the workforce and community activities without restrictions.
- Re-testing at a defined interval to confirm that disease spread is under control and/or if any individual with a Health Identity Card has been re-infected.
- Using professional and volunteer staff to manage the tests, notifications and other administrative matters.
- The opportunity for a controlled Pilot Study if this is something you would prefer as a predicate to Statewide implementation.

Key benefits:

- Better ability to track spread of the virus and to assure the work of flattening the growth curve of infection is under control.
- Enables persons with immunity to return to the workforce and their communities.
- Identifies those persons for whom continued isolation at home is critical, and provides the predicate for contact tracing where appropriate.
- Supports individuals, families and businesses, while blunting the negative economic impacts of the virus.
- Will serve as a model that can be followed by other states and/or nations.

Getting the California economy going again... *Quickly and Safely*

We can't wait until it's safe for everyone to come out of isolation to lift existing "stay at home" restrictions and begin to get the economy up and running again. If we wait, there will be *far too much* economic damage wrought. As recent economic results and unemployment reports foretell, the hole created by such a policy will be much too deep. Fortunately, there's a superior way.

Rather than wait for the virus to be fully suppressed before permitting anyone to venture much beyond home and "essential workplaces", we need to more swiftly begin to get individuals back into restaurants, stores, offices, theaters and other places of employment and patronage. As we describe in greater detail below, a Health Identity Card program provides a viable way in which to orchestrate this critical transition.

Thankfully, there are indications that we are now (or very shortly will be) able to mitigate the worst public health effects by enforcing stay at home orders that will slow transmission of the disease to newly infected individuals enough for our hospitals and supply chains to prepare for high numbers of seriously ill patients.³ Thus, while not yet fully out of the woods, we can at least begin to see daylight.

³ Debra Kahn and Carla Marinucci, "Bend it like the Bay Area: Doctors see flatter curve after 2 weeks of social isolation," *Politico California*, March 30, 2020 [<https://tinyurl.com/wkovpn3>].

As the well-reasoned steps that have been taken by you and other proactive governors begin to reveal positive results, we must now begin to look for ways to mitigate the overwhelmingly negative economic impacts that are being experienced from the necessity to have “put much of the economy on hold.” In this regard, it is imperative that governments take coordinated action to address the impending recession before we are left with a full-fledged economic depression that is more severe than in the 1930’s. To avoid this calamity, we must begin to put people back on the street and enable them to get back to work even while “stay at home” orders are in place. The question is “How?”

In order to achieve this, we must initiate a program that will begin rebuilding the economy *one patron at a time, one worker at a time, one store at a time and one restaurant at a time.*

On April 1, 2020, the Food and Drug Administration (FDA) approved a test that screens for antibodies in the blood of people who’ve recovered following exposure to the novel coronavirus.⁴ Such tests take only a few drops of blood and in 15 minutes are able to identify individuals who had COVID-19 and who most experts agree likely have at least temporary immunity to the virus. Other companies in the U.S. were already making and distributing antibody tests without FDA authorization; and such kits are being tested in a number of other countries.^{5, 6, 7}

It is increasingly being realized that “If a person can be shown to have developed those protections against reinfection, they could potentially reenter society — and the workforce — during a time when millions of Americans live under orders to stay home to prevent the spread of COVID-19”⁸ Germany has announced that it intends to roll out this sort of test on a massive scale; and epidemiologists in both the UK and Germany have begun to actively speculate about issuing “Immunity Passports” as a way to enable “[t]hose who are immune [to] be issued with a kind of vaccination pass that would for example allow them to [be] exempted from restrictions on their activity.”⁹

One of the things that has been missing in all of these speculations is a time- and cost-effective way to implement this widespread testing and certification program without adding a new burden on the already overly stretched health care workforce.

In response to this, the Academy has proposed that the State implement such a testing program through each community’s local Department of Motor Vehicle (DMV) offices, who could both conduct the test using drive-through kiosks and issue a photo Health Identity Card to those persons who 15 minutes after taking the test are found to have acquired an adequate number of antibodies to be considered immune.

⁴ RADM Denise M. Hinton, “Letter to James X. Li, PhD., Cellex, Inc.,” U.S. Food & Drug Administration, April 1, 2020 [<https://www.fda.gov/media/136622/download>]. Emergency approval of a qualitative test to detect within 15-20 minutes the presence of IgM and IgG antibodies against SARS-CoV-2 in a blood specimen collected from individuals suspected to have had COVID-19.

⁵ Yasemin Saplakoglu, “FDA approves first antibody test in the US to detect the coronavirus,” Live Science, April 2, 2020 [<https://tinyurl.com/tt9qyjd>].

⁶ Mount Sinai Health System, “Mount Sinai Developing an ‘End-to-End’ Diagnostics Solution for COVID-19 that Incorporates Diagnosis, Treatment Selection, and Monitoring of Disease Course,” March 23, 2020 [<https://tinyurl.com/wbpvk6y>].

⁷ Gretchen Vogel, “New blood tests for antibodies could show true scale of coronavirus pandemic,” Science, March 19, 2020 [<https://tinyurl.com/rcuvkij>].

⁸ Anya van Wagtenonk, “The CDC Has Begun Testing Blood for Immunity Against Coronavirus,” Reader Supported News, April 5, 2020 [<https://tinyurl.com/w7vgbys>].

⁹ Kate Proctor, Ian Sample and Philip Oltermann, “‘Immunity passports’ could speed up return to work after Covid-19,” The Guardian, March 30, 2020 [<https://tinyurl.com/ra3p57h>].

Armed with this photo ID, individuals with immunity would be immediately permitted to move freely, return to work, go to their favorite restaurant, clubs and retail stores by showing the card as conclusive proof that the person cannot be re-infected while individuals without the antibodies must remain at home and maintain social distancing.

Background

The U.S. now has the highest number of confirmed cases of COVID-19 in the world, a number that all experts agree will increase dramatically in the coming weeks. The path to flattening the curve will require extended periods of “social distancing” and testing as many people as possible to see who has the novel Coronavirus so society can quarantine them and effectively trace their contacts. Ideally, widespread testing of all individuals - even those not exhibiting symptoms - should be undertaken to gain better control and a more realistic picture of how the virus spreads and interacts with human biology.

The pandemic has exposed the federal government’s lack of emergency preparedness and responsiveness to state needs, resulting in shortages of essential equipment such as testing kits, ventilators, masks and other personal protective equipment (PPE). At the same time, exacerbated by the lack of testing and information about how broadly the virus may have spread through persons who are asymptomatic or who showed mild symptoms but were not diagnosed, the California Department of Public Health reports thousands of cases, many hospitalizations, and a wave of death that will crest in the next few weeks.

The combination of these sorts of acute shortages, and the uncertainty about stopping the spread of the disease in light of grossly insufficient testing, has made it difficult to look beyond the current public health impacts and to consider ways to minimize the economic consequences of having effectively shut down a significant percentage of all commercial activity for an extended period of time.

One should have no doubt about it, our first priority as a state must be to deal with the health crisis, first and foremost. Nonetheless, now that a rapid and inexpensive test is available that enables positive identification of those individuals who have acquired antibodies to the virus, we have a way to begin to turn the economy back on. Because these individuals don’t need to maintain social distancing for their own safety and to avoid placing a burden on hospitals, hundreds of thousands of people (and perhaps more) can start to return to “normal” life, going to work and coming into contact with others who have the card and who also can’t be infected.

Getting Back to Normal, One Healthy Person at a Time

To restore some form of normalcy to society, a safe path for people who have acquired immunity to this frightening disease must be created so that they are able to return to work and, in so doing, where they can help restart the economy. If there is a program for verifying which individuals have such antibodies and for allowing them to get out of social isolation orders, consumer activity and public facing occupations can be jump-started. The Academy believes that the best solution to achieve this goal would be a State mandate promoting widespread serological blood testing for antibodies and the issuance of a Health Identification Card indicating immunity results.

Once an individual has the card to prove they are safe, they can show it in order to work at – and to patronize – food establishments, business offices, retail stores and personal care establishments such as hair and nail salons. As the number of Health Identity Cards issued increases, and a greater percentage of the people in California return to work, being able to prove they have acquired immunity to the novel virus will become a social greeting in the same way that shaking hands was before the pandemic. In the long term, having a population equipped with Health Identity Cards will make it easier to contain the spread of the virus from other states.

The Feasibility of Widespread Serological Testing

As noted above, in addition to the Cellex rapid antibodies test that was recently approved by the FDA, there are a number of other U.S. and foreign entities that have developed a similar test for antibodies.

Several demonstration projects reveal the potential for widespread, population level testing of this sort, which a recent Washington Post article characterized as being “[a]t the root of almost every plan to restart society.”¹⁰ In one such demonstration, part-time Telluride residents associated with United BioMedical have agreed to test up to all 8,200 residents of San Miguel County, Colorado (home to Telluride Ski Resort) using a serological test their company has developed.¹¹

The test protocol generally follows an approach that was taken in the northern Italian town of Vo Euganeo, where in combination with a 2-week quarantine period, the testing of all 3,000+ residents of Vo is largely credited with having put a halt to the spread of the virus.¹² The Telluride plan anticipates administering the test twice, approximately two weeks apart, in order to identify all persons who either have COVID-19, or who previously had the virus and have recovered. Accordingly, 15,000 test kits will be provided – representing roughly double San Miguel County’s population.¹³

Producing a sufficient number of kits to test a populous county like Los Angeles County will be a much greater undertaking than it was for a small county such as San Miguel. Yet according to the company’s founders, United BioMedical previously developed diagnostic tools and vaccines for SARS, and has already deployed approximately 100,000 tests globally, mostly to China and Taiwan.¹⁴ It is likely that companies of this sort can be engaged as part of a consortium of firms to produce enough tests very quickly.

California Has an Opportunity to Provide a Service Both to its Residents and the Nation

In a vacuum of national leadership, each state has been left thus far with the obligation to implement public health programs to flatten the curve of infection. A similar approach from the federal government seems likely when it comes to innovating programs that are designed to put people back to work and thereby to seed the recovery from the massive economic free fall we are currently experiencing.

This is where the Academy sees Health Identity Cards playing an essential role. The State, of course, must be prepared to pay the costs associated with getting the underlying testing done, issuing the Health Identity cards, and maintaining a database of these.¹⁵ However, the cost of this program will be a tiny

¹⁰ Carolyn Y. Johnson, “Testing coronavirus survivors’ blood could help reopen U.S.,” The Washington Post, March 31, 2020 [<https://tinyurl.com/v732qpx>].

¹¹ Rae Ellen Bichell, “Who Has COVID-19? One Colorado County Is Offering Blood Tests To All Its Residents To Find Out,” KUNC, March 30, 2020 [<https://tinyurl.com/swaoslfi>].

¹² DTE Staff, “COVID-19: Mass testing helped Italian town cut cases to zero,” Down to Earth, March 24, 2020 [<https://tinyurl.com/yx4cevkc>].

¹³ Jesse Paul, “Telluride couple is paying for their entire county’s coronavirus tests. They hope the results will stop the disease everywhere,” The Colorado Sun, March 20, 2020 [<https://tinyurl.com/r4d3fma>].

¹⁴ Mark Abdelmalek, Eden David and Josh Margolin, “Why coronavirus antibody testing in one Colorado town could provide a way forward,” ABC News, March 28, 2020 [<https://tinyurl.com/vj8zwrn>].

¹⁵ The Academy is not suggesting a national identity card. The only purpose for having each Health Identity Card numbered is to reduce fraud and for epidemiological and medical purposes. To assure maximum participation, it is important that it be clear that the database will not be made available to immigration authorities or any other federal law enforcement agency.

fraction of the economic losses created, on one hand, by maintaining full social separation for everyone (including those who do not need to be separated because they can no longer be infected); or on the other, by being swept into an ill-conceived or pre-mature White House tweet saying that its time for everyone to get back to work.

Instead of lamenting a lack of federal leadership on such important issues, by rising to this challenge and pioneering an efficient, cost-effective and socially beneficial program, California has an opportunity to implement a first-in-the-nation protocol for statewide antibody testing to control residual spread of the SARS-CoV-2 virus and to safely return residents to their jobs and communities. It is likely that once California demonstrates the effectiveness of such a program, other states and other nations will follow.

The Prospect of a Pilot Study

Should your office wish to undertake a Pilot Study to establish efficacy, confirm costs, and/or ascertain more data before proceeding with a Statewide implementation, the Academy is prepared to work with your office, Department of Public Health, the CDC and officials at the National Institutes of Health (NIH) to advocate for a controlled demonstration in the municipalities and unincorporated areas along approximately 40 miles of the central California coast.

Located approximately one hour west of Los Angeles, and with relatively low levels of known Coronavirus outbreak,¹⁶ these coastal communities, including Santa Barbara, Carpinteria, Goleta, Hope Ranch, Mission Ridge, Montecito and Summerland (collectively referred to as the “Subject Area”), have an aggregate population of between 185,000 - 200,000 persons. Just as the “one-road-in and one-road-out box canyon that holds Telluride” was considered an ideal testing location by United BioMedical,¹⁷ by virtue of being bounded on the east by the Santa Ynez Mountains and on the west by the Pacific Ocean, the Subject Area has only three points of vehicular ingress and egress.

The limited number of ways that persons can enter the Subject Area are part of what makes the region ideally suited as a demonstration for how the Health Identity Card plan works in reopening businesses, retail stores and boutiques, service establishments and schools, as well as area restaurants, hotels, bars and movie theaters – all while assiduously protecting community residents and properly screened visitors to the area from contracting or spreading the highly contagious coronavirus infection.

The Academy welcomes your follow-up – both with regard to its general recommendation concerning a Health Identity Card, and to further discuss the prospect of our helping to arrange for a controlled Pilot Study in the Central Coast area.

¹⁶ Santa Barbara County Public Health Department, “Public Information Portal” [<https://publichealthsb.org/>]. As of April 6, 2020, the County reports a total of only 174 cases of Coronavirus and 2 deaths.

¹⁷ Jesse Paul, *id.*