

# COVID-19 and Collateral Profits

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It is beyond peradventure that COVID-19 is real, dangerous, highly infectious, and that it is wise to take precautions. These precautions involve masks and certainly not being around a high-risk population or in large crowds.

Having said that, one cannot help but notice the extent to which pharmaceutical companies are receiving billions of dollars of taxpayer money to develop a vaccine. Even the company that is not receiving funds directly under operation warp speed, is being well endowed for its efforts. Perhaps there is nothing wrong with that, but is anybody looking out for the consumer? Just what kind of profits are the pharmaceutical companies going to make, who is going to monitor how the government funds or utilizes what they receive and how will the marketing of the pharmaceutical be handled in the future?

Advertisements for masks are legion. The FDA does not approve masks *per se*, but has something to say about which masks are more likely to prevent a virus from getting through the mask mesh. Coming by any good evidence on what masks work and which do not, is not easy. The general admonition from federal, state and local government is to wear a mask, even if it is nothing more than a piece of cotton over one's face. But does this work? What good science is there as to what kind of mask works, works well or is entirely ineffective? Since the mask industry is essentially unregulated, claims can be made regardless of their truth or efficacy. Recently, I received an email from a mask manufacturer. They admit, deep in their website, that the FDA has not passed upon the reliability or integrity of their masks, but they nevertheless claim that their material is such that the tiny virus cannot get through the pores of their product. Who will pass upon the truth of this? Who knows if the masks are really worth \$50 each, although there are discounts for large orders? The government has been ponderous, slow and not terribly helpful in terms of mask technology, while political candidates urge everyone to believe that masks are the holy grail of protection from COVID-19.

Hospitals are also taking advantage of COVID-19 as they advertise their health plans and the high capabilities of their doctors and staff. First responders have been elevated to a position of holiness, even though they, too, along with physicians and healthcare professionals, can make mistakes. This certainly is not the time to put any more pressure on those who are working to save lives. We all appreciate greatly the work done by dedicated scientists, professionals, doctors, nurses and others. However, one cannot argue with the proposition that hospitals and the healthcare industry in general see an opportunity to enhance their fortunes and garner additional respect. Many times, hospitals and healthcare groups are behind the advertisements, signs and praise lauded upon the heroes who care for us in time of need. In some cities, hospitals sponsor an entire Health Section of local newspapers on a weekly basis.

No one should be surprised that difficulty and tragedy bring out the best and worst in American capitalism. At the same time that the pharmaceutical and healthcare industry

generally is benefitting from the actuality as well as the fear of COVID-19, they are also seeking immunity from fault.

Should the current national and medical emergency automatically permit doctors, pharmaceutical companies and retailers to escape the consequences of negligent behavior? Most people would say “no”, but many officials are rushing to create hurdles for recovery by victims who suffer due to the neglect of others. Notwithstanding the gratitude which we all feel to the healthcare industry and even the pharmaceutical folks, this is not the time to provide a free pass to those who are not careful, exploit the consumer, and act in a fashion incompatible with legal as well as ethical standards. It would be a mistake to contort the law in order to serve the narrow interests of any one group.

We have seen politicians use COVID-19 to benefit their campaigns. In the run-up to the Presidential election, President Trump was unrestrained in bragging about the pace of development of the COVID-19 vaccine. Perhaps he has something to brag about, but as of yet, to quote my mother, “the proof of the pudding is in the eating.” Vice President Biden, for his part, hesitated not a wit in blaming the suffering and death from COVID-19 on President Trump’s ego and ineptness.

If politicians can take advantage of the epidemic to advance their agendas and personal success, then why should anyone hold back if they can garner an advantage at the expense of others? Lawyers, too, have to be careful not to bring cases without substantial merit. We all know that there are nursing homes, for example, that were sloppy and incompetent in permitting their residents to be exposed to those with COVID-19. In some cases, the behavior of a few nursing homes showed deliberate recklessness. There are also lawyers trying to utilize COVID-19 to delay and protract proceedings, presumably to the economic benefit of their clients and themselves. Such behavior is unethical and shameful.

There will always be leeches who attempt to take advantage of hard times. The hard times of COVID are no different than any we have been through. We simply need to remember that each of us has a responsibility to think, learn and hold back from emotional responses. The advertisers and hucksters know very well how to manipulate our emotional intelligence. Let us be on our guard.

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