

NEWS & INSIGHTS

Federal courts place hold on COVID-19 vaccination mandate for some healthcare workers

[INSIGHTSLEGAL UPDATE](#)

DECEMBER 1, 2021



The below information is current as of the publication date listed. Because COVID-19 response measures on all fronts are continually evolving, clients should stay alert to new developments and consult with counsel on any critical questions.

On November 29 and 30, 2021, respectively, federal district courts in Missouri and Louisiana blocked the Centers for

Medicare and Medicaid Services (CMS) COVID-19 vaccine mandate for healthcare workers. The Courts each granted preliminary injunctions precluding implementation of the rule pending decisions on the merits. The Missouri ruling impacts only 10 states – Alaska, Arkansas, Iowa, Kansas, Missouri, Nebraska, New Hampshire, North Dakota, South Dakota and Wyoming. The Louisiana ruling specifically sets forth its nationwide application, excepting only those 10 states already subject to the Missouri injunction.

Lawsuits challenge both federal authority and a vaccine's ability to slow the spread of COVID-19

The Missouri injunction is based on the argument that there is insufficient evidence that vaccination status directly affects the spread of COVID-19 in medical facilities. The Louisiana ruling is based on the argument that the federal government lacks authority to implement such a mandate.

The federal contractor mandate, applicable to federal contractors and subcontractors, was also blocked on November 30, 2021, by a Kentucky federal judge. The injunction, granted on the basis that the federal government exceeded its authority in issuing the mandate, impacts only Kentucky, Ohio and Tennessee. The deadlines set forth in the federal contract mandate are still applicable in all other states.

Employers should plan for compliance and contact an attorney for legal questions

Much like the stayed OSHA rule, it seems unlikely that decisions on the merits of the CMS and federal contractor mandates will be reached in 2021. However, employers subject to any or all of the three rules should still continue efforts toward compliance in the event the rules are deemed enforceable.

Attorney [Richard Hackman](#), and Saxton & Stump's [Labor and Employment Law Group](#) are monitoring these cases closely and are available to discuss how to best position your organization going forward.

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