FEDERAL JUDGE HALTS CMS VACCINE MANDATE IN 10 STATES

Earlier today, the United States District Court for the Eastern District of Missouri issued a <u>preliminary injunction</u> prohibiting the Centers for Medicare & Medicaid Services (CMS) from implementing and enforcing its health care worker vaccine mandate. The mandate, published on Nov. 5, 2021, required a wide range of people working in most health care settings that participate in Medicare and Medicaid programs to be vaccinated against COVID-19 and to have received at least a first dose of a two-shot vaccine (Pfizer or Moderna) or a single dose of a one-shot vaccine (Johnson & Johnson) by no later than Dec. 6, 2021.

Citing multiple procedural and other issues with the CMS vaccine mandate, the Court preliminarily enjoined the federal government from implementing or enforcing the COVID-19 vaccine mandate "against any and all Medicare- and Medicaid-certified providers and suppliers within the States of Alaska, Arkansas, Iowa, Kansas, Missouri, Nebraska, New Hampshire, North Dakota, South Dakota, and Wyoming pending a trial on the merits . . . or until further order of [the] Court."

The legal battle surrounding the CMS vaccine mandate is ongoing, and it is still possible that the mandate may go into effect in the future, either as currently written or with some limitation or narrowed scope. However, for the time being, affected health care providers in the above-listed states can, if they so choose, suspend efforts to comply with the mandate by the initial Dec. 6, 2021, compliance deadline.

Armstrong Teasdale will continue to monitor this matter and issue updates related to the CMS vaccine mandate. If you have any questions specific to your organization and potential implications in the meantime, please contact your regular Armstrong Teasdale attorney or one of the authors listed below.

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