

Healthcare Law Alert: CMS COVID-19 Healthcare Staff Vaccination Interim Final Rule on Hold

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On Tuesday, November 30, a Louisiana federal district judge issued a [nationwide injunction](#) against the implementation of the Centers for Medicare & Medicaid Services' (CMS) COVID-19 vaccine mandate for certain healthcare workers. The ruling was issued one day after a federal judge in Missouri issued a similar injunction that applies in 10 states (Alaska, Arkansas, Iowa, Kansas, Missouri, Nebraska, New Hampshire, North Dakota, South Dakota, and Wyoming). The Louisiana court issued a nationwide injunction "due to the nationwide scope of the CMS Mandate" and the need for uniformity in protecting unvaccinated healthcare workers.

Key to issuing the injunction was the court's conclusion that CMS would not likely succeed on the merits in defending its authority to issue the rule. The court stated that CMS issued the vaccine mandate without following the required processes for notice and comment, and the court concluded that CMS will not likely be able to meet the "good cause" standard that would exempt it from those requirements. It also found that the ability to issue the rule was beyond CMS' authority, stating that "mandating a vaccine to 10.3 million healthcare workers is something that should be done by Congress."

We will keep you updated regarding the status of the rule and the injunction. In the interim, Medicare and Medicaid certified healthcare providers and suppliers subject to the CMS rule should be prepared to comply if the injunction is lifted. Our November [Healthcare Law Update](#) discusses the requirements of the rule.

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