

Rules Regarding Vaccinations Applicable to Certain Health Providers

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By Katherine Witherspoon Fry

Personally, I'm getting "breaking COVID news" fatigue. I'm willing to guess that you are too, but I have to constantly re-write these blogs. Yesterday, a federal court in Missouri blocked the Biden administration from enforcing a vaccine mandate for healthcare workers in 10 states. The U.S. District Court for the Eastern District of Missouri entered a preliminary injunction and the decision marks the first victory for opponents of the mandate, which requires workers at certain facilities that participate in the Medicare and Medicaid programs to be vaccinated by Jan. 4, 2022, and take other action by December 5. This is no longer the case at this time in the states of **Missouri, Nebraska, Arkansas, Kansas, Iowa, Wyoming, Alaska, South Dakota, North Dakota and New Hampshire**. They aren't subject to the rule while the injunction stands.

More than half of states are now involved in challenges in different federal courts, which claim that the mandate will exacerbate staffing shortages along with other complaints. However, a federal judge in Florida already declined to block the rule in a separate suit.

Some with knowledge believe that the mandate is likely to be upheld ultimately because the Centers for Medicare & Medicaid Services have the right to govern the rules for facilities if they want funding. But, the Eastern District federal judge Schlep ruled that the vaccine exceeds the agency's authority because Congress did not authorize it.

The conservative advice is for the qualifying health care businesses to proceed with the requirements for the planning as the December 5 deadline looms. It's not safe to assume that any other court will enter an injunction. Again, this is still required in all states except the ones highlighted above. The facilities are required to:

1. Develop a process/plan for vaccinating all eligible staff (who must be vaccinated by January 4, so two-shot vaccination series must begin by December 5);
2. develop a process/ plan for providing exemptions and accommodations for those who are exempt; and
3. develop a process/plan for tracking and documenting staff vaccinations.

If your business needs more details on the mandates, please reach out.