

enforcing the mandate while the litigation is pending. That matter is fully briefed, and a decision from the 6th Circuit could come at any time.

Center For Medicare and Medicaid Services Mandate

The third vaccine mandate included in the White House plan was a requirement that all hospitals and various other medical facilities that received federal Medicare/Medicaid funding require employees to be fully vaccinated by January 4, 2022. This mandate does not include a weekly testing option for covered employees.

At the end of November, a federal district court in Missouri initially issued an injunction applicable to ten states. Also at the end of November, a federal district court in Louisiana issued a nationwide preliminary injunction against the CMS mandate.

CMS has appealed both the ten state preliminary injunction out of Missouri and the nationwide preliminary injunction to the 8th and 5th Federal Circuits of Appeals, respectively. Until the legal matters surrounding the mandate have been resolved, CMS has halted enforcement of vaccination rule.

Take Aways

It is likely that all three vaccination mandates will end up in front of the Supreme Court for decisions on their validity. And, while the enforcement of all three mandates have been stayed by the various federal agencies responsible for their implementation, such action, and the court orders themselves, do not impact a mandate that an employer, state or city government has put into place. It is important to note that such mandates or work rules taken independent of the federal rules are not impacted by the various court orders or the federal government's decision to halt implementation of the rules.

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