

Publications

Fifth Circuit Issues Order on CMS Vaccine Mandate

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On December 15, 2021, the United States Court of Appeals for the Fifth Circuit issued an [order](#) denying in part and granting in part a stay on the nationwide Centers for Medicare & Medicaid Services (“CMS”) vaccine mandate (“CMS Mandate”). The court denied the request for a stay on a preliminary injunction as it applies to the 14 states that brought the lawsuit challenging the mandate, including Ohio, but it granted a stay as to the mandate’s application to any other states. Therefore, per this order, the plaintiff states that do not have to comply with the CMS Mandate while the injunction stands are Louisiana, Montana, Arizona, Alabama, Georgia, Idaho, Indiana, Mississippi, Oklahoma, South Carolina, Utah, West Virginia, Kentucky, and Ohio. Additionally, the preliminary injunction granted by the United States District Court for the Eastern District of Missouri Eastern Division on November 30, 2021 is still in effect, and those ten states – Alaska, Arkansas, Iowa, Kansas, Missouri, New Hampshire, Nebraska, Wyoming, North Dakota, and South Dakota – also do not have to comply with the CMS Mandate. As a result, the CMS Mandate will resume in about half of the country while an appeal moves forward.

We are continuing to watch this closely and will keep you updated on further developments. For further questions about these decisions or other related COVID-19 legal questions, please contact Robin Amicon, Liam Gruzs, or your regular Vorys attorney.