

# Courts Block COVID Vaccine Mandates for Healthcare Workers Nationwide and Federal Contractors in Three States as Deadline Nears



The Biden administration was blocked on Tuesday from [enforcing two vaccine mandates](#) requiring millions of U.S. workers to get vaccinated against COVID, which were set to begin next week.

A federal judge in Louisiana [issued a preliminary injunction](#) on Tuesday halting President Biden's national vaccine mandate for health care workers. U.S. District Judge Terry Doughty said the Centers for Medicare & Medicaid Services (CMS) [may not enforce](#) its vaccine mandate for healthcare workers until the court can resolve legal challenges.

The [injunction expanded](#) a separate order issued Monday by a federal judge in Missouri. Monday's order [applied only to 10 states](#) which were part of a [lawsuit](#) challenging [Biden's requirement](#) that nearly all full-time employees, part-time employees, volunteers and contractors at a wide range of

healthcare facilities receiving Medicaid or Medicaid funding get their first dose of a COVID vaccine by Dec. 6, and be fully vaccinated by Jan. 4, 2022.

“There is no question that mandating a vaccine to 10.3 million health care workers is something that should be done by Congress, not a government agency,” [Doughty wrote](#) in the decision. “It is not clear that even an act of Congress mandating a vaccine would be constitutional.”

Doughty said the executive branch would be allowed to usurp the power of the legislative branch to make laws – putting two of the three powers conferred by the U.S. Constitution in the same hands.

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Commenting on the 14-state [lawsuit](#), Louisiana Attorney General Jeff Landry said the federal mandate would blow holes in state budgets and exacerbate shortages in healthcare facilities, as the Biden administration tied compliance with the vaccine mandate to federal funding.

A U.S. District Court judge in Montana also [enjoined and restrained](#) the U.S. Department of Health and Human Services and CMS, their directors, employees, Administrators and Secretaries from imposing the mandate on healthcare providers, suppliers, owners and employees on Tuesday.

“In the past weeks, I’ve heard from healthcare workers across our state whose jobs were being threatened if they did not comply with President Biden’s overreaching federal mandate,” Montana Attorney General Austin Knudsen [said in a statement](#). “With the CMS mandate now blocked in Montana until the case is decided, medical facilities have no reason to threaten their employees if they don’t get the vaccine.”

In response to [recent legal decisions](#), CMS said in a statement:

*“While we cannot comment on the litigation, CMS has remained committed to protecting the health and safety of beneficiaries and health care workers. The vaccine requirement for health care workers addresses the risk of unvaccinated health care staff to patient safety and provides stability and uniformity across the nation’s health care system.”*

The injunction issued on Tuesday is a first step in the lawsuits against the vaccine mandate for healthcare workers. The cases must still be argued before a judge, and lower-court rulings will likely be appealed.

## **Federal judge blocks vaccine mandate for federal workers in Kentucky, Ohio and Tennessee**

Separately, a U.S. district judge [issued a preliminary injunction](#) blocking the Biden Administration from enforcing a COVID vaccine mandate for federal contractors and subcontractors in three states – the first of at least 13 legal challenges nationwide against the mandate.

The ruling applies in Kentucky, Ohio and Tennessee who [joined in a lawsuit](#) against the Biden administration arguing the

mandate for companies that do business with the U.S. government violated the U.S. Constitution.

According to U.S. District Court Judge Gregory Van Tatenhove of the Eastern District of Kentucky, Biden, in all likelihood, can't use congressionally delegated authority to manage the federal procurement of goods and services to impose vaccines.

Kentucky, Ohio, and Tennessee have about \$9 billion, \$10 billion and \$12 billion in government contracts respectively, and contractors that refuse to comply risk being blacklisted by the government, Van Tatenhove's said, citing Biden's remarks from Sept. 7: "If you want to work with the federal government, vaccinate your workforce."

Van Tatenhove said the federal government's imposed mandate amounts to an overreach of contracts, and the statute could be used to enact virtually any measure at the president's whim under the guise of economy and efficiency.

"Although Congress used its power to delegate procurement authority to the president to promote economy and efficiency federal contracting, this power has its limits," Tatenhove wrote.

The [COVID vaccine mandate](#) for federal contractors providing services to the federal government and the CMS mandate for healthcare workers are part of a list of actions implemented by the Biden administration to increase vaccination rates.