

CMS COVID-19 VACCINE MANDATE BLOCKED FOR HEALTHCARE WORKERS IN TEXAS:

YOU DO NOT NEED TO BEGIN IMPLEMENTATION

On Thursday, January 13, the U.S. Supreme Court blocked the Occupational Safety and Health Administration (OSHA) vaccine-or-test mandate for large employers. At the same time, the Supreme Court ruled to allow the Centers for Medicare & Medicaid Services (CMS) mandate that requires employees of Medicare- and Medicaid-certified providers and suppliers to be fully vaccinated for COVID-19 to remain in place. Both of these cases will now be sent back to the lower courts to decide whether to permanently block or uphold the vaccine mandates.

On Friday, January 14, CMS released [updated guidance](#) regarding the Healthcare Worker Vaccine Mandate. Within their guidance, CMS stated that **“The guidance in this memorandum does not apply to the following state at this time: Texas. Surveyors in Texas should not undertake any efforts to implement or enforce the IFC (Interim Final Rule).”**

Texas Legal Challenges

In December 2021, the State of Texas filed suit against U.S. Health & Human Services (HHS) Secretary Xavier Becerra to block the CMS mandate. As a result, the U.S. District Court for the Northern District of Texas issued a preliminary injunction on the mandate, meaning it cannot be implemented until the case is ultimately decided. HHS appealed the decision and filed a motion to remove the injunction until the appellate court weighs in. As this particular case was not one of the separate lawsuits decided by the Supreme Court on January 13, no ruling has been made to date on the motion. Until there is a final ruling, affected companies headquartered in Texas and with no offices out of state are not required to implement the CMS vaccine policy.

We will keep you informed of any updates as we await the final ruling in Texas.

For More Information

If you have any questions, please contact our HR team at **210-775-6082**, toll-free at **1-888-757-2104**, or HRmanagement@BFGonline.com.



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