



EMPLOYER LAW BLOG

VACCINE UPDATE: Texas Joins 24 Other States in Blocking Healthcare Mandate

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Like other District Courts that have enjoined the rule, the Court made quick work of the federal government's jurisdictional and standing challenges before ultimately concluding that the challengers are likely to prevail on the merits of their claims against the mandate.

In finding that the government did not have the authority to issue such a mandate, the Court principally relied on its conclusions that the government exceeded its authority and that such authority rested solely with the States themselves.

In that regard, the Court noted, in relevant part that CMS's authority under the statute to maintain facility standards "is drastically different from mandating who a healthcare provider hires or fires" and that "Congress forbids such interference into employment decisions." The Court added: "public health and safety regulation beyond facility standards is emphatically the province of the States through their police powers."

The Court also found that the challengers would likely succeed on their claim that the federal government did not have good cause to bypass normal administrative rulemaking procedures and that the mandate itself is "arbitrary and capricious" given its "overbreadth," "impact and inflexibility."

The Texas Court wrapped up its decisions addressing the remaining injunctive relief factors, finding both irreparable harm and that the injunction would serve the public interest.

While this decision does not change anything with respect to ongoing appellate proceedings, it does reflect a wholesale rejection of the CMS vaccine mandate on many of the arguments being advanced across the country.

With this decision and other decisions this week that we have covered in separate blog articles, the country is now exactly split in half—25 to 25—with regard to states with a stay of this mandate.

But it is fair to expect additional developments in the very near future, as the federal government—just a day later on December 16, 2021—petitioned the United States Supreme Court to lift all the injunctions that have been entered against the healthcare vaccine mandate across the country.

As always, stay tuned for further developments.