

COVID-19



UPDATE: COURT TEMPORARILY BLOCKS CMS OMNIBUS COVID-19 HEALTHCARE STAFF VACCINATION REQUIREMENTS IN KANSAS, MISSOURI, AND 8 OTHER STATES

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Foulston has produced a series of issue alerts as we continue to monitor the evolving COVID-19 situation and provide additional guidance. Please find all updates and our latest resources available [here](#).

On Monday, Nov. 29, the U.S. District Court for the Eastern District of Missouri issued a preliminary injunction halting the implementation and enforcement of the Centers for Medicare and Medicaid Services (“CMS”) Omnibus COVID-19 Healthcare Staff Vaccination Interim Final Rule in 10 states, including Kansas and Missouri.

The preliminary injunction prohibits CMS from taking further action in certain states to implement and enforce the Interim Final Rule, which requires COVID-19 vaccination for employees, volunteers, and contractors of Medicare- and Medicaid-certified providers and suppliers (“Providers”). Under the Interim Final Rule, Providers are required to establish a policy to ensure all eligible staff, except for those staff who are granted an accommodation, are fully vaccinated. On Dec. 5, 2021, staff were required to have received the first dose of a vaccine, or have submitted an accommodation request, and have received the second dose by Jan. 4, 2022.

The preliminary injunction applies to the CMS vaccination requirement in the following states: Kansas, Missouri, Nebraska, Arkansas, Iowa, Wyoming, Alaska, South Dakota, North Dakota, and New Hampshire. The stay will remain in effect until further court order.

The future of the CMS vaccination requirement in those states remains unknown at this time. Providers in Kansas, Missouri, and the other applicable states are not prohibited from moving forward with implementation and enforcement of COVID-19 vaccination policies, though CMS is currently precluded from enforcing its vaccine requirement in those states. With the impending deadlines around the corner, Providers that choose to place a hold on the implementation of their vaccination policies should continue to make preparations to ultimately comply with the CMS vaccination requirement.

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A copy of the Missouri Court's ruling is available [here](#).

FOR MORE INFORMATION

If you have questions or want more information regarding the temporary block of the CMS omnibus COVID-19 healthcare staff vaccination requirements, contact your legal counsel. If you do not have regular counsel for such matters, Foulston Siefkin LLP would welcome the opportunity to work with you to meet your specific business needs. Foulston's healthcare lawyers maintain a high level of knowledge regarding federal and state regulations affecting the healthcare and long-term care industries. At the same time, our healthcare practice group's relationship with Foulston's other practice groups, including the taxation, general business, labor and employment, and commercial litigation groups, enhances our ability to consider all of the legal ramifications of any situation or strategy. For more information, contact **Amanda Wilwert** at 913.253.2181 or awilwert@foulston.com, or **Charles R. Hay** at 785.354.9413 or dhay@foulston.com. For more information on the firm, please visit our website at www.foulston.com.

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