

SCOTUS Issues Key Rulings on Biden Vaccine Mandate Policies

- *The U.S. Supreme Court granted the stay to block the OSHA vaccine-or-testing rule, which went into effect on Monday.*
- *In a separate ruling, the CMS mandate for employees of health facilities receiving Medicare and Medicaid funding is permitted to go into effect nationwide.*
- *Both rulings are in effect while these cases continue through the legal process in the lower courts.*

Today, the U.S. Supreme Court issued a pair of rulings pertaining to the Biden administration's vaccine mandate efforts, upholding requirements for workers in health care facilities receiving Medicare and Medicaid funding to be inoculated, but blocking rules for private sector businesses with 100 or more employees. While today's rulings provide the White House with more clarity as to how it can proceed on these policies, the underlying challenges to both rulings will continue through the legal process in the coming weeks and months ahead. In a [statement](#) from the White House, President Joe Biden called on states and individual employers "to determine whether to make their workplaces as safe as possible for employees."

Key takeaways from today's rulings can be read below:

SCOTUS Blocks OSHA Private Sector Rules

- In a 6-3 [ruling](#), the Court's conservative justices agreed with the plaintiffs that the Occupational Safety and Health Administration (OSHA) does not have the regulatory authority to implement its vaccine-or-testing Emergency Temporary Standard (ETS) under the current terms of the Occupational Safety and Health Act.
- The majority opinion concluded that, while Congress gave OSHA the authority to regulate certain occupational dangers, this scope does not apply to health care more broadly. "Permitting OSHA to regulate the hazards of daily life — simply because most Americans have jobs and face those same risks while on the clock — would significantly expand OSHA's regulatory authority without clear congressional authorization," the opinion states.
- The Court also clarified that OSHA does not lack authority to regulate "occupation-specific" risks related to COVID-19, noting that the agency could regulate risks associated with working in "particularly crowded or cramped" settings.
- The dissenting justices criticized the ruling, arguing that it will prevent OSHA from effectively responding to the circumstances of the pandemic.
- **What's Next?** OSHA is prohibited from implementing its vaccine-or-testing ETS, a majority of which went into effect on Monday, while the plaintiffs and states appeal the lower court's decision.

High Court Rules In Favor of Vaccine Mandate for Federal Health Workers.

- A separate, 5-4 [ruling](#) left the White House's vaccine mandate for employees of health care settings receiving Medicare and Medicaid funding. President Biden

vowed to move forward on enforcement of the mandate in his statement following the ruling.

- Chief Justice John Roberts joined Justices Sonia Sotomayor, Elena Kagan, Stephen Breyer, and Brett Kavanaugh in the Majority, with Justices Clarence Thomas, Samuel Alito, Neil Gorsuch, and Amy Coney Barrett in dissent.
- The Majority agreed with the Biden administration's position that the Centers for Medicare and Medicaid Services (CMS) vaccine rule falls within the statutory authorities granted by Congress.
- Justices also agreed that the Health and Human Services (HHS) Secretary's determination that requiring COVID-19 vaccinations for health workers is "necessary to promote and protect patient health and safety."
- **What's Next?** CMS may now begin to enforce its vaccine mandate pending the government's appeal of the lower court ruling. Per previous [guidance](#) issued by CMS, health care workers covered by the rule will need to receive the first dose of the vaccine by January 27, 2022 unless exempt.