



Dec 07, 2021

Categories:

[Coronavirus Response](#)

[Team](#)

[Health Law Matters](#)

[Publications](#)

Authors:

[Catherine F. Burgett](#)

[Jeffrey S. Shoskin](#)

[Anne E. Duprey](#)

Enforcement of CMS Vaccine Mandate Blocked Nationwide

The net impact of two federal court decisions issued the last two days in November is a nationwide preliminary injunction restricting the Centers for Medicare and Medicaid Services (“CMS”) from temporarily implementing and enforcing its vaccine mandate (“Mandate”). At this juncture, covered providers and suppliers who receive Medicare or Medicaid funds, however, may be too frazzled to properly rejoice.

On November 29, the United States District Court for the Eastern District of Missouri issued a preliminary injunction for ten states who filed a complaint challenging the Mandate: Missouri, Nebraska, Arkansas, Kansas, Iowa, Wyoming, Alaska, South Dakota, North Dakota, and New Hampshire. The Court, in part, reasoned: “In conclusion, Plaintiffs likely can show the CMS Mandate is arbitrary and capricious because the evidence does not show a rational connection to support implementing the vaccine mandate, the mandate’s broad scope, the unreasonable rejection of alternatives to vaccination, CMS’s inadequate explanation for its change in course, and its failure to consider or properly weigh relevant interests.” (Opinion, at p. 23).

The next day, November 30, the United States District Court for the Western District of Louisiana also issued an almost–nationwide preliminary injunction, excluding only the states covered by the above–referenced federal court Order issued on November 29. The Court explained the nationwide injunction was necessary based on the nationwide scope of the CMS Mandate and the “need for uniformity.” (Opinion, at p. 33).

On December 1, *both* Courts separately rejected President Biden’s Administration’s request to stay the injunction Orders pending appeal. The fate of these decisions (and the CMS Mandate) now will be addressed in the appellate courts (the Eighth Circuit for the Missouri decision and the Fifth Circuit for the Louisiana decision) and, most likely, in the Supreme Court of the United States.

Because the future of the CMS Mandate is uncertain, covered providers and suppliers should keep apprised of the status of the legal challenges and carefully determine their next steps with legal counsel.

Frost Brown Todd will closely monitor the pending and various legal challenges to the CMS Mandate and will notify you of all relevant new developments. For information about these decisions, please contact [Catherine Burgett](#), [Jeff Shoskin](#), [Anne Duprey](#), or any attorney in Frost Brown Todd's [Labor and Employment](#) Practice Group.

Read more of our analysis as it relates to COVID-19 and vaccine mandates.

- [Federal Court Blocks Enforcement of Federal Contractor Vaccine Mandate in Kentucky, Ohio, and Tennessee](#)
- [Must State and Local Governments Follow OSHA's Vaccine and Testing Mandate?](#)
- [OSHA Releases COVID-19 Vaccination and Testing Emergency Temporary Standard](#)
- [Nursing Homes: Spread of COVID and Vaccine Mandates](#)
- [Conflicting Orders: Can State Laws Thwart Federal Vaccine Mandates?](#)
- [EEOC COVID-19 Vaccine Mandate FAQ Updates Address Religious Objections](#)
- [Mandatory Vaccines Update: OSHA Sends Draft ETS to White House](#)
- [Thinking About Implementing a Mandatory COVID 19 Vaccine Policy? Here Is What to Consider](#)
- [Maintaining Employee Medical Information and COVID-19](#)

© 2026 FBT Gibbons LLP. May be considered attorney advertising in some jurisdictions.