

Home Care Developments

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Second Circuit Grants Injunction on Healthcare Worker Vaccination Mandate

Late on Friday, the United States Court of Appeals for the Second Circuit granted an injunction to "We The Patriots USA, Inc." a nonprofit group that had filed a lawsuit seeking to stop the enforcement of the healthcare worker vaccination mandate (the "Mandate" or the "Regulation"). The lawsuit filed by We The Patriots USA had been unsuccessful originally, with a federal district court judge dismissing the claims altogether. As we had reported, however, We The Patriots USA appealed their loss to the Second Circuit Court of Appeals. On appeal, We The Patriots USA requested an injunction to prohibit the enforcement of the Mandate while their appeal is pending. The Second Circuit granted the injunction late on Friday.

The appeal of We The Patriots USA, Inc. will be decided by a panel of three federal Circuit Court judges, on an expedited basis. During the pendency of the appeal, the Mandate will be suspended, effectively. It is not clear how long the Court's injunction will be in effect, but for the time being, covered healthcare providers are not required to comply with the September 27 deadline to vaccinate their healthcare staff. For home care providers, it is not clear whether the expedited appeal will be decided by the Second Circuit by October 8. Should We The Patriots USA lose on their appeal before October 8, and the Regulation is, thus, reinstated, covered home care providers will be required to comply with the vaccination mandate at that time.

If you have any questions about these developments, please do not hesitate to reach out.



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