

Mandatory COVID-19 Vaccinations Court Challenge

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By Patrick Formato

On September 14, a federal court issued an order barring the New York State Department of Health (“DOH”) from enforcing regulations that impose vaccination mandates for healthcare workers to the extent the regulations apply to workers seeking a religious exemption.

Under the emergency regulations, general hospitals, nursing homes, adult care facilities, hospices and home care agencies (“Covered Entities”) must require all covered personnel to be fully vaccinated against COVID-19. Current personnel of general hospitals and nursing homes must receive their first dose by September 27, 2021; other Covered Entities’ personnel must receive their first dose by October 7, 2021. The regulations provide for limited medical exemptions.

Under the federal court’s order, DOH is barred from interfering in any way with the granting of religious exemptions to the COVID-19 vaccination, or with the operation of exemptions already granted. This includes prohibiting DOH from taking enforcement actions against Covered Entities that grant religious exemptions or against the licensure or certification of any individual seeking such an exemption.

The order does not invalidate the emergency regulation, which is still in effect. Covered Entities should continue to comply with the regulation, but should consider how requests for religious exemptions will be handled going forward.

Note that this litigation is ongoing and that further changes to the regulations are possible.

Click here to view the DOH emergency regulation.

The [healthcare attorneys](#) at Abrams Fensterman, LLP are committed to providing you with the most current and accurate information and guidance. If you have any questions, please contact [Patrick Formato, Esq.](#), [Barbara Stegun Phair, Esq.](#), [Frank Mazzagatti, Esq.](#), [Michael Bass, Esq.](#), [Richard Thomas, Esq.](#), [Jonathan Rogoff, Esq.](#), or any other attorney in our health law practice group.