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### CMS COVID-19 Mandate Update

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The United States District Court for the Eastern District of Missouri issued an order this week that preliminarily enjoined Centers for Medicare & Medicaid Services (“CMS”) from implementing and enforcing its COVID-19 vaccine mandate in Arkansas and several other states.

The court determined that the CMS mandate raises substantial questions of law and fact that must be determined, as discussed throughout this opinion. Accordingly, the court ordered CMS to cease all implementation or enforcement of the Interim Final Rule with Comment Period as to any Medicare- and Medicaid-certified providers and suppliers within the States of Alaska, Arkansas, Iowa, Kansas, Missouri, Nebraska, New Hampshire, North Dakota, South Dakota, and Wyoming.

There is currently no information on how long this stay of implementation and enforcement may last. It is also unclear whether or not CMS could impose penalties for non-compliance if the stay is lifted at a later date.

If you have any questions, please contact Jenny Teeter or Brianna Cook.

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