

Ten States File Lawsuit against Joe Biden’s “Unconstitutional and Unlawful” COVID-19 Vaccine Mandate for Healthcare Workers

By [Cassie B.](#)

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Ten states have taken legal action against the Biden administration’s harmful COVID-19 vaccine mandate for healthcare workers that they fear could exacerbate staffing shortages.

A federal court has already temporarily blocked the vaccine mandate for private employers, but a stricter one [directed at healthcare workers](#) that does not allow people to opt out of the vaccine via testing is still in place. It impacts more than 17 million nurses across 76,000 healthcare facilities and healthcare providers who receive funding from government health programs, among other healthcare workers.

The attorneys general of Missouri, Nebraska and Alaska filed the suit, with the states of Kansas, Iowa, South Dakota, Arkansas, New Hampshire, North Dakota and Wyoming joining the coalition to fight the mandate.

In an official statement, Missouri Attorney General Eric Schmitt said:

“Unfortunately, with this latest mandate from the Biden Administration, last year’s healthcare heroes are turning into this year’s unemployed.”

He called it “unconstitutional and unlawful” and said that it could lead to a [healthcare collapse](#).

One reason the coalition maintains the mandate is unlawful is because the federal government is using it to take away a power that belongs to states. The 58-page filing states:

“Vaccination requirements are matters that depend on local factors and conditions. Whatever might make sense in New York City, St Louis, or Omaha could be decidedly counterproductive and harmful in rural communities like Memphis, Missouri or McCook,

Nebraska.”

It adds:

“Federalism allows states to tailor such matters in the best interests of their communities. The heavy hand of CMS’s nationwide mandate does not. This court should thus set aside that rule as unlawful agency action under the Administrative Procedure Act.”

Healthcare worker shortages could get worse thanks to mandate

In addition, the suit argues that the mandate is going to make existing healthcare worker shortages even worse, especially in rural areas in many of the participating states, where some people are especially hesitant.

Many healthcare workers are simply unwilling to get the jab, and some hospital execs have reported that their staff have said they will walk away from their jobs rather than comply with these mandates. The Arkansas Department of Human Services, for example, already has [more than 1,000 unfilled positions](#) at its healthcare facilities, and this is expected to get worse once the mandate is in place.

Some healthcare workers are resisting the vaccine on the grounds that they have already recovered from COVID-19 and therefore have some degree of natural immunity. However, the agency that issued the mandate, the Centers for Medicare & Medicaid Service, has said that proof of natural immunity will not be permitted in lieu of a vaccine, citing a study from the CDC about natural immunity that several scientists have challenged. The CDC maintains that people with natural immunity can still benefit from getting the vaccine, and while some health experts agree, many others say that it simply is not necessary in those who have recovered from the virus.

The lawsuit also contends that the requirement is unreasonably broad as it impacts volunteers and staff members who do not interact with patients.

Healthcare facilities that do not comply with the vaccine mandate face penalties such as fines and being excluded from Medicare and Medicaid programs.

The lawsuit comes after similar ones were filed by Republican-led states to [challenge the Biden mandate](#) for federal contractors and businesses with more than 100 employees; that mandate does allow those who do not get the jab to agree to wear masks and undergo weekly testing for COVID-19 instead. It takes effect on January 4.

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