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Page 1 of 2

Attorney General Steve Marshall Files New Suit to Block Biden's Healthcare-Worker Vaccine Mandate

(MONTGOMERY)—Attorney General Steve Marshall filed an amended complaint Friday to block President Biden's healthcare-worker vaccine mandate. The lawsuit seeks to prevent the Centers for Medicare and Medicaid Services from enforcing the mandate, which requires that many of America's healthcare workers receive their first dose of a COVID-19 vaccine by February 14 or else lose their jobs.

"Biden's overall scheme to federalize vaccination policy and force vaccines on the American people has been left in shambles by defeat after defeat in the courts, and I am proud to have been a part of those victories," said Attorney General Marshall. "While his healthcare-worker vaccine mandate has survived certain challenges on appeal, new facts and additional legal infirmities render this mandate too unlawful.

"Circumstances have dramatically changed since the healthcare-worker vaccine mandate was originally issued," Attorney General Marshall continued. "The mandate was promulgated in response to the Delta variant, which now accounts for only 0.1 percent of all COVID-19 cases in the United States. But research suggests that COVID-19 vaccines do little to stop the transmission of the predominant strain today—the Omicron variant, which accounts for 99.9 percent of all cases—which undermines the premise for forcing people to submit to them.

"Furthermore, this unlawful mandate is causing havoc in the healthcare labor market across the nation—especially in rural communities—and does not account for the pandemic's changing circumstances. I have joined with 15 other attorneys general in filing an amended complaint to seek an end to Biden's unnecessary and un-American healthcare-worker vaccine mandate."

According to data published by the AARP Public Policy Institute, nursing home and long-term care facilities are already facing the worst shortage of nurses and aides since the government began collecting this information in May 2020. Low staffing levels in nursing homes—particularly among registered nurses—are associated with worse outcomes for residents, including more COVID-19 cases and deaths, and a higher likelihood of outbreaks. The mandate will make these problems worse.

Recognizing this workforce shortage and the untenable position into which it places covered healthcare facilities, federal guidance permits vaccinated employees *who are testing positive for COVID-19* to return to work while prohibiting unvaccinated healthcare employees from working unless they obtain an exemption. Meanwhile, new guidance from the federal government imposes a brand-new vaccine mandate on state employees who survey and report whether Medicare and Medicaid facilities are complying with applicable regulations, including the mandate itself. This constitutes an independent, substantive rule, and yet CMS failed utterly to comply with the procedures required by federal law yet again. Finally, and importantly, the healthcare-worker vaccine mandate also violates the Constitution's Tenth Amendment, the Spending Clause, the Anti-Commandeering Doctrine, and the Nondelegation Doctrine.



Attorney General Marshall joined attorneys general from Arizona, Georgia, Idaho, Indiana, Kentucky, Louisiana, Mississippi, Montana, Ohio, Oklahoma, South Carolina, Tennessee, Utah, Virginia and West Virginia in filing [the lawsuit](#) Friday in the U.S. District Court for the Western District of Louisiana.