



Federal Court Dismisses Lawsuit Challenging Hospital's Mandatory Vaccination Policy

June 15, 2021

On June 12, 2021, a federal judge in Texas **dismissed** a lawsuit challenging a hospital's mandatory COVID-19 vaccination policy for employees. The ruling appears to be the first federal court decision regarding a private employer's right to require its employees to receive COVID-19 vaccines, and the opinion is consistent with previous **guidance** from the EEOC stating that such policies are generally permissible under federal law as long as certain accommodations are made.

The lawsuit was filed by 117 employees of Houston Methodist Hospital, who claimed that the hospital's plan to terminate any employees who did not receive a vaccination or seek an accommodation violated Texas and federal laws. The court noted that Texas law only protects employees who refuse to commit acts carrying criminal penalties. The plaintiffs likened the requirement to forced medical experimentation during the Holocaust, an argument the judge called "reprehensible." The plaintiffs have already **appealed** the ruling, and their attorney has **indicated** that they intend to file claims in state court as well.

While the ruling in this case was not surprising, it is likely that similar challenges to mandatory vaccination policies will be raised in the future. Other employee groups have already filed **lawsuits** claiming that COVID-19 vaccinations cannot be required because the vaccines have only received emergency use authorization (EUA) rather than full approval from the FDA. The EEOC has stated that the "legal implications of EUA or the FDA approach" are beyond its jurisdiction, so courts may be left to decide whether those arguments have merit.

Many employers in high risk settings such as hospitals have traditionally required vaccinations for employees (such as flu shots), while employers in other industries may take more time to weigh their options. Recent survey results indicate that well over two-thirds of employers are not currently planning to mandate COVID-19 vaccines.

Employers considering requiring COVID-19 vaccinations should work with legal counsel to ensure compliance with the EEOC's **requirements** and other federal and state laws. Employers should also be aware of any applicable state or local laws pertaining to mandatory vaccination policies, as many states are currently considering legislation that would limit employers' ability to require vaccines or ask about vaccination status.

IMA will be continuing to monitor additional regulatory guidance and judicial activity in this area.

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