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PARTNER PREVIEWS VACCINE-OR-TESTING CASE BEFORE THE SUPREME COURT

News

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Kevin Troutman was quoted in both [Law360](#) and [SHRM](#) about the anticipated Supreme Court case that will decide whether the Occupational Safety and Health Administration (OSHA) overstepped its authority when it issued an emergency temporary standard (ETS) requiring employers with at least 100 employees to mandate vaccinations or masks and weekly testing for workers.

The Supreme Court will also hear arguments about whether the Centers for Medicare & Medicaid Services (CMS) overreached when it issued an emergency regulation requiring health care workers to be vaccinated, which Kevin says will be a major point of concern for health care employers that participate.

“That’s kind of the ultimate issue at stake for them because many of these health care organizations depend so heavily upon that stream of revenue that it would be tantamount almost to a death penalty if they were not able to continue to participate,” Kevin said in a [Law360](#) article. “So the CMS rule carries quite a bit of risk for the entities that are covered by it.”

While many employers object to OSHA’s standards, Kevin Troutman explained to [SHRM](#) that “The law on this question is pretty clear. Subject to applicable medical and religious accommodations under federal law, employers may mandate COVID vaccinations.”

Read the full articles in [Law360](#) and [SHRM](#) (subscriptions required).

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