

**Federal Court Rules in Favor of Maine’s Vaccine Mandate for Healthcare Workers  
October 14, 2021**

In July Maine implemented a rule requiring employees of designated healthcare facilities to be fully vaccinated against COVID-19 with only medical exemptions allowed. The new rule was immediately challenged in court, and on Wednesday a federal judge denied the effort to temporarily block the mandate from taking effect. The State has indicated it will not enforce the new rule until October 29<sup>th</sup>.

**The Case**

Plaintiffs include healthcare workers from some of Maine’s largest healthcare facilities, including MaineHealth, MaineGeneral Health, Northern Light Health, and Genesis Healthcare of Maine. Defendants in the case include these healthcare organizations, as well as Governor Mills, Dr. Nirav Shah, and Commissioner Jeanne Lambrew.

The Plaintiffs state they have sincerely held religious beliefs that prevent them from being vaccinated against COVID-19. Plaintiffs specifically take issue with the COVID-19 vaccines because they believe that “life is sacred from the moment of conception” and claim the vaccines have their origins in research on aborted fetal cells lines. Plaintiffs therefore argue that because the vaccine mandate does not contain a religious exemption but allows a medical exemption, healthcare providers should be prohibited from enforcing it or terminating their employment based on their refusal to get vaccinated. At least five of the Plaintiffs submitted requests to their employer for an exemption from the vaccine requirement based on religious grounds, and their requests were denied. At least one of these individuals has already been terminated from their job.

In denying Plaintiff’s request to temporarily block the mandate from taking effect, the judge discussed the state’s longstanding history of requiring healthcare workers and school children to be vaccinated against certain communicable diseases. Ultimately the Court concluded that the rule reflects no animus or bias towards religion, does not prevent Plaintiffs from exercising their religious beliefs, and is tailored to achieve the important public health goal of containing the spread of COVID-19. Additionally, the Court concluded the medical exemption from the rule is “an essential facet of the vaccine’s core purpose” and “part of a reasoned public health response to the COVID-19 pandemic. It does not suggest a discriminatory bias against religion.”

## **What Does This Mean for Maine Employers?**

The Plaintiffs in this case have already filed a notice of appeal to the First Circuit Court of Appeals. In the meantime, the State's new rule is in effect, and designated healthcare facilities must comply with the rule. Employees who are not fully vaccinated before October 29<sup>th</sup> and do not qualify for a medical exemption may be terminated from employment, or could be provided with leave or other "time-away" options. If an employer allows a religious exemption, it would be in violation of the rule and would likely face enforcement action from DHHS.

If one thing is for sure, more litigation will be filed. Employers may find themselves in court for following the rule, and facing religious discrimination claims from their employees. These are tricky waters to navigate, and we recommend conferring with counsel.