

Supreme Court Blocks OSHA's COVID-19 Emergency Temporary Standard for Employers

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Quick Facts

- The Supreme Court of the United States (SCOTUS) has issued a stay that effectively blocks the Occupational Safety and Health Administration's (OSHA's) Emergency Temporary Standard (ETS) which would have required employers with 100 or greater employees to implement a workplace COVID-19 vaccine or testing requirement.
- The SCOTUS ruling has no effect on [recent guidance](#) requiring health plans to pay for over-the-counter (OTC) COVID-19 tests.

Background

SCOTUS has issued a stay that effectively blocks OSHA's COVID-19 ETS which would have required employers with 100 or greater employees to implement a workplace vaccine or testing requirement. At the same time, the court allowed the Centers for Medicare & Medicaid Services' (CMS's) vaccination mandate for certain healthcare workers to move forward.

The SCOTUS decision does not preclude states from issuing their own workplace vaccination rules that would apply to employers in a particular state. The decision also does not stop employers from creating their own vaccine mandate programs. Generally, courts have ruled in favor of employers that have implemented their own employment-related vaccination or testing requirements.

Finally, the SCOTUS ruling has no effect on recent guidance requiring health plans to pay for over-the-counter (OTC) COVID tests. For more information on recent COVID-19 home test requirements visit our [Guidance Released for Health Plan Coverage of OTC COVID-19 Tests](#) page.

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