



More federal courts dismiss legal challenges to hospital vaccine mandates

October 6, 2021

In early September 2021, a group of current and former employees of St. Elizabeth Medical Center in Kentucky filed suit challenging St. Elizabeth's vaccine mandate for its employees. Similar claims were asserted in a separate lawsuit against several health care systems in the Cincinnati, Ohio area. In both cases, the legal challenges to the vaccine mandates failed.

In the case of *Beckerich v. St. Elizabeth Medical Center*, the plaintiffs asked the Kentucky U.S. District Court to issue an injunction preventing St. Elizabeth's from enforcing the mandatory vaccination policy it enacted in response to the COVID-19 pandemic. The plaintiffs claimed that the vaccination policy infringed on their constitutional rights and violated prohibitions against disability and religious discrimination under the Americans with Disabilities Act (ADA) and Title VII of the Civil Rights Act of 1964 (Title VII).

The Kentucky court rejected the plaintiffs' claims and refused to grant the injunctive relief requested. In support of its decision, the court reasoned that: (1) constitutional claims are only valid against state actors, as opposed to a private entity like St. Elizabeth's; (2) St. Elizabeth's vaccination policy included the appropriate mechanism for addressing disability and religious accommodation requests; and (3) none of the named plaintiffs had suffered an adverse employment decision because of a disability or were denied a religious accommodation.

Citing to the Kentucky decision, an Ohio U.S. District Court likewise dismissed the claims asserted against Cincinnati area health systems in *Harsman v. Cincinnati Children's Hospital Medical Center et al.*

View our [publication](#) about a similar decision from a U.S. District Court in Texas in June 2021.

Authors



Elizabeth C. Stock
Of Counsel

Cincinnati
513.870.6698
estock@bricker.com