

Health Care Workers Gain Preliminary Relief From New York Court

The Northern District Court of New York has now issued a preliminary injunction for all health care workers against the state's unconstitutional attempt to ignore federal law and remove religious exemptions and accommodations from unlawful COVID shot mandates.

Judge David Hurd ruled today that "the Department of Health is barred from enforcing any requirement that employers deny or revoke any religious exemptions already granted" regarding the shot mandates for health care workers. The court also ruled that the state "is barred from interfering with the granting of religious exemptions or with the operation of exemptions already granted" as well as state health officials are "barred from taking any action, disciplinary or otherwise, against the licensure, certification, residency, admitting privileges or other professional status or qualification of any of the plaintiffs on account of their seeking or having obtained a religious exemption from mandatory COVID-19 vaccination."

Liberty Counsel has filed a lawsuit in the Eastern District of New York on behalf of more than 1,500 New York health care workers against Governor Hochul, Dr. Zucker, Trinity Health Inc., New York Presbyterian Healthcare System Inc. and Westchester Medical Center Advanced Physician Services P.C to protect those employed by private employers who attempt to remove religious exemptions from the shot mandate. Liberty Counsel is now pursuing a preliminary injunction in the case and the hearing is set for Tuesday, Oct. 19.

On Aug. 16, 2021, Gov. Hochul announced that the state will now require health care workers in all "hospitals, nursing

homes, diagnostic and treatment centers, adult care facilities, certified home health agencies, hospices, long-term home health care programs, AIDS home care programs, licensed home care service agencies and limited licensed home care service agencies” to accept or receive 1 of the 3 currently available COVID-19 injections to remain employed in the profession. Though Gov. Hochul’s announcement initially indicated that there would be “limited exceptions for workers with religious or medical reasons,” the state’s Public Health and Health Planning Council eliminated any and all exemptions and accommodations for religious reasons on Aug. 26. In fact, under the state’s rule change, the only exemptions permitted in New York will be for medical reasons documented by a physician or certified nurse practitioner.

Liberty Counsel founder and Chairman Mat Staver said, “This is a great decision by the Northern District Court to recognize the irreparable harm of not allowing religious exemptions for New York health care workers who have sincerely held objections to the COVID shots. All New York health care workers have the legal right to request reasonable accommodation for their sincerely held religious beliefs, and forcing COVID shots without any religious exemptions is unlawful. Liberty Counsel looks forward to presenting this evidence in court on behalf of these health care employees who are being unlawfully bullied by private employers.” {eo}

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