

LABOR AND EMPLOYMENT LAW

INFORMATION MEMO

SEPTEMBER 25, 2023

New York State Officially Repeals the COVID-19 Vaccine Mandate for Health Care Workers

On October 4, 2023, the COVID-19 vaccine mandate for health care workers in New York will officially be repealed. On September 18, 2023, the New York State Department of Health (NYSDOH) submitted a Notice of Adoption to repeal 10 N.Y.C.R.R. 2.61 (the Regulation), which was the emergency regulation requiring covered health care employers to ensure that their personnel were fully vaccinated against COVID-19.

As covered in our [previous blog post](#), on May 24, 2023, the Commissioner of NYSDOH issued a “Dear Administrator” letter, recommending the repeal of the Regulation and related statutory and regulatory provisions. The Dear Administrator letter notably clarified that “[e]ffective immediately, the [NYSDOH] will cease citing providers for failing to comply with the requirements of [the Regulation] ...” Now, after providing the requisite notice in the State Register, the NYSDOH has submitted final notice of the repeal to the New York Department of State. On September 19, 2023, the Department of State acknowledged the Notice of Adoption and confirmed that it will be published in the State Register on October 4, 2023.

Once published, the repeal of the Regulation will become effective immediately. For healthcare employers and personnel who spent the past several years navigating mandatory vaccination requirements in an ever-changing landscape, the repeal of the Regulation will bring much anticipated clarity and finality. Although the NYSDOH has reportedly not enforced the Regulation since May 24, 2023, whether it will continue to pursue pre-existing violations remains unclear.

If you have any questions about the repeal of the Regulation, or any of the information contained in this memo, please contact [Adam Mastroleo](#), [Hannah Redmond](#) or the Bond attorney with whom you are in regular contact.

