

# Court Rejects HHS's Motion to Dismiss Lawsuit Brought by Leading Public Health Groups Against HHS Immunization Schedule Changes, ACIP Reconstitution

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**American Academy of Pediatrics; Infectious Diseases Society of America; Massachusetts Public Health Alliance; American Public Health Association; American College of Physicians; Society for Maternal-Fetal Medicine →**

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BOSTON, Jan. 6, 2026 /PRNewswire/ -- The U.S. District Court for the District of Massachusetts today affirmed that a group of medical professional societies, led by the American Academy of Pediatrics (AAP), have standing to proceed with ongoing litigation concerning recent vaccine policy changes. Plaintiffs are seeking to enjoin the Secretary's rescissions of Covid-19 vaccine recommendations and a declaratory judgment pronouncing the change in recommendations as unlawful, as well as asking the court to require the Secretary to reconstitute the ACIP with all new members in good faith.

## **Standing Ruling Reinforces Case Legitimacy**

In its **ruling**, the Court confirmed that plaintiffs have standing to challenge HHS's actions. The judge found a concrete injury traceable to HHS's policy changes and redressable by the Court, allowing the case to proceed to arguments on the merits.

## **Most Recent Vaccine Schedule Changes Heighten Urgency**

On January 5, 2026, federal officials announced a substantial overhaul of the childhood immunization schedule, shifting multiple vaccines from universal recommendations to "shared clinical decision-making" or high-risk categories. Public health experts and medical organizations, including the plaintiff medical professional societies, warn that implementing these changes will increase preventable diseases and confuse families and clinicians. Plaintiffs are currently exploring all available options in response to these unprecedented changes to the childhood immunization schedule.

## **Plaintiff and Attorney Statements**

### **Andrew D. Racine, MD, PhD, FAAP, President, American Academy of Pediatrics (Lead Plaintiff):**

"Today's ruling moves our case forward and reinforces our commitment to challenge unlawful changes to vaccine policy. The American Academy of Pediatrics will continue to take all necessary actions to safeguard children's health.

"We brought this suit because our nation's vaccine policy must be driven by evidence and lawful process, not by arbitrary shifts divorced from science. The recent federal move to impose the Danish schedule on American families, downgrading routine recommendations for vaccines like influenza, hepatitis A and meningococcal disease, only heightens the urgency to proceed quickly so families and pediatricians have clear, science-based guidance they can trust."

### **Statement from Georges C. Benjamin, MD, Executive Director of the American Public Health Association (Plaintiff):**

"As the nation's leading public health organization, APHA is deeply concerned about the changes to the Advisory Committee on Immunization Practices and the attacks on the lifesaving COVID-19 vaccine by RFK Jr. that are driven by bias rather than science. We are proud to stand with our fellow plaintiffs in this critical effort to restore scientific integrity and evidence-based decision-making to the process that determines immunization practices and protects the public's health."

### **Statement from Richard Hughes IV, Epstein Becker Green (Attorney for Plaintiffs):**

"The court's decision to deny the government's motion to dismiss is validation for our plaintiffs that they are experiencing real harm following the Secretary's unilateral change to the Covid-19 vaccine recommendation, and the abrupt reconstitution of the ACIP. These actions bypass established scientific advisory processes, create confusion for parents and jeopardize access to life-saving immunizations. The continued pattern of disregard for science and due process reflects a troubling political agenda that prioritizes ideology over children's health and public trust."

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