

regulation. Moreover, even with the elimination of the program, there are two alternative ways in which MassHealth members can challenge denials of prior authorizations. Providers can submit an online request for reconsideration or MassHealth members can request a fair hearing to appeal a decision. 130 Code Mass. Regs. §§ 610.001(a), 610.012. Dr. Rizkallah avers that the success rate for the Peer-to-Peer Review program significantly outweighs the success rate for online requests for reconsideration. While this may be an important consideration for the fact finder at trial, for the purposes of the present motion, the court is not persuaded that this one factor satisfies the plaintiffs' initial burden. Accordingly, the plaintiffs are not entitled to preliminary injunctive relief with respect to the elimination of the Peer-to-Peer Review program.

Turning to the remaining considerations of the preliminary injunction standard, the court concludes that in the absence of an injunction the plaintiffs will suffer irreparable harm sufficient to outweigh the harm that an erroneous injunction would impose on the defendants. GTE Prods. Corp., 414 Mass. at 722-723. The irreparable harm that will result to the child plaintiffs in the absence of an injunction is evident. The children allegedly are suffering from developmental harm and no longer have access to proper treatment in light of the new eligibility requirements on the HLD Index. Their situation is further complicated by the fact that they are only eligible for orthodontic treatment until age twenty-one, and at least one of the child plaintiffs is at risk of aging out of the system. See Massachusetts Ass'n of Older Ams. v. Sharp, 700 F.2d 749, 753 (1st Cir. 1983) ("Termination of benefits that causes individuals to forego such necessary medical care is clearly irreparable injury."). Moreover, the balance of harms weighs in the plaintiffs' favor. The potential harm to the child plaintiffs outweighs the state's potential budgetary concerns, especially given that the defendants likely violated state law (i.e., the APA). See, e.g., Bontrager v. Indiana Family & Soc. Servs. Admin., 697 F.3d 604, 611 (7th Cir. 2012),