

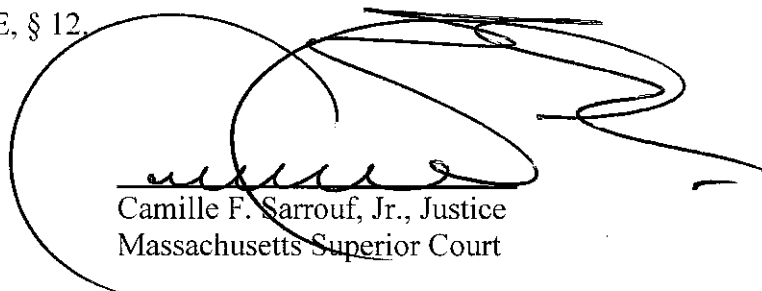
and cases cited. Finally, the public interest mirrors factors already considered above. The public interest lies with safeguarding public health rather than any potential budgetary interest the state may have. See, e.g., Pashby v. Delia, 709 F.3d 307, 331 (4th Cir. 2013) (“[T]here is a robust public interest in safeguarding access to health care for those eligible for Medicaid” [citation omitted]).

Accordingly, the court concludes that the plaintiffs have met their burden in proving an entitlement to the preliminary injunctive relief requested with respect to the new instructions in the Transmittal Letters.

ORDER

For the foregoing reasons, it is hereby **ORDERED** that the plaintiffs’ motion for preliminary injunction is **ALLOWED** with respect to the new criteria set forth in the Transmittal Letters, and is **DENIED** with respect to the Peer-to-Peer Review program.

It is further **ORDERED** that the defendants are preliminary enjoined from implementing the changes to the scoring instructions on the HLD Index set forth in Transmittal Letters DEN-104 and DEN-106 unless and until they comply with the notice and a public hearing requirements of G. L. c. 30A, § 2 and G. L. c. 118E, § 12.



Camille F. Sarrouf, Jr., Justice
Massachusetts Superior Court

December 14, 2020