

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

CIVIL ACTION NO. 26-12962-RGS

COMMONWEALTH OF MASSACHUSETTS, *et al.*

v.

MEHMET OZ, M.D., in his official capacity as
Director of the Centers for Medicare & Medicaid Services, *et al.*

ORDER OF VACATUR AND ENJOINMENT

October 29, 2026

STEARNS, D.J.

Consistent with the court's October 29, 2026, Order allowing in part and denying in part plaintiffs' motion for summary judgment, it is hereby ORDERED that:

- a) The portion of the Interim Final Rule (IFR) entitled "Community Engagement Requirement for Certain Individuals," 91 Fed. Reg. 33348 (June 3, 2026), which defines "medically frail" or "special medical needs" to include "whose physical, mental, or other behavioral health condition significantly impairs the individual's ability to comply with the community engagement requirement in this subpart and is an individual" is DECLARED unlawful, and VACATED and SET ASIDE pursuant to 5 U.S.C. § 706(2).

- b) Defendants, their agents, employees, appointees, successors, and anyone acting in concert or participation with Defendants are hereby ENJOINED from implementing, enforcing, retroactively enforcing, or otherwise applying this provision to Plaintiff States.
- c) Defendants, their agents, employees, appointees, successors, and anyone acting in concert or participation with Defendants are hereby ENJOINED from penalizing Plaintiff States for any errors or delays in implementing the IFR for a period of six months following the date of this order.

SO ORDERED.

/s/ Richard G. Stearns

UNITED STATES DISTRICT JUDGE