

September 2, 2022

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Re: Public Records Request in connection with Notification of Decision - Mississippi
Division of Medicaid Coordinated Care RFQ #20211210 RFX #3150003991

Ladies and Gentlemen:

Our firm represents Molina Healthcare of Mississippi, Inc. ("Molina"). On August 23, 2022, Molina received email notices from Cody A. Smith, an attorney with the Mississippi

Division of Medicaid (“DOM”), notifying Molina that DOM had received a requests under Mississippi’s Public Records Act (“PRR(s)”) from Amerigroup Mississippi, Inc., Magnolia Health Plan, UnitedHealthcare of Mississippi, Inc., and TrueCare (collectively, the “Requestors”). The PRRs requested copies of the information (“Information”) Molina submitted to DOM in connection with DOM’s Request for Qualifications No. 20211210 (“RFQ”).

The Information requested in the PRRs includes Molina’s trade secrets and other confidential commercial or financial information, protected by, among other rules and law, the Mississippi Public Records Act (the “Act”). Miss. Code Ann. §§ 25-61-1 to -17. The Information requested also includes personal identifiable information, protected by, among other rules and law, Miss. Code Ann. § 25-1-111. This Information was included in Molina’s submission to DOM but was redacted.

In that regard, we write to provide notice under Miss. Code Ann. § 25-61-9(7) and PSCRB Rule 1-301 of to all Requestors and DOM that Molina intends to seek a protective order to protect Molina’s trade secrets and other confidential commercial or financial information contained in Molina submission to DOM in connection with the RFQ. The Information Molina intends protect includes, but is not limited to:

1. Personally identifiable information, including home addresses and social security numbers;
2. Molina’s trade secrets;
3. Molina’s other confidential commercial and financial information, which includes any Confidential commercial and financial information pertaining or belonging to Molina and its contractors and/or subcontractors;
4. Proprietary and confidential methods utilized in providing managed care services;
5. Historical performance data;
6. Claims processing methods and related data;
7. Information concerning Molina’s technology and innovation;
8. New products and services;
9. Employment, staffing, and personnel data;
10. Data protection and cyber-security information; and
11. Other information to be identified in any petition for a protective order.

Molina asserts that the above Information and any other related Information is protected and may not be disclosed to the Requestors (or otherwise) under, among other possible rules and law, the Act. Molina therefore intends to seek a protective order from the Chancery Court of Hinds County, First Judicial District, Mississippi, to prevent disclosure of any Information subject to the Act’s protections, which is exempt from disclosure. A protective order will be sought by Molina after the seven-day waiting period prescribed in Miss. Code Ann. § 25-61-9(7) and PSCRB Rule 1-301 expires. Molina does, however, reserves the right to contest whether Miss. Code Ann. § 25-61-9(7) and PSCRB Rule 1-301 apply in this instance. In the event one or more of the Requestors fails to withdraw or modify their PRR within seven days, Molina intends to seek a protective order as set forth above.

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Molina's notice and its reasons for seeking the protective order will be posted on the Mississippi procurement portal (MAGIC) for a minimum of seven days before it takes action to seek a protective order in accordance with the requirements of applicable statutes and rules.

If you should have any questions related to this notice, the reasons and/or the petition for protective order please contact the undersigned.

Sincerely,

ADAMS AND REESE LLP

A handwritten signature in blue ink, appearing to read "C. Phillip Buffington, Jr.", with a stylized flourish at the end.

C. Phillip Buffington, Jr.

CPB, jr./an