

NOTICE AND REASONS FOR PROTECTIVE ORDER

(Pursuant to Section 25-61-9 of the Mississippi Code of 1972 and applicable law)

TO: Amerigroup Mississippi, Inc.
c/o Robert Hosay (rhosay@foley.com)

and

CT Corporation System
645 Lakeland Drive East, Suite 101
Flowood, Mississippi 39232

Mississippi Division of Medicaid
c/o Cody Smith
Attorney II
Mississippi Division of Medicaid
550 High Street, Suite 1000
Jackson, Mississippi 39201

FROM: TrueCare
c/o George H. Ritter (ghr@wisecarter.com)
John P. Sneed (jps@wisecarter.com)

Ladies and Gentlemen:

On August 11, 2022, Amerigroup Mississippi, Inc. ("Requestor"), issued a public records request ("PRR") to Mississippi Division of Medicaid ("DOM") seeking information ("Information") relating to DOM's Request for Qualifications No. 2021 1210 (the "RFQ"), including confidential information of, among others, TrueCare and its contractors and/or subcontractors, as identified in Requestor's letter to DOM, a true copy of which is attached hereto as Exhibit 1.

Please take notice that pursuant to Section 25-61-9(7) of the Mississippi Code of 1972, TrueCare hereby gives notice to Requestor of TrueCare's intent to seek a protective order from the Chancery Court of Hinds County, Mississippi, First Judicial District, seeking to protect TrueCare's confidential and proprietary information and trade secrets contained in the Information subject to the PRR. This notice is provided to Requestor pursuant to the Mississippi Rules of Civil Procedure by service on Requestor's agent for service of process, CT Corporation System. Notice is also being provided by email to Requestor's representative who made the request, Robert Hosay (rhosay@foley.com.)

Further and pursuant to Section 25-61-9(7), TrueCare intends to seek a protective order regarding the redacted portions of the proposal it submitted to DOM in response to the Coordinated Care Procurement. These redacted portions contain exempt "trade secrets" and

“confidential commercial and financial information” pertaining or belonging to TrueCare and its contractors and/or subcontractors, that is not subject to public disclosure pursuant to Miss. Code Ann. § 25-61-9(1). Examples include, but are not limited to, the following:

- Confidential commercial and financial information
- Trade secrets
- Proprietary and confidential methods utilized in providing healthcare services
- Market information
- Historical performance data
- Population health data
- Claims processing methods and related data
- Scorecard metrics and data analytics
- Encounters timeliness data and tracking methods
- Claim collection, validation and submission data and methods
- Cost avoidance data
- Claim trend data
- Employment staffing and personnel personal data
- Data protection and cyber security information


As the foregoing Information and any other related Information is protected, none of it may be disclosed to the Requestor (or otherwise) pursuant to the Mississippi Public Records Act exemptions, including those found in Sections 25-61-1 and 79-23-1(1) of the Mississippi Code of 1972.

Unless Requestor withdraws or modifies its PRR within seven (7) days, TrueCare will file its petition or complaint for a protective order in the Chancery Court of Hinds County, Mississippi (First Judicial District) and will issue process to both Requestor and DOM. This notice and reasons will be posted on the Mississippi procurement portal (MAGIC) for a minimum of seven (7) days before TrueCare files its petition or complaint for a protective order in accordance with the requirements of the applicable statutes and rules.

Any questions related to this notice and reasons or the petition for protective order itself shall be directed to the undersigned counsel for TrueCare.

This the 1st day of September, 2022.

TrueCare

By: 
George H. Ritter
John P. Sneed
Wise Carter Child & Caraway
P. O. Box 651
Jackson, MS 39205-0651
ghr@wisecarter.com
jps@wisecarter.com

August 11, 2022

VIA EMAIL

Mississippi Division of Medicaid

Attn: Public Records Officer

550 High Street

Suite 1000

Jackson, MS 39201-1399

RFI@medicaid.ms.gov

MSCAN_CHIP@medicaid.ms.gov

*Re: Public Records Request pertaining to Request for Qualifications # 20211210,
The Mississippi Division of Medicaid Coordinated Care Organization Program*

Dear Public Records Officer:

This firm represents Amerigroup Mississippi, Inc. (“Amerigroup”). In that capacity, and pursuant to the Mississippi Public Records Act (Miss. Code Ann. §§ 25-61-1 *et seq.*), we request the opportunity to inspect, examine, and copy all public records, as defined by Miss. Code Ann. § 25-61-3(b), that are in the custody of any employees, agents, or other representatives of the Mississippi Division of Medicaid (“DOM”), with regards to Request for Qualifications #20211210, the Mississippi Division of Medicaid Coordinated Care Program (the “RFQ”). As time is of the essence, we respectfully request that documents be provided as soon as possible and on a rolling basis to avoid any delay in the production of the requested documents.

The specific documents requested include, but are not limited to:

1. A complete copy of the procurement file for the RFQ;
2. All replies, responses and/or proposals submitted in response to the RFQ, including all exhibits and attachments provided with said responses and proposals by any and all prospective responders, bidders and/or vendors;
3. All internal or external memoranda and all correspondence with any party relating to the RFQ;
4. All internal communications related to the RFQ, including but not limited to emails, and including correspondence with and between the evaluators;
5. All evaluations, score sheets, ranking documents, scoring or evaluation instructions, negotiation documents, recommendations, justifications, agency

decision documents, notes, spreadsheets, and related documents, whether electronic or otherwise, that relate to the RFQ (this request includes but is not limited to detailed scoring with evaluator comments for all bidders both before and after oral presentations);

6. All documents produced to any party who replied to the RFQ, including all documents, records or other materials requested by any legal counsel or representative for any vendor that responded to the RFQ, and released by DOM to said legal counsel or representative (please also provide copies of any public records requests);
7. Any transcripts, audiotapes or other media which recorded, documented or reflects any meetings or discussions that relate to the RFQ.

The term "public records" includes all categories of records set forth in Miss. Code Ann. § 25-61-3(b). If the Department contends that an exemption applies, please identify the specific exemption for each record and produce the record for our examination with the exempt portion of the record redacted in accordance with Miss. Code Ann. § 25-61-5(2)

Given the time sensitive nature of this matter, we respectfully request that the documents be provided as soon as possible and on a rolling basis. Please call the undersigned when the records are available for pickup or review. We understand, pursuant to Miss. Code Ann. § 25-61-7, there may be a charge for providing copies of the requested records. Thank you for your assistance in this regard.

Sincerely,



Robert H. Hosay