

5218.0800 MONITORING RECORDS.

Subpart 1. **Audits.** The commissioner shall monitor and conduct periodic audits and special examinations of the managed care plan as necessary to ensure compliance with the managed care plan certification and performance requirements.

Subp. 2. **Records.**

A. All records of the managed care plan and its participating health care providers relevant to determining compliance with parts 5218.0010 to 5218.0900 and Minnesota Statutes, section 176.1351, shall be disclosed within a reasonable time after request by the commissioner. Records must be legible and cannot be kept in a coded or semicoded manner unless a legend is provided for the codes.

B. The release of records filed with the commissioner is subject to Minnesota Statutes, sections 13.37, 145.61 to 145.67, 176.231, subdivisions 8 and 9, 176.234, and 176.138. If a managed care plan believes that portions of its application are nonpublic trade secret data under Minnesota Statutes, section 13.37, subdivisions 2 and 3, the plan's application must clearly identify the portions of the application it identifies as trade secret in a separate appendix or appendices.

The plan must also submit with the application an analysis of how each section of the appendix it has characterized as trade secret satisfies each of the three parts of the statutory definition of trade secret under Minnesota Statutes, section 13.37, subdivision 2. Absent a clear indication to the contrary, a written opinion submitted by an attorney identifying and analyzing portions of the application as meeting the statutory requirements for a trade secret under Minnesota Statutes, section 13.37, subdivision 2, shall be considered prima facie showing of a trade secret.

Statutory Authority: *MS s 176.1351*

History: *18 SR 1379*

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