



IN THE DEPARTMENT OF INSURANCE, FINANCIAL INSTITUTIONS &  
PROFESSIONAL REGISTRATION  
STATE OF MISSOURI

**DIVISION OF INSURANCE** )  
**COMPANY REGULATION,** )  
 )  
 **Petitioner,** )  
 )  
 **v.** ) **Case No. 160325191C**  
 )  
 **AETNA INC.** )  
 )  
 **and** )  
 )  
 **HUMANA INC.** )  
 )  
 **Respondents.** )

**ORDER**

This matter comes before the Hearing Officer on the Amended Unopposed Motion for Confidential Treatment of Documents filed on April 29, 2016, by Respondents Aetna Inc. and Humana Inc., requesting confidential treatment of certain documents to be produced in response to “Petitioner’s First Request for Production of Documents to Respondent Aetna, Inc.” The motion avers that the documents sought by the Division of Insurance Company Regulation (“Division”) are “relied upon and/or relating to Aetna’s ‘Form E’ filing” and that the discovery “seeks Aetna’s highly confidential information and trade secrets. *See* 417.450-467 RSMo. and 20 CSR 10-2.400(3)(K)(2).”

For documents produced to the Division and in accordance with 20 CSR 10-2.400(3)(K)2, Aetna and Humana intend to designate documents containing confidential

trade secrets as “CONFIDENTIAL.”

The motion does not aver that the discovery served on Aetna seeks Humana’s confidential trade secrets nor that the Division served discovery upon Humana. It may be inferred from the motion, however, that Humana intends produce to the Division documents containing confidential trade secrets.

In the motion’s prayer for relief, Aetna and Humana move, in essence, for the Hearing Officer to issue an order closing documents produced by Aetna and/or Humana pursuant to “the Department’s regulations,” “under Missouri’s open records law,” and § 382.095.3. Lastly, Aetna and Humana move for certain voluntary restrictions between Respondents regarding the production of documents containing confidential trade secrets.

IT IS ORDERED that the Amended Unopposed Motion for Confidential Treatment of Documents is granted, in part, as follows:

1. Any documents produced by Aetna and/or Humana designated confidential because such documents contain confidential trade secrets are closed records pursuant to §§ 610.021(14) and 417.453 RSMo (Supp. 2013) and 20 CSR 10-400(3)(K)2.

2. As required by § 382.095.3, the Director “shall give confidential treatment to information submitted under this subsection.” Therefore, and as previously ordered by the Director in his Notice of Hearing and Order Appointing Hearing Officer and as restated in the Amended Notice of Hearing, Aetna’s and Humana’s preacquisition notification submissions are closed records pursuant to §§ 610.021(14) and 382.095.3. RSMo (Supp. 2013)

3. By agreement between Aetna and Humana, any documents produced to the

Division by Aetna designated confidential because such documents contain confidential trade secrets are not required to be produced to Humana.

4. By agreement between Aetna and Humana, any documents produced to the Division by Humana designated confidential because such documents contain confidential trade secrets are not required to be produced to Aetna.

5. By agreement of the parties, any documents produced by Aetna and/or Humana designated confidential because such documents contain confidential trade secrets shall be used by Aetna and/or Humana solely for purposes of this proceeding and Aetna and Humana shall not distribute nor make available such designated confidential documents to anyone other than the Division.

6. The Department and the Division shall maintain as closed records such records ordered closed herein. As to any documents produced by Aetna and/or Humana in this proceeding, nothing in this order restricts the review or use of such documents by the Director, the Missouri Department of Insurance, Financial Institutions and Professional Registration or the Division of Insurance Company Regulation in the performance of regulatory duties or activities as may be allowed or required by law.

SO ORDERED, this 2<sup>nd</sup> day of May, 2016.

/s/ Mary S. Erickson  
Mary S. Erickson, Hearing Officer  
Missouri Department of Insurance, Financial  
Institutions and Professional Registration

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a true and accurate copy of the foregoing was served by U.S. Mail, postage prepaid, and courtesy copy by electronic mail, on this 2<sup>nd</sup> day of May, 2016, to:

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\_\_\_\_/s/\_\_\_\_ *Mary S. Erickson* \_\_\_\_\_