OAH 82-1800-37176

STATE OF MINNESOTA
OFFICE OF ADMINISTRATIVE HEARINGS

FOR THE DEPARTMENT OF HEALTH

In the Matter of the SIRS Appeal by Best Care, Inc.	**ORDER SEALING RECORD**

This matter was heard before Administrative Law Judge Barbara J. Case,

On November 19, 2020, the Judge issued a Protective Order governing the use of not public data in this matter. The Protective Order provides that the hearing record may be sealed or redacted to the extent necessary, based on the specific facts of the case.[1]

At the hearing, the Department offered, among other exhibits, Exhibits 8 through 13, which were received into evidence. Respondent offered Exhibits 100 through 103, which were received into evidence. The exhibits include unredacted medical health information.

On her own motion, the Administrative Law Judge concludes that sealing the exhibits noted is necessary to limit disclosure of not public data. Therefore, based on the hearing record and pursuant to Minn. Stat. § 14.60, subd. 2 (2020),

IT IS HEREBY ORDERED:

1. Exhibits 8 through 13 and 100 through 103 are **SEALED**.

2. The Protective Order issued on November 19, 2020, remains in effect.

Dated: March 2, 2022

BARBARA J. CASE
Administrative Law Judge

[1] Protective Order at 3 (Nov. 19, 2020).

MEMORANDUM

When the hearing record in a contested case contains information which is classified as not public, the Administrative Law Judge may issue necessary protective orders and seal all or part of the hearing record.[2]

The November 19, 2020, Protective Order provides that the hearing record may be sealed or redacted to the extent necessary, based on the specific facts of the case.[3]

Medical data on any individual are private data on individuals and are not public.[4]

The hearing record contains unredacted medical data, which are private data. The Parties marked the exhibits as "nonpublic" and to make redundantly clear the nonpublic nature of these documents these exhibits are sealed by this order. The individual's interest in maintaining the non-public nature of this data outweighs the public interest in disclosure of this information by virtue of its introduction into the record in this proceeding. Therefore, exhibits 8 through 13 and 100 through 103 are **SEALED**.

B. J. C.

[2] Minn. Stat. § 14.60, subd. 2.
[3] Protective Order at 3 (December 23, 2021).
[4] Minn. Stat. § 13.384, subd. 3 (2020).