1) ANTI-KICKBACK

**Iowa Board of Medicine, Standards of Practice and Medical Ethics 653 I.A.C. 13.20**
Iowa regulations prohibit physicians from providing medical services “under terms or conditions which tend to interfere with or impair the free and complete exercise of the physician’s medical judgment and skill or tend to cause a deterioration of the quality of medical care.”

**Iowa Board of Pharmacy, Unethical Practice or Conduct 657 I.A.C. 8.11(2, 3, 4 & 5)**
Iowa pharmacy regulations provide: A pharmacist shall not accept professional employment or share or receive compensation in any form arising out of, or incidental to, the pharmacist’s professional activities from a prescriber of prescription drugs or any other person or corporation in which one or more such prescribers have a proprietary or beneficial interest sufficient to permit them to directly or indirectly exercise supervision or control over the pharmacist in the pharmacist’s professional responsibilities and duties or over the pharmacy wherein the pharmacist practices.

Further, the law provides: A pharmacist shall not lease space for a pharmacy under any of the following conditions: a. From a prescriber of prescription drugs or a group, corporation, association, or organization of such prescribers on a percentage of income basis; b. From a group, corporation, association, or organization in which prescribers have majority control or have directly or indirectly a majority beneficial or
proprietary interest on a percentage of income basis; or c. If the rent is not reasonable according to commonly accepted standards of the community in which the pharmacy will be located.

Additionally, the law provides: A pharmacist, technician, support person, or pharmacist-intern shall not knowingly serve in a pharmacy which is not operated in conformance with law, or which engages in any practice which if engaged in by a pharmacist would be unethical conduct.

Additionally, the law provides: A pharmacist or pharmacy shall not enter into any agreement which negates a patient’s freedom of choice of pharmacy services. A purchasing pharmacist or pharmacy shall not engage in any activity or include in any agreement with a selling pharmacist or pharmacy any provision that would prevent or prohibit the prior notifications required in sub-rule 8.35(7). A pharmacist or pharmacy shall not participate in prohibited agreements with any person in exchange for recommending, promoting, accepting, or promising to accept the professional pharmaceutical services of any pharmacist or pharmacy. “Person” includes an individual, corporation, partnership, association, firm, or other entity. “Prohibited agreements” includes an agreement or arrangement that provides premiums, “kickbacks,” fee-splitting, or special charges as compensation or inducement for placement of business or solicitation of patronage with any pharmacist or pharmacy. “Kickbacks” includes, but is not limited to, the provision of medication carts, facsimile machines, any other equipment, or preprinted forms or supplies for the exclusive use of a facility or practitioner at no charge or billed below reasonable market rate. A pharmacist shall not provide, cause to be provided, or offer to provide to any person authorized to prescribe prescription blanks or forms bearing the pharmacist’s or pharmacy’s name, address, or other means of identification, except that a hospital may make available to hospital staff prescribers, emergency department prescribers, and prescribers granted hospital privileges for the prescribers’ use during practice at or in the hospital generic prescription blanks or forms bearing the name, address, or telephone number of the hospital pharmacy.

Iowa Board of Regents: The University of Iowa Hospitals and Clinics 681 I.A.C. 8.9
Iowa law prohibits employees of regents institutions, such as the University of Iowa Hospitals and Clinics, from selling, directly or indirectly, any goods or services to any regent institution or state agency of the board office, except under certain conditions.

Iowa Board of Physical and Occupational Therapists: Code of Ethics for Physical Therapists and Physical Therapy Assistants 645 I.A.C. 201.1(2)
Iowa law prohibits a physical therapist or physical therapy assistant from a number of activities that would be considered unethical conduct, including exercising undue influence on patients to purchase equipment, products, or supplies from a company in which the physical therapist owns stock or has any other direct or indirect financial interest. 645 I.A.C. 201.1(2)(g); 645 I.A.C. 201.1(3)(c).
Code of Ethics for Occupational Therapists and Occupational Therapy Assistants 645 I.A.C. 208.1(2)
Iowa law prohibits a physical therapist or physical therapy assistant from a number of activities that would be considered unethical conduct, including exercising undue influence on patients to purchase equipment, products, or supplies from a company in which the physical therapist owns stock or has any other direct or indirect financial interest. 645 I.A.C. 208.1(2)(g); 645 I.A.C. 208.1(3)(b).

Iowa Department of Human Services- Grounds for Sanctions Against Individuals Related to the Medicaid Program 441 I.A.C. 79.2(2)(o)
The Iowa Department of Human Services (Department) may impose sanctions against any person related to the Medicaid program who (except as authorized by law) charges a person for covered services over and above what the department paid or would pay or who solicited, offered, or received a kickback, bribe, or rebate, or accepted or rebated a fee or a charge for medical assistance or patient referral, or a portion thereof. This ground does not include the collection of a copayment or deductible if otherwise allowed by law.

2) PROHIBITIONS ON SELF-REFERRAL

Iowa Board of Medicine, Standards of Practice and Medical Ethics 653 I.A.C. 13.7(2)
Under Iowa regulations, “A physician shall not pay or receive compensation for patient referrals.”

Iowa Board of Medicine, Standards of Practice and Medical Ethics 653 I.A.C. 13.20
Iowa regulations prohibit physicians from providing medical services “under terms or conditions which tend to interfere with or impair the free and complete exercise of the physician’s medical judgment and skill or tend to cause a deterioration of the quality of medical care.”

Iowa Board of Medicine, Standards of Practice and Medical Ethics: Grounds for Discipline 653 I.A.C. 23.1(19)
Under Iowa law, physicians are subject to discipline for “Acceptance of remuneration for referral of a patient to other health professionals in violation of the law or medical ethics.”

Iowa Board of Physical and Occupational Therapists: Code of Ethics for Physical Therapists and Physical Therapy Assistants 645 I.A.C. 201.1(2)
Iowa law prohibits a physical therapist or physical therapy assistant from a number of activities that would be considered unethical conduct, including exercising undue influence on patients to purchase equipment, products, or supplies from a company in which the physical therapist owns stock or has any other direct or indirect financial interest. 645 I.A.C. 201.1(2)(g); 645 I.A.C. 201.1(3)(c).
Iowa law prohibits a physical therapist or physical therapy assistant from a number of activities that would be considered unethical conduct, including exercising undue influence on patients to purchase equipment, products, or supplies from a company in which the physical therapist owns stock or has any other direct or indirect financial interest. 645 I.A.C. 208.1(2)(g); 645 I.A.C. 208.1(3)(b).

Iowa Department of Human Services - Grounds for Sanctions Against Individuals Related to the Medicaid Program 441 I.A.C. 79.2(2)(o)
The Iowa Department of Human Services (Department) may impose sanctions against any person related to the Medicaid program who (except as authorized by law) charges a person for covered services over and above what the department paid or would pay or who solicited, offered, or received a kickback, bribe, or rebate, or accepted or rebated a fee or a charge for medical assistance or patient referral, or a portion thereof. This ground does not include the collection of a copayment or deductible if otherwise allowed by law.

3) FALSE CLAIMS/FRAUD & ABUSE

False Claims Iowa Code § 685
The Iowa False Claims law provides:

1. A person who commits any of the following acts is liable to the state [of Iowa] for a civil penalty of not less than and not more than the civil penalty allowed under the federal False Claims Act … for each false or fraudulent claim, plus three times the amount of damages which the state sustains:
   a. Knowingly presents, or causes to be presented, a false or fraudulent claim for payment or approval.
   b. Knowingly makes, uses, or causes to be made or used, a false record or statement material to a false or fraudulent claim.
   c. Conspires to commit a violation of paragraph "a," "b," "d," "e," "f," or "g."
   d. Has possession, custody, or control of property or money used, or to be used, by the state and knowingly delivers, or causes to be delivered, less than all of that money or property.
   e. Is authorized to make or deliver a document certifying receipt of property used, or to be used, by the state and, intending to defraud the state, makes or delivers the receipt without completely knowing that the information on the receipt is true.
   f. Knowingly buys, or receives as a pledge of an obligation or debt, public property from an officer or employee of the state, or a member of the Iowa national guard, who lawfully may not sell or pledge property.
   g. Knowingly makes, uses, or causes to be made or used, a false record or statement material to an obligation to pay or transmit money or property to the
state, or knowingly conceals or knowingly and improperly avoids or decreases an obligation to pay or transmit money or property to the state.

2. Notwithstanding subsection 1, the court may assess not less than two times the amount of damages which the state sustains because of the act of the person described in subsection 1, if the court finds all of the following:
   a. The person committing the violation furnished officials of the state responsible for investigating false claims violations with all information known to such person about the violation within thirty days after the date on which the person first obtained the information.
   b. The person fully cooperated with the state investigation of such violation.
   c. At the time the person furnished the state with the information about the violation, a criminal prosecution, civil action, or administrative action had not commenced under this chapter with respect to such violation, and the person did not have actual knowledge of the existence of an investigation into such violation.

3. A person violating this section shall also be liable to the state for the costs of a civil action brought to recover any such penalty or damages . . . IOWA CODE § 685.2.

The Iowa False Claims law provides that the attorney general may bring a civil action to enforce the Iowa False Claims law. IOWA CODE § 685.3. A qui tam plaintiff is also permitted to bring a civil action for that person and the state, in the name of the state. Id at 2(a). Once filed, the qui tam action may be dismissed only if the court and the attorney general provide written consent to the dismissal and the reasons for such consent. Id. If the state proceeds with an action brought by a qui tam plaintiff, the qui tam plaintiff is entitled to receive at least 15% but not more than 25% of the proceeds of the action or settlement of the claim, depending upon the extent to which the qui tam plaintiff substantially contributed to the prosecution of the action. Id. at 4(a)(1). If the state does not proceed with the action, the qui tam plaintiff or person settling the claim shall receive an amount that the court decides is reasonable for collecting the civil penalty and damages, but not less than 25% and not more than 30% of the proceeds of the action or settlement. Id. at 3(b). The qui tam plaintiff or person shall also receive an amount for reasonable expenses that the court finds to have been necessarily incurred, plus reasonable attorney fees and costs. Id. All such expenses, fees, and costs shall be awarded against the defendant. Id. Any payment to a qui tam plaintiff shall be made from the proceeds. Id.

**Insurance Fraud IOWA CODE § 507E.2-3A**

The Iowa Insurance Fraud Act establishes an insurance fraud bureau within the Division of Insurance. IOWA CODE § 507.2. The bureau may investigate alleged violations of the chapter, whether the investigation originates as a result of its own inquiries or complaints filed with the Insurance Division. Id. The law prohibits a person from presenting or causing to be presented to an insurer, any written
document or oral statement, including a computer-generated document, as part of, or in support of, a claim for payment or other benefit pursuant to an insurance policy, knowing that such document or statement contains any false information concerning a material fact. IOWA CODE § 507E.3(2)(a). Additionally, the law prohibits a person from assisting, abetting, soliciting, or conspiring with another to present or cause to be presented to an insurer, any written document or oral statement, including a computer-generated document, that is intended to be presented to an insurer in connection with, or in support of, any claim for payment or other benefit under an insurance policy, knowing that such document or statement contains any false information concerning material fact. Id. at 2(b). The law requires an intent to defraud an insurer, and is considered a Class D felony. Id. at 2. The law also prohibits a person, in connection with any sale, solicitation, or negotiation of insurance in Iowa to willfully employ any deception, device, scheme, or artifice to defraud; misrepresent, conceal or suppress any material fact; or engage in any act, practice, or course of business which operates as a fraud or deceit upon any person. IOWA CODE § 507E.3A. The law requires an intent to defraud and is considered a Class D felony unless the result is more than ten thousand dollars, in which case the person is considered to have committed a Class C felony. Id. at 2.

Medical Assistance IOWA CODE § 249A.51
Iowa law provides that a person who knowingly makes or causes to be made false statements or misrepresentations of material facts or knowingly fails to disclose material facts in application for payment of services or merchandise rendered or purportedly rendered by a provider participating in the Iowa medical assistance program (Medicaid) commits a fraudulent practice.

Iowa Department of Human Services, Other Policies Relating to Providers of Medical and Remedial Care 441 I.A.C. 79.2(2)
Iowa Medicaid regulations list grounds for sanctioning providers, such as: presenting or causing to be presented for payment any false, intentionally misleading, or fraudulent claim for services or merchandise; submitting or causing to be submitted false, intentionally misleading, or fraudulent information for the purpose of obtaining greater compensation than that to which the person is legally entitled, including charges in excess of usual and customary charges; submitting or causing to be submitted false, intentionally misleading, or fraudulent information for the purpose of meeting prior authorization or level of care requirements; and submitting a false, intentionally misleading, or fraudulent certification or statement whether the certification or statement is explicit or implied, to the department or the department’s representative or to any other publicly or privately funded health care program.

Professional Licensure IOWA CODE § 147.55
Iowa law lists the grounds under which a licensee’s license to practice a profession shall be revoked, suspended, or otherwise disciplined by the licensing board for that profession, including knowingly making misleading, deceptive, untrue, or fraudulent representations in the practice of a profession. IOWA CODE § 147.55(3). Proof of actual injury need not be established. Id.
Professional Licensure Rules Establishment Iowa Code § 272C.10
Iowa law requires professional licensure boards to establish by rule provisions for the revocation or suspension of professional licenses, which shall include knowingly making misleading, deceptive, untrue or fraudulent representations in the practice of a licensee’s profession. Proof of injury need not be established.

Board of Medicine, Grounds for Discipline 653 I.A.C. 23.1(14-16,18)
Iowa regulations list grounds for discipline for physicians and acupuncturists, including knowingly making misleading, deceptive, untrue, or fraudulent representations in the practice of a profession. Knowingly making misleading, deceptive, untrue, or fraudulent representations in the practice of a profession includes, but is not limited to, an intentional perversion of the truth, either orally or in writing, by a physician in the practice of medicine and surgery, or osteopathic medicine and surgery, or by an acupuncturist. The regulations also list obtaining any fee by fraud or misrepresentation, fraud in procuring a license and fraud in representation as to skill or ability.

Board of Nursing 655 I.A.C. 4.6(1),(3-4)
Iowa regulations list grounds for discipline of registered nurse, licensed practical nurse, and advanced registered nurse practitioners, including falsifying records related to nursing practice or knowingly permitting the use of falsified information in those records. The regulations also provide discipline for falsification of the application, credentials, or records submitted to the board for licensure, fraud, misrepresentation, or deceit in taking the licensing examination and fraudulently or inappropriately using or permitting the use of prescription blanks, obtaining or attempting to obtain prescription medications under false pretenses, or assisting others to obtain or attempt to obtain prescription medication under false pretenses.

Board of Pharmacy 657 I.A.C. 36.6
Iowa regulations lists grounds for discipline, including knowingly making misleading, deceptive, untrue or fraudulent representations in the practice of pharmacy or engaging in unethical conduct or practice harmful or detrimental to the public. Proof of actual injury need not be established. Other grounds include fraud in procuring a license, fraud in representations as to skill or ability, and forging or altering a prescription.

4) CORPORATE PRACTICE OF MEDICINE

License Required Iowa Code § 147.2
Iowa law prohibits the "practice of medicine and surgery, podiatry, osteopathic medicine and surgery, psychology, chiropractic, physical therapy, physical therapist assisting, nursing, dentistry, dental hygiene, dental assisting, optometry, speech pathology, audiology, occupational therapy, occupational therapy assisting, orthotics, prosthetics, pedorthics, respiratory care, pharmacy …social work, dietetics, marital and family therapy or mental health counseling…polysomnography… [or] practice as a physician assistant or hearing aid
specialist, unless the person has obtained a license for that purpose from the board for the profession.”

Iowa Attorney General Opinion on Corporate Practice of Medicine 91-7-1 (July 12, 1991)

Iowa does not prohibit corporations from employing medical licensees. In 1991, the Iowa Attorney General determined that a general business corporation may employ physicians to provide medical services as long as the general business corporation does not interfere with such physicians’ independent medical judgment. Specifically, the Attorney General noted: …the common thread underlying the corporate practice of medicine is the vesting of improper dominion and control over the practice of a profession in a corporate entity. Where the corporation exerts undue dominion and control over the licensed professional, the corporation in essence becomes the “practitioner,” which is not permitted under the statute. However, not all relationships between a corporation and a licensed professional are prohibited. [Where] the licensed professional retains control over the relationship with the patient, the Court has declined to intervene by injunction. Id.

The Attorney General opinion concludes that Iowa courts apply an in-depth evaluation of the particular facts in a given “corporate practice” case: Any finding of a violation of the corporate practice/employment prohibition would be based on a detailed factual review of the corporate-physician relationship at issue [with an analysis of the amount of dominion and control exercised by the corporation over the physician]. Id.

5) UNFAIR BUSINESS PRACTICES

Unfair Discrimination Iowa Code § 551

Iowa law defines unfair discrimination in purchases and sales. The law provides that a person, firm, company, association, or corporation, foreign or domestic, doing business in the state, and engaged in the production, manufacture, sale, or distribution of any commodity of commerce or commercial services or in the business of purchasing for manufacture, storage, sale, or distribution, any commodity of commerce, that shall, for the purpose of destroying the business of a competitor or creating a monopoly, discriminate between sections, localities, communities or cities, in the state, by selling at a lower rate or price, or purchasing at a higher rate or price, is guilty of unfair discrimination. There are exceptions for rates controlled by cities, or other governmental agencies. The offense is a serious misdemeanor. Complaints may be made to the Secretary of State, who will refer the matter to the attorney general who may, if the facts justify it in the attorney general’s judgment, institute proceedings in the court against such corporation. Any corporation found guilty of unfair discrimination will have their permit to do business in Iowa immediately revoked by the Secretary of State.
**Unfair Competition or Unfair and Deceptive Acts Related to the Business of Insurance IOWA CODE § 507B.3**

Iowa law prohibits the unfair method of competition, or an unfair or deceptive act or practice in the business of insurance. Unfair or deceptive acts are defined as misrepresentations and false advertising of insurance policies; false information and advertising; defamation; entering into any agreement to commit, or by any concerted action committing, any act of boycott, coercion or intimidation; false statements and entries to any public official and/or false entry or omission of a material fact in any book, report, or statement; stock operations and advisory board contracts; unfair discrimination; release or use of genetic information; offering rebates when prohibited; unfair claim settlement practices; use of inquiries for purposes of surcharging, declining, non-renewing, or canceling insurance; using the loss history of a property of a previous owner unless exceptions are met; disclosure that insurer will consider the applicant’s claim history to decide whether to decline, cancel, nonrenewal or surcharge a policy; misrepresentations in insurance applications; omission from insurance application; failure of an insurer to pay interest at the rate of 10% per annum on all health insurance claims that the insurer fails to timely accept; any violation of Iowa Code section 515F.16 (False or Misleading Information); considering minor traffic violations in establishing rates when prohibited; and failing or refusing to furnish any policyholder or applicant, upon a reasonable request, information to which that individual is entitled.

**Consumer Fraud-Private Actions IOWA CODE § 714H**

Iowa law prohibits, unless an exception applies, a person from engaging in a practice or act that the person knows or reasonably should know is an unfair practice, deception, fraud, false pretense, or false promise, or the misrepresentation, concealment, suppression, or omission of a material fact with the intent that others rely upon the unfair practice, deception, fraud, false pretense, false promise, misrepresentation, concealment, suppression, or omission in connection with the advertisement, sale, or lease of consumer merchandise, or the solicitation of contributions for charitable purposes. A consumer who suffers an ascertainable loss of money or property as the result of a prohibited practice or act in violation [Iowa’s Consumer Fraud law] may bring an action at law to recover actual damages.

**Iowa Competition Law IOWA CODE § 553**

Iowa law prohibits monopolies and restraints of trade. Specifically, with regard to restraint, the law provides that a contract, combination, or conspiracy between two or more persons shall not restrain or monopolize trade or commerce in a relevant market. With regard to monopolies, the law provides that a person shall not attempt to establish, maintain, or use a monopoly of trade or commerce in a relevant market for the purpose of excluding competition or of controlling, fixing, or maintaining prices. There are exceptions for: legitimate labor activities that are permitted under laws of the state of Iowa and the United States; the activities of any agricultural or horticultural organization, if the activities carry out the legitimate objectives of the organization to the extent permitted under state and federal laws; activities of those engaged in the production of agricultural products when those persons act together
in association, corporate or otherwise, in collectively processing, preparing for market, handling, and marketing the products, to the extent permitted under state and federal laws; activities or arrangements expressly approved or regulated by any regulatory officer or body acting under state or federal authority; and the activities of a city, county, or an administrative or legal entity created by a city or county, when acting within its statutory or constitutional home rule powers and to the same extent those activities would not be prohibited if undertaken by the state.

6) GENERAL WHISTLEBLOWER PROTECTIONS

**False Claims Iowa Code § 685.3(6)**
Iowa law provides that any employee, contractor, or agent shall be entitled to all relief necessary to make that person whole, if that person is discharged, demoted, suspended, threatened, harassed, or in any other manner discriminated against in the terms and conditions of employment because of lawful acts done by that employee, contractor, or agent or associated others in furtherance of an action under the Iowa False Claims law or other efforts to stop one or more violations of the Iowa False Claims law. Relief includes reinstatement with the same seniority status the person would have had but for the discrimination, two times the amount of back pay and interest on the back pay, and compensation for any special damages sustained as a result of the discrimination, including litigation costs and reasonable attorney fees.

**State Employees Iowa Code § 70A.28-29**
Unless a disclosure of information is prohibited by statute, Iowa law generally prohibits retaliation against any state employees for reporting information to a member or employee of the Iowa general assembly, or a public official or law enforcement agency for a disclosure that the employee reasonably believes evidences a “violation of law or rule, mismanagement, a gross abuse of funds, an abuse of authority, or a substantial and specific danger to public health or safety.” The law states, “A person shall not discharge an employee from or take or fail to take action regarding an employee’s appointment or proposed appointment to, promotion or proposed promotion to, or any advantage in, a position in a state employment system administered by, or subject to approval of, a state agency as a reprisal for a failure by that employee to inform the person that the employee made a disclosure of information permitted by [Iowa law].” However, the employee may be required to inform that person that the employee made such disclosure if the employee represented that the disclosure was the official position of the employee’s immediate supervisor or employer. A person who violates Iowa’s whistleblower law commits a simple misdemeanor and the law may be enforced through civil action. Relief includes reinstatement, with or without back pay, or any other equitable relief the court deems appropriate, including attorney fees and costs.

**Genetic Testing Iowa Code § 729.6 (2), (7)**
Under Iowa law, an employer may not discharge, discipline, or discriminate against in any manner, an employee, labor organization member, or licensee, or prospective employee, member, or licensee in retaliation for filing a complaint or testifying in any
proceeding or action under the Iowa law that prohibits employers, employment agencies, labor organizations, or licensing agencies from soliciting, requiring, or administering a genetic test as a condition of employment, pre-employment application, labor organization membership, or licensure; or affect the terms, conditions, or privileges of employment, pre-employment application, labor organization membership, or licensure, or terminate the employment, labor organization membership, or licensure of any person who obtains a genetic test.

**Iowa OSHA Iowa Code § 88.9(3)**
Iowa law prohibits the discharge of, or any manner of discrimination against, an employee because the employee “(1) has filed a complaint or instituted or caused to be instituted a proceeding under or related to [Iowa OSHA laws] or has testified or is about to testify in any such proceeding or because of the exercise by the employee on behalf of the employee or others of a right afforded by [Iowa OSHA laws]; . . . (2) with no reasonable alternative, refuses in good faith to expose the employee’s self to a dangerous condition of a nature that a reasonable person, under the circumstances then confronting the employee, would conclude that there is a real danger of death or serious injury; provided the employee, where possible, has first sought through resort to regular statutory enforcement channels, unless there has been insufficient time due to the urgency of the situation, or the employee has sought and been unable to obtain from the person, a correction of the dangerous condition.” Complaints may be filed with the labor commissioner, who, if she deems appropriate, shall bring an action in the appropriate district court against the appropriate person. Relief includes all appropriate relief including rehiring or reinstatement of the employee to the employee’s former position with back pay.

**Wage Payment Claims Iowa Code § 91A.10(5)**
Iowa law states, “An employer shall not discharge or in any other manner discriminate against any employee because the employee has filed a complaint, assigned a claim, or brought an action under [Iowa’s wage payment law] or has cooperated in bringing any action against an employer.” Complaints may be filed with the labor commissioner, who, if she deems appropriate, shall bring an action in the appropriate district court against the appropriate person. Relief includes all appropriate relief including rehiring or reinstatement of the employee to the employee’s former position with back pay.

**Confidentiality of Reports to the Department of Inspections and Appeals Iowa Code § 135B.12**
Iowa law ensures confidentiality of any person making a complaint to the Department of Inspections and Appeals (the agency in Iowa that, among other activities, issues licenses for healthcare facilities and handles survey and enforcement of laws governing the operating of healthcare facilities). The identity of such person is not “subject to discovery, subpoena, or other means of legal compulsion for its release to a person other than department employees or agents involved in the investigation of the complaint.”
Civil Rights Laws IOWA CODE § 216.11
Iowa law generally prohibits any person from discriminating or retaliating against another person in any of the rights protected by Iowa’s civil rights laws “because such person has lawfully opposed any practice forbidden under [Iowa’s civil rights laws], obeys the provisions of [Iowa’s civil rights laws], or has filed a complaint, testified, or assisted in any proceeding under [Iowa’s civil rights laws].”

Peer Review Protection IOWA CODE § 272C.8; IOWA CODE § 147.135
Iowa law prohibits a person from being dismissed from employment or otherwise discriminated against by an employer because “the person filed a complaint with a licensing board or peer review committee, or because the person participated as a member, agent, or employee of a licensing board or peer review committee, or presented testimony or other evidence to a licensing board or peer review committee.” Any employer who violates Iowa’s peer review protection laws shall be liable to any person aggrieved for actual and punitive damages plus reasonable attorney fees. Iowa Code § 272C.8. Further, Iowa law states, “A person shall not be liable as a result of filing a report or complaint with a peer review committee or providing information to such a committee, or for disclosure of privileged matter to a peer review committee.” Iowa Code § 147.135.

Witness in Criminal Proceedings IOWA CODE § 915.23
Iowa law generally prohibits employers from discharging, taking, or failing to take action regarding an employee’s promotion or proposed promotion, or taking action to reduce an employee’s wages or benefits for actual time worked, because the employee served as a witness in a criminal proceeding, or as a plaintiff, defendant, or witness in a civil proceeding pursuant to Chapter 235F (elder abuse) or Chapter 236 (domestic abuse).

Iowa Case Law on State Public Policy Exception to Employment at Will
Jasper v. H. Nizam, Inc., 764 N.W.2d 751 (Iowa 2009); Berry v. Liberty Holdings, 803 N.W.2d 106 (Iowa 2011); Dorshkind v. Oak Park Place of Dubuque II, L.L.C., 835 N.W.2d 293 (Iowa 2013). Iowa courts have recognized a “wrongful discharge in violation of public policy” claim as a narrow exception to the general rule of “at-will” employment. The Iowa Supreme Court has “...recognized the tort of wrongful discharge not only protects the reporting of an activity violative of public policy, but also protects the refusal by an employee to engage in activity that is violative of public policy.” Jasper, at 767. “To prevail on an intentional tort claim of wrongful discharge from employment in violation of public policy, an at-will employee must establish the following elements: (1) the existence of a clearly defined and well-recognized public policy that protects the employee’s activity; (2) this public policy would be undermined by the employee’s discharge from employment; (3) the employee engaged in the protected activity, and this conduct was the reason the employer discharged the employee; and, (4) the employer had no overriding business justification for the discharge. If the employee succeeds in establishing the claim, he or she is entitled to recover both personal injury and property damage.” Berry, at 109-110. In Jasper v. H. Nizam, the court held that an administrative rule mandating certain staff-to-child ratios in a
daycare setting constituted a clearly defined public policy for purposes of a wrongful discharge claim, and awarded the plaintiff $100,000 for emotional distress, when the employee sued the employer for wrongful discharge in violation of public policy, alleging that the employer terminated the employee’s employment after the employee refused to violate the Iowa mandated staff-to-child ratios in the daycare for which the employee was the director. Jasper, at 768. In the most recent Iowa Supreme Court case, Dorshkind v. Oak Park Place of Dubuque II, L.L.C., the Court held that an at-will employee, who was discharged by her employer after making an internal report of forgery regarding state-mandated documents certifying dementia training, was protected from retaliation termination under the public-policy exception to the at-will employment doctrine. The Court held that the legislature, by including a findings, purpose, and intent provision in the Iowa code that governs assisted living facilities, demonstrated “a clearly defined and well-recognized public policy to make assisted living available throughout the state and to ensure the safety of persons residing in assisted living facilities.” Dorshkind, at 304.

6) HELPFUL LINKS

- Iowa Code
- Iowa Administrative Rules
- Iowa Attorney General Opinions