

**641—201.22(135,75GA,ch158) Scope.**

**201.22(1) *Certificate of public advantage.*** Providers or purchasers wishing to engage in contracts, business or financial arrangement, or other activities, practices, or arrangements that might be construed to be violations of state or federal antitrust laws but which are in the best interests of the state and further the policies and goals of this provision may apply to the department for a certificate of public advantage.

**201.22(2) *Immunity regarding negotiation.*** Directors, trustees, or other representatives of a health care provider or third-party payer who participate in discussion or negotiation culminating in any arrangement as described in subrule 201.22(1) are immune from civil actions or criminal prosecution for a violation of state or federal antitrust laws, unless the discussion or negotiation exceeds the scope authorized in this subrule.

**201.22(3) *Disputes among the parties.*** Any dispute among the parties to an arrangement as described in subrule 201.22(1) concerning the meaning or terms of their agreement is governed by normal principles of contract law.

**201.22(4) *Department approval.*** Approval by the department is an absolute defense against any action under state and federal antitrust laws, except as provided under subrule 201.30(5).

**201.22(5) *Application cannot be used to impose liability.*** The department shall ask the attorney general to comment on an application. The application and any information obtained by the department under rules 201.23(135,75GA,ch158) through 201.25(135,75GA,ch158) that is not otherwise available is not admissible in any civil or criminal proceeding brought by the attorney general or any other person based on an antitrust claim, except (a) a proceeding brought under subrule 201.30(5), based on an applicant's failure to substantially comply with the terms of the application; or (b) a proceeding based on actions taken by the applicant prior to submitting the application, where such actions are admitted to in the application.

**201.22(6) *Out-of-state applicant.*** Providers or purchasers not physically located in Iowa are eligible to seek a certificate of public advantage for an arrangement in which they transact business in Iowa.