



TITLE: False Claims Act and Detecting Fraud and Abuse

Department: Compliance (Team Quest)

Effective date: 12/09/2016

Teammates must report all suspected or actual violations of DaVita’s Code of Conduct, Compliance Policies and Procedures or applicable laws or regulations. Reports can be made to DaVita senior management, a DaVita manager, the Compliance Department (Team Quest), the Legal Department (the Justice League of DaVita) or the Compliance Hotline (888-458-5848 or DaVitaComplianceHotline.com). DaVita has a Non-Retaliation policy and will not tolerate any form of retaliation against anyone who files a compliance report in good faith. Questions regarding any Compliance Policy may be directed to Team Quest via the QUESTionLine at 855-687-9645 or QUESTionLine@davita.com.

1. PURPOSE

The purpose of this policy is to set forth, along with DaVita’s Code of Conduct and other compliance policies and procedures, DaVita’s commitment to comply with and educate teammates, contractors and agents regarding the federal False Claims Act (FCA) and similar federal and state laws (including certain requirements set forth in the Deficit Reduction Act of 2005).

2. SCOPE

This policy applies to DaVita Inc.’s Kidney Care business (DaVita) and, subject to approval by the chief compliance officer or her designee, it may be enhanced or modified. by a business unit specific policy(ies). Kidney Care is comprised of DaVita’s domestic dialysis business, as well as any other subsidiaries and affiliated entities related to Kidney Care and DaVita’s Strategic Business Initiatives (SBI). DaVita Medical Group (DMG) and international operations are not part of Kidney Care.

3. DEFINITIONS

Term	Definition
Deficit Reduction Act of 2005 (DRA)	A federal law containing many provisions reforming Medicare and Medicaid, a number of which were enacted specifically to reduce Medicaid fraud, waste and abuse. For example, under Section 6032 of the DRA, every entity that receives at least five (5) million dollars in Medicaid payments annually must establish, by January 1, 2007, written policies for all employees of the entity (including management), and for all employees of any contractor or agent of the entity, that provide detailed information about the False Claims Act and similar federal and state laws; the entity’s policies and procedures for detecting and preventing fraud, waste and abuse; and whistleblower protections under applicable federal and state fraud and abuse laws.
Good Faith	Truthful and without malice or ill intent. A complaint, disclosure or report must be based on a reasonable belief that a potential violation of DaVita’s CIA obligations, Code, compliance policies and procedures and/or applicable laws and regulations has occurred or might occur.

Term	Definition
The False Claims Act (FCA)	A federal law that permits the government or whistleblowers to bring civil actions when any individual or entity (including Healthcare Providers) knowingly submits false or fraudulent claims for payment from U.S. government funds (including Medicare and Medicaid), or engage in certain other types of fraud involving federal funds.
The Federal Program Fraud Civil Remedies Act of 1986 (PFCRA)	A federal law that allows the government to impose civil penalties against any person who makes, presents or submits (or causes to be made, presented or submitted) false, fictitious or fraudulent claims, or written statements to designated federal agencies, including the U.S. Department of Health and Human Services.
Strategic Business Initiative (SBI)	Includes DaVita Clinical Research, DaVita Labs, Falcon EHR, VillageHealth, Lifeline Vascular Access, Paladina Health, Hospital Services Group, and Nephrology Practice Solutions.

4. POLICY

- 4.1. DaVita will educate all teammates, contractors and agents on the prevention and detection of fraud, waste, and abuse via policies and procedures, and training including information regarding the FCA.
 - 4.1.1. Teammates, contractors and agents must familiarize themselves with this policy and the addendum policy, [Summary of Federal False Claims Act and Analogous State Laws](#).
 - 4.1.2. The addendum policy, [Summary of Federal False Claims Act and Analogous State Laws](#), contains more information with respect to the FCA, the PFCRA and similar state laws, including a description of whistleblower protections.
 - 4.1.3. Teammates, contractors and agents must also familiarize themselves with the other policies and procedures that DaVita has established for preventing and detecting fraud, waste and abuse.
 - 4.1.4. DaVita makes available to teammates, contractors and agents the policies described above on DaVita's internet website <https://www.davita.com/about/corporate-governance>, as well as the Team Quest website of the VillageWeb. This list will be updated periodically.
- 4.2. DaVita's billing processes and activities are to be performed in a manner that is consistent with Medicare, Medicaid, and other payor regulations and requirements, and in accordance with DaVita's documentation and billing policies and procedures.
- 4.3. DaVita shall maintain internal systems and controls to monitor its documentation and billing practices and procedures on an ongoing basis to ensure compliance with the FCA, the PFCRA and similar state laws.
- 4.4. No DaVita teammate, contractor or agent has the authority to direct, participate in, approve or allow any violation of the FCA, the PFCRA or similar state laws.
- 4.5. Any teammate, contractor or agent who knows or reasonably believes that DaVita (including any DaVita teammate, contractor or agent) may be involved in any activity prohibited by the FCA, the PFCRA or similar state laws shall immediately report such belief using established DaVita reporting procedures. Reports can be made to DaVita senior management, a DaVita manager, the compliance department (Team Quest), the legal department (Justice League of DaVita), or the Compliance Hotline (888-458-5848 or DaVitaComplianceHotline.com).

- 4.6. DaVita prohibits retaliation against anyone for taking action under the FCA or state equivalents for reporting, in Good Faith, any potential compliance concern.
- 4.7. Any DaVita teammate who performs DaVita services at a non-DaVita entity's location (e.g., acute services at a hospital), also must adopt and abide by the policies regarding the FCA, PFCRA and/or similar state laws, governing that non-DaVita entity.
- 4.8. Any DRA-FCA related communications or inquiries that are received by a DaVita teammate, contractor or agent from any entity, provider, vendor or third party payor should be forwarded immediately to Team Quest viae-mail (DRA@davita.com) or via phone at 855-687-9645.
- 4.9. For more information concerning the DRA/FCA policies contact Team Quest at 855-687-9645. Team Quest should also be contacted for any additional information regarding the various federal and state false claims laws or about the

5. PROCEDURE

→ NA

6. APPLICABLE DOCUMENTS

→ [Summary of Federal False Claims Act and Analogous State Laws](#)

