



POLICY # COMP-DKC-023	Version: 19.0	Page 1 of 3
TITLE: Compliance with the False Claims Act and Other Fraud, Waste and Abuse Laws Policy		
Department: Compliance (Team Quest)	Effective date: 12/13/2021	
<p><i>Teammates must promptly report all potential violations of DaVita's Code of Conduct, Compliance Policies and Procedures and/or applicable laws or regulations. Reports should be made to the Compliance Department (Team Quest), or the Compliance Hotline (1-888-458-5848 or DaVitaComplianceHotline.com). In accordance with DaVita's Non-Retaliation policy, DaVita 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 QUESTionLine.ethicspoint.com.</i></p>		

1. PURPOSE

The purpose of this policy is to provide compliance requirements for teammates and Guest Teammates, Medical Directors, Joint Venture Partners, select Vendors and other third parties as required by contractual obligations 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 Kidney Care, which includes DaVita's domestic dialysis business, DaVita's SBIs and any other subsidiaries and affiliated entities. The list of current SBIs can be found [here](#).

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 (e.g., Section 6032 of the DRA).
Direct Referral Source	Any person or entity in a direct position to refer or arrange for any item or service from or furnished by a DaVita center, DaVita business unit or subsidiary. Examples of Direct Referral Sources include hospitals, nephrologists, internist, pediatricians, primary care physicians, hospitalists, vascular access surgeons, interventional nephrologists, interventional radiologists, all of the above listed physician types nurses, physician assistants, nurse practitioners or practice managers, hospital discharge planners and case managers, vascular access centers, ambulatory surgery centers, skilled nursing facilities and rehabilitation facilities. Any Immediate Family Member of a Direct Referral Source is considered a Direct Referral Source for the purpose of this definition
False Claims Act (FCA)	A federal law that permits the government or whistleblowers to bring civil actions when any individual or entity (including Health Care Providers) knowingly submits false or fraudulent claims for payment from U.S. government funds (including Medicare and Medicaid), or engages in certain other types of fraud involving federal funds.
Federal Program Fraud Civil	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

Term	Definition
Remedies Act of 1986 (PFCRA)	submitted) false, fictitious or fraudulent claims, or written statements to designated federal agencies, including the U.S. Department of Health and Human Services.
Fraud, Waste and Abuse	<p>Fraud includes any deception, known false statement or representation, or concealment of material information that results in, or is intended to result in, financial or personal gain.</p> <p>Waste includes practices that, directly or indirectly, result in unnecessary costs to government health care programs, such as overusing services. Waste is generally not considered to be caused by criminally negligent actions but rather by the misuse of resources.</p> <p>Abuse includes actions that may result in unnecessary costs to a government health care program, improper payment, payment of services that fail to meet professionally recognized standards of care, or services that are medically unnecessary. Abuse involves payment for items or services when there is no legal entitlement to that payment and the provider has not knowingly and/or intentionally misrepresented facts to obtain payment.</p>
Guest Teammate	Any worker, agency employee or contract employee who temporarily works on behalf of DaVita.
Joint Venture Partner	A Direct Referral Source who owns a percentage, directly or indirectly, whether through shares, membership interests or other ownership means, of a DaVita dialysis clinic or holding company that owns an interest in a DaVita dialysis clinic.
Medical Director	A nephrologist or nephrology practice that provides the medical director services required by Medicare regulations (e.g., 42 C.F.R. § 494.150) to a center or provides acute medical director services in connection with a hospital services agreement.
Retaliation	Adverse action, such as pay reduction, demotion, termination, intimidation or threat against an individual for engaging in a protected activity (e.g., raising a good-faith compliance concern).
Vendor	Third parties, including suppliers and contractors, that provide, or seek to provide, goods or services directly to DaVita or its patients, teammates or affiliated entities.

4. POLICY

- 4.1. DaVita will educate all teammates, Guest Teammates, Medical Directors, Joint Venture Partners, select vendors and other third parties as required by contractual obligations (collectively referred to as “Others” throughout this policy) on the prevention and detection of Fraud, Waste and Abuse, including information regarding the False Claims Act (FCA), via policies and procedures and training.
- All compliance policies can be found on Team Quest’s intranet site on VillageWeb. Vendor-related policies and information can be found at <https://www.davita.com/about/vendors> or may be provided upon request.
- 4.2. The [Summary of Federal False Claims Act and Analogous State Laws](#) contains more information with respect to the FCA, the Federal Program Fraud Civil Remedies Act of 1986 (PFCRA) and similar state laws, including a description of whistleblower protections.

- 4.3. 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.
- 4.4. DaVita will 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. Examples include, but are not limited to, scope of practice issues, falsifying documentation of services and errors in administration of medication, which can lead to inaccurate patient records and improper billing.
- 4.5. No DaVita teammates or Others have the authority to direct, participate in, approve or allow any violation of the FCA, the PFCRA or similar state laws.
- 4.6. Any DaVita teammates or Others who know or reasonably believe that DaVita may be involved in any activity prohibited by the FCA, the PFCRA or similar state laws shall immediately report the information to the Compliance Hotline (1-888-458-5848 or DaVitaComplianceHotline.com), DaVita management, Team Quest or the Justice League of DaVita, in accordance with the [Reporting Potential Compliance Violations Policy](#).
- 4.7. DaVita prohibits Retaliation against anyone for taking action under the FCA or state equivalents for reporting concerns in good faith. Additional information can be found in the [Compliance Non-Retaliation Policy](#).

5. PROCEDURE

- 5.1. Any Deficit Reduction Act of 2005 related communications or inquiries should be forwarded immediately to Team Quest via email at DRA@davita.com.

6. ADDITIONAL RESOURCES

- [Reporting Potential Compliance Violations Policy](#)
- [Summary of Federal False Claims Act and Analogous State Laws](#)
- For any questions regarding this policy, please contact the Team Quest QUESTionLine at QUESTionLine.ethicspoint.com.