TITLE: VENDOR ACCESS TO DAVITA PATIENTS AND PATIENT INFORMATION

PURPOSE: To provide guidance with respect to Vendor, including Village Service Partners (VSPs), access to DaVita patients and patient information in accordance with the Health Insurance Portability and Accountability Act of 1996 and its implementing regulations, as amended (collectively HIPAA) and state laws governing patient privacy.

DEFINITIONS:

Lobby Day: Educational event held in a public area – never on the treatment floor – that involves Vendor and patient participation.

Vendor: Persons or organizations that provide, or seek to provide, goods or services directly to DaVita patients, DaVita teammates, or DaVita or one of its affiliated entities.

Village Service Partner (VSP): Vendor who has a written contract with DaVita and/or has otherwise been approved to access DaVita facilities, teammates and/or patients in accordance with applicable policy and procedure.

POLICY:

1. Vendors will be allowed access to patients and patient information only if permissible under state and federal privacy laws.

2. Vendors must sign a Business Associate or other appropriate confidentiality agreement before DaVita will allow access to its patients’ information, unless:
   a. The Vendor is a health care provider;
   b. The Vendor has a treatment relationship, as defined by HIPAA, with the patient; and
   c. The purpose of the access to patient information is for treatment, payment or limited health care operations, as defined by HIPAA.

3. DaVita will take reasonable steps to limit the amount of patient information that may be released to the minimum necessary pursuant to regulations and industry guidance.

4. Any request for Protected Health Information (PHI) as defined by HIPAA, including de-identified PHI, by a Vendor that does not have a direct treatment relationship with the patient must be forwarded to the Medical Records Department in accordance with Responding to Third Party Requests for Protected Health Information policy (available on the HIPAA website on the VillageWeb) or the Compliance Department (Team Quest).
5. VSPs may participate in educational fairs or lobby days that are hosted by a DaVita facility as approved of by the Facility Administrator (FA) or his/her designee.

6. Vendor access must be coordinated and managed in accordance with the Vendor Access to DaVita Facilities policy (available on the Team Quest website on the VillageWeb).

PROCEDURE:

A. Pharmaceutical Vendors Access to Patient Information:

1. Facilities may not disclose patient information, including de-identified information, directly to any pharmaceutical vendor.

2. If a pharmaceutical vendor requests patient information, including de-identified information, the DaVita teammate instructs the pharmaceutical vendor to submit a written request to DaVita Medical Informatics.

3. Requests to access patient information should be made in writing and include a description of:
   a. The data points requested;
   b. The patients for whom the Vendor would like data; and
   c. The purpose of the request.

4. If the request is approved by DaVita Medical Informatics, DaVita and the pharmaceutical vendor will enter into a Business Associate or other appropriate data use agreement prior to the release of information.

B. Device Manufacturers Access to Patient Information:

1. Prior to allowing a device manufacturer access to the facility or patient information, teammates will:
   a. Go to the Clinical Operations homepage of the DaVita VillageWeb, and
   b. Click on Associated Village Service Partner List.

2. If the Vendor name is listed on the Associated Village Service Partner List, the Facility may allow the device manufacturer access.

3. If the Vendor name is not listed on the Associated Village Service Partner List, the Facility may not allow the device manufacturer access.

4. Facilities may only allow device manufacturer vendors access to patient information, if the release of patient information is necessary to:
Dialysis Policies, Procedures & Guidelines, Vol. 3
DaVita Inc.

Policy: 3-03-111

a. Repair or service devices that DaVita has purchased or leased from the device manufacturer vendor; or
b. Provide other approved product support services.

5. If a device manufacturer vendor requests patient information, including de-identified data, the DaVita teammate instructs the device manufacturer to submit a written request to DaVita Medical Informatics.

6. Requests to access patient information should include a description of:
   a. The data points requested;
   b. The patients for whom the Vendor would like data; and
   c. The purpose of the request.

7. If the request is approved, DaVita and the device manufacturer vendor will enter into a Business Associate or other appropriate data use agreement prior to the release of information.

C. Transplant Coordinators Access to Patient Information:

   1. Facilities may allow Transplant Coordinators, who have executed a Transplant Coordinator Agreement with the facility, to access patients in the facility.
   2. Transplant Coordinators may observe patients during their dialysis.
   3. Facility teammates may provide transplant coordinators copies of patient information, if:
      a. The patient’s nephrologist has referred the patient to the Transplant Coordinator; and
      b. The information is needed to:
         i. Conduct an initial evaluation to determine the patient’s eligibility for transplant; or
         ii. Monitor and arrange for a possible transplant.

D. Lobby Days:

   1. Facilities may invite VSPs, who appear on the Associated Vendor list on the Clinical Operations webpage of the VillageWeb, to participate in a Lobby Day.
   2. Lobby Days must be:
a. Open to all VSPs who wish to participate;

b. Announced to patients at least a week in advance;

c. Educational in nature;

d. Directly related to kidney health and general disease education;

e. Held in the lobby or a conference room of the facility (never on the treatment floor); and

f. Overseen by the FA or other appropriate designee.

3. VSPs participating in a Lobby Day:

a. May not promote, sell or encourage patients to buy their products or services during the event;

b. Must sign the Facility Visitor Log in accordance with DaVita’s Facility Visitation policy;

c. May provide a promotional item of nominal value if permissible under state and federal laws, DaVita policies, and the Vendor’s company policies;

d. May not provide patients with medical or other advice;

e. Must be made aware of DaVita’s policies regarding appropriate interactions with the facility and DaVita patients and teammates, as provided by the FA; and

f. Will be asked to leave the facility if there are any concerns that the Vendor has not honored DaVita’s policies.

Teammates are expected to report possible violations of this policy and procedure. You may make your report to an appropriate DaVita manager, to the Corporate Compliance Hotline (1-888-458-5848 or DaVitaComplianceHotline.com) or to DaVita’s Corporate Compliance Department (1-888-200-1041 x156037). DaVita has a Non-Retaliation policy and will not tolerate any form of retaliation against anyone who files a Compliance report in good faith. Reports can be made anonymously or you may request confidentiality. Questions regarding this policy should be directed to the QUESTionline@davita.com.