



POLICY # COMP-USA-023		Revision: 1.0	Page 1 of 6
TITLE: Vendor Relationships – Training of Teammates and/or Patients, Access to DaVita Centers, Attendance at DaVita-Hosted Events and Provision of Consulting Services by Teammates			
Department: Compliance (Team Quest)		Effective date: 11/1/2019	
<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 (888-458-5848 or <a href="http://DaVitaComplianceHotline.com">DaVitaComplianceHotline.com</a>). 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 <a href="http://QUESTionLine.ethicspoint.com">QUESTionLine.ethicspoint.com</a>.</i></p>			

**1. PURPOSE**

The purpose of this policy is to provide guidance regarding Vendor engagement with DaVita teammates. This policy specifically addresses:

- Educational Trainings held at a DaVita location, hosted by a Vendor and:
  - (1) intended for DaVita patients; or
  - (2) intended for DaVita teammates.
 This does not include Educational Trainings at industry or professional conferences.
- Vendor participation at DaVita-Hosted Events (excluding national, divisional and regional meetings).
- Vendor access to DaVita centers (not on the treatment floor) for purposes that are outside the normal course of, and not directly related to, the delivery of patient care.
- How teammates should obtain appropriate authorization to provide consulting services to any Vendor, independent of the teammate’s job function at DaVita.

**2. SCOPE**

This policy applies to DaVita Kidney Care, including DaVita's domestic dialysis business and DaVita’s Strategic Business Initiatives (SBIs).

**3. DEFINITIONS**

Term	Definition
Anti-Kickback Statute (AKS)	<p>Makes it a criminal offense to knowingly and willfully:</p> <ol style="list-style-type: none"> <li>1. solicit or receive any remuneration in return for           <ol style="list-style-type: none"> <li>a) referrals of patients for items or services reimbursable by a federal health care program, or</li> <li>b) purchasing, leasing, ordering, or arranging for or recommending the purchase, lease, or order of, any item, service, good or center for which payment may be made under a federal health care program; or</li> </ol> </li> <li>2. offer or pay any remuneration to induce a person to           <ol style="list-style-type: none"> <li>a) refer patients for items or services reimbursable by a federal health care program, or</li> </ol> </li> </ol>

Term	Definition
	b) purchase, lease, order or arrange for or recommend the purchase, lease or order of, any item, service, good or center for which payment may be made under a federal health care program.
Clinical VSP Oversight Committee	This committee reviews all Vendor requests, as outlined in this policy. The committee is comprised of members from Clinical Enterprise (Explorers, National NS and SW teams), Palmer-level clinical services leaders (Opus), National Home Team, Procurement and Logistics Support (PALS), Justice League of DaVita (JLD), Team Quest (TQ), and any other group the committee determines.
Conflict of Interest	Any situation in which financial or other personal interests (including the interests of a Close Relative) may compromise or appear to compromise: <ol style="list-style-type: none"> <li>1. A teammate's business judgment;</li> <li>2. A teammate's delivery of patient care;</li> <li>3. The ability of a teammate to responsibly perform his or her employment duties; or</li> <li>4. DaVita's independence or objectivity in the selection of business relationships or provision of care of patients.</li> </ol>
Consulting Services by DaVita Teammates	Services provided by teammate to a third party, outside of the teammate's employment with DaVita.
DaVita	DaVita Kidney Care, including DaVita's domestic dialysis business and DaVita's SBIs, as well as DaVita's international operations.
DaVita-Hosted Event	A meeting or other event sponsored by DaVita, such as VillageWide, Academy, or divisional/regional meetings, physician educational dinners, speaker series, or other similar event.
DaVita Kidney Care	The domestic kidney care division of DaVita Inc., which includes DaVita's domestic dialysis business and DaVita's SBIs, as well as any other subsidiaries and affiliated entities.
Educational Training	Training provided to impart or acquire general knowledge regarding kidney health and other disease education, and to advance the delivery of effective and high quality health care to patients.
Fair Market Value (FMV)	Value based on arm's-length negotiation between a willing buyer and a willing seller consistent with general market value and determined in a manner that does not take into account the volume or value of any referrals or other business between the parties.
Lobby Day	Educational event held in a public area (not on the treatment floor) that involves Vendor and patient participation. Lobby Days must be overseen by the facility administrator (FA) or other appropriate designee.
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 DaVita clinic or provides acute medical director services pursuant to a hospital services agreement.
Physician Leadership Meeting (PLM)	A specific DaVita-Hosted Event held annually for current DaVita Medical Directors and pre-approved covering Medical Directors.
Referral Source	Physicians, hospitals, or any other person or entity in a position to refer, recommend, or arrange for any item or service from or furnished by a DaVita center, DaVita business unit or subsidiary or an immediate family member of the Referral Source. Examples of Referral Sources include hospitals, nephrologists, and nephrology associated nurses, physician assistants, physician practice managers, social workers, discharge planners, and case managers.

Term	Definition
Strategic Business Initiatives (SBI)	SBIs include DaVita Clinical Research, DaVita Health Solutions, DaVita Labs, DaVita Physician Solutions, Lifeline Vascular Access, Nephrology Care Alliance, Nephrology Practice Solutions and VillageHealth DM, LLC d/b/a DaVita Integrated Kidney Care.
Tangible Benefit	An item of value received in return for a donation, including recognition, acknowledgement or other promotional consideration, such as exhibitor space, advertising, signage and/or an opportunity to distribute promotional materials.
Vendor	Persons or organizations that provide, or seek to provide, goods or services directly to DaVita patients, DaVita teammates, DaVita or one of its affiliated entities. To the extent a Vendor is both a Vendor and a Referral Source, all requirements that govern interactions with Referral Sources apply.
Village Service Partner (VSP)	VSPs have a written contract with DaVita and/or have otherwise been approved to access DaVita centers, teammates and/or patients in accordance with applicable policy and procedure.

#### 4. POLICY

##### 4.1. General

**4.1.1.** As outlined in the Compliance with the Anti-Kickback Statute policy, DaVita will not enter into any relationship with a Vendor or other person or entity, nor allow a Vendor access to a DaVita center, to reward or induce the purchase, lease or referral of any items or services which may be reimbursable by state or federal health care programs, including patient referrals.

**4.1.2.** Vendor access will be approved at a Vendor level. The evaluation will be made based on the value of the education or training to be provided, with consideration of clinical priorities, safety and/or proper use of product or service.

**4.1.3.** The Clinical VSP Oversight Committee, the Justice League of DaVita (JLD) or Team Quest (TQ) always have the discretion to limit or restrict Vendor access, including for Educational Training if it is in the clinical, operational or legal best interest of patients, teammates or the Village.

**4.1.4.** Any Vendor accessing a DaVita center must:

- Schedule their visit in advance with the FA or designee;
- Sign the center visitation log in accordance with the Facility Visitation policy;
- Be accompanied by a DaVita teammate at all times;
- Not access the treatment floor (except if necessary in order to access a conference room) or protected health information maintained by DaVita; and
- Immediately leave the center, if requested to do so by DaVita, a DaVita teammate or Medical Director.

**4.1.5.** Any giveaways, gifts or other items of value that a Vendor provides to DaVita teammates must comply with the *Acceptance of Gifts, Business Courtesies and Business Courtesies to and from Non-Health Care Vendors* policies.

##### 4.2. Vendor Access to DaVita Centers

**4.2.1.** DaVita will not allow Vendors to access DaVita centers to sell or market their products or services.

**4.2.2.** Vendors may access DaVita's centers to:

- Repair or perform maintenance on equipment that DaVita has purchased or leased from the Vendor;
- Provide Educational Trainings to teammates or patients in accordance with this policy; or
- Perform other activities as approved of in advance by the Clinical VSP Oversight Committee.
  - Note: Certain integrated health care providers may be granted access to the dialysis center in limited circumstances, if pre-approved by DaVita’s “Summit Committee”, to provide non-dialysis care services to its patients. To propose such access, requestors should contact JLD or TQ for further information on the Summit Committee process prior to granting any access.

**4.2.3.** Vendors may attend an Open House if the invitations are broadly distributed in the community and the event is open to all Vendors who wish to participate.

#### **4.3. Vendor Attendance and Sponsorship at DaVita-Hosted Events**

**4.3.1.** DaVita may invite Vendors to attend DaVita-Hosted Events for educational or other legitimate business purposes.

**4.3.2.** DaVita may accept financial support to offset additional costs associated with a Vendor’s attendance at approved DaVita-Hosted Events if:

- The financial support does not exceed the actual costs associated with the Vendor’s attendance (i.e., Fair Market Value of rented booth space, meals and lodging); and
- The event organizer has obtained written approval from TQ.

**4.3.3.** To attend a DaVita-Hosted event, including Village Wide and PLM, at least one month prior to the event:

- Wisdom, or the event organizer, must submit the completed Vendor Exhibitor Proposal Form and Vendor Exhibitor Opportunity – Invitation Letter(s) to the TQ QUESTionLine at [QUESTionLine.ethicspoint.com](https://QUESTionLine.ethicspoint.com), by selecting “Ask a Question” and attaching the appropriate documents. Vendors who wish to provide promotional materials must submit also submit their material for review.
- Team Quest will review the material and provide the requestor with approval or additional guidance.
- Approvals are granted for a one-time event, and requests for any additional events must be submitted for review and approval.
- Event organizers whose proposals are approved must submit a *Vendor Exhibitor Opportunity – Post Meeting Report* to Clinical VSP Oversight Committee no later than 30 days after the conclusion of the DaVita Hosted-Event to the TQ QUESTionLine at [QUESTionLine.ethicspoint.com](https://QUESTionLine.ethicspoint.com), as outlined above.

#### **4.4. Vendor Training for Patients and Related Materials**

**4.4.1.** DaVita will not solicit or receive Educational Trainings from Vendors to replace Educational Trainings that DaVita is required to provide to its patients.

**4.4.2.** Vendors may provide Educational Trainings to patients, if the Educational Training is:

- Approved in advance by the Clinical VSP Oversight Committee.
  - To obtain approval, Vendors must submit a Village Service Partner (Vendor) Training Request Form to the Clinical VSP Oversight Committee at

[VSPRequests@davita.com](mailto:VSPRequests@davita.com), at least one month prior to the proposed event, and include relevant Educational Training materials.

- Level 3: Education for patients at an individual facility with a patient who has been prescribed the therapy or product.
- Level 4: Lobby day only; one time approval at one or more locations under FA oversight. This is open to all VSP's in the area.
- Part of a Lobby Day that is:
  - Open to all Vendors who wish to participate;
  - Announced to patients at least a week in advance;
  - Held in the lobby or a conference room of the center (not on the treatment floor); and
  - Overseen by the FA or designee.

**4.4.3. Vendors participating in a Lobby Day may:**

- Distribute general educational materials that are directly related to kidney and general disease education; or
- Distribute promotional items of nominal value.

**4.4.4. Vendors participating in a Lobby Day may not:**

- Sell or market their products at the center; or
- Provide patients clinical or medical advice.

**4.5. Vendor Training for Teammates**

**4.5.1. Based on center interest, Vendors are permitted to provide Educational Trainings to teammates, if the Educational Training is:**

- Approved in advance by the Clinical VSP Oversight Committee.
  - To obtain approval, Vendors must submit a Village Service Partner (Vendor) Training Request Form to the Clinical VSP Oversight Committee at [VSPRequests@davita.com](mailto:VSPRequests@davita.com), at least one month prior to the proposed event, and include relevant Educational Training materials.
  - Level 1: Education presented at meeting with clinical TM's from multiple facilities (RN, PCT, SW or Dietitian meetings); or large meeting such as Village-wide, PLM or Home team summit.
  - Level 2: Education held at one or more facility locations with one or more TM's from the facility. This education takes time away from direct patient care and should be restricted to prior approved content that supports understanding of the safety, efficacy or proper use of a specific product or therapy option.
- Held in a location conducive to an Educational Training, like a conference or meeting room, banquet hall, or other designated meeting space. Educational Training should not occur on the dialysis treatment floor.

**4.5.2. Teammates may accept a modest meal in conjunction with an Educational Training, if the meal is:**

- Incidental to the Educational Training;
- Only provided to teammates who participate in the Educational Training;
- Eaten in conjunction with the Educational Training;
- Charged directly to the Vendor; and
- Otherwise in compliance with DaVita's *Acceptance of Gifts, Business Courtesies* and *Business Courtesies to and from Non-Health Care Vendors* policies.

#### 4.6. Consulting Services by DaVita Teammates

**4.6.1.** Consulting Services by a DaVita Teammate must comply with all DaVita policies, including the *Compliance with the Anti-Kickback Statute* policy and *Conflict of Interest* policy. Consulting Services by a DaVita Teammate must:

- Be approved by the teammate's manager;
- Be performed on the teammate's own time;
- Not conflict with the teammate's ability to perform his/her duties and responsibilities at DaVita;
- Not involve the use of DaVita patient information;
- Not involve the use of any confidential information of DaVita; and
- Not involve the use of DaVita resources (e.g., computer, copy/fax machines, telephone, office supplies).

**4.6.2.** To the extent that any teammate is providing Consulting Services to any Vendor, any related compensation provided to the teammate must come from the Vendor.

## 5. PROCEDURE

Included in related processes noted in policy.