



TITLE: Non-Retaliation for Reporting Potential Compliance Violations

Department: Compliance (Team Quest)

Effective date: 06/13/2017

*Teammates must promptly report all potential violations of DaVita’s Codes of Conduct, Corporate Integrity Agreement (CIA) obligations, compliance policies and procedures and/or applicable laws or regulations. Reports should be made to the compliance department (Team Quest), or the Compliance Hotline. 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.*

**1. PURPOSE**

DaVita has adopted Codes of Conduct (Codes) and developed a disclosure program that requires teammates to report, in Good Faith, potential violations of the Codes, DaVita’s Corporate Integrity Agreement (CIA) obligations, DaVita’s compliance policies and procedures and/or applicable federal and state laws and regulations. DaVita’s disclosure program has also been developed to meet its CIA obligations. The purpose of this policy is to ensure that teammates who fulfill this duty to report in Good Faith are treated appropriately and lawfully.

**2. SCOPE**

This policy applies to DaVita’s domestic lines of business including, as defined herein, DaVita Kidney Care (including SBIs), DaVita Rx, and DaVita Medical Group (DMG) and, subject to approval by the chief compliance officer or his/her designee; it may be customized by a business unit-specific policy(ies). DaVita’s international operations are not subject to this policy.

**3. DEFINITIONS**

Term	Definition
Compliance Hotline	<p>A toll-free number and web portal managed by a third party on behalf of Team Quest which allows DaVita Teammates, Guest Teammates, Covered Persons, patients, physicians, vendors, or other third parties to report, in Good Faith, Potential Compliance Violations.</p> <p>For DaVita Kidney Care and DaVita Rx:</p> <ul style="list-style-type: none"> <li>• Toll-free number: 888-458-5848</li> <li>• Web portal: <a href="http://DaVitaComplianceHotline.com">DaVitaComplianceHotline.com</a></li> </ul> <p>For DMG:</p> <ul style="list-style-type: none"> <li>• Toll-free number: 855.236.1448</li> <li>• Web portal: <a href="http://www.healthcarepartners.ethicspoint.com">www.healthcarepartners.ethicspoint.com</a></li> </ul>
Contracted Provider	<p>Any individual or entity under an arrangement to provide healthcare services to DaVita Medical Group patients or patients attributed to DaVita Medical Group. A Contracted Provider does not include any individual employed by DaVita Medical Group (including employees of a medical group(s) managed by DaVita Medical Group).</p>
Corporate Integrity Agreement (CIA)	<p>The agreement between DaVita and the Office of the Inspector General of the United States Department of Health and Human Services that became effective</p>

Term	Definition
	on Oct. 22, 2014. The CIA imposes obligations on DaVita, Inc. and DaVita Dialysis, but generally does not apply to the other SBIs, DaVita Rx, or DMG.
Covered Person	<p>Any (i) owner of DaVita that is a natural person (other than shareholders who: (1) have an ownership interest of less than 5% and (2) acquired the ownership interest through public trading or in connection with the operation of employee incentive programs); (ii) officer, director, or employee of DaVita who is responsible for or works for DaVita Dialysis; (iii) contractor, subcontractor, agent or other person who provides patient care items or services or who performs billing or coding functions on behalf of DaVita Dialysis, excluding vendors whose sole connection with DaVita is selling or otherwise providing medical supplies or equipment to DaVita and who do not bill the federal healthcare programs for such medical supplies or equipment; or (iv) domestic dialysis clinic joint venture partner or medical director.</p> <p>“Covered Person” does not include part-time or per diem employees, contractors, subcontractors, agents, and other persons (other than medical directors) who are not reasonably expected to work more than 160 hours during a year, except that any such individuals shall become “Covered Persons” at the point when they work more than 160 hours during this time. “Covered Person” also does not include contractors, subcontractors, agents, and other persons (other than medical directors) who only provide diagnostic services, facility services and supplies, home medical equipment, laboratory services, pharmacy services, and transportation and ambulance services.</p> <p>This definition, and any requirements related to Covered Persons in this policy, do not apply to DaVita Medical Group unless otherwise specified.</p>
DaVita	DaVita is DaVita, Inc., formerly known as DaVita Healthcare Partners, Inc., including all of its domestic lines of business.
DaVita Dialysis	DaVita’s domestic dialysis business and clinics, and all DaVita functions that provide support to DaVita’s domestic dialysis business and clinics, excluding Information Technology (IT) personnel other than IT personnel who develop software and systems, employee benefits personnel and facility services personnel who provide administrative support for DaVita’s corporate business office.
DaVita Kidney Care	DaVita Dialysis, as well as any other subsidiaries and affiliated entities related to DaVita Dialysis and DaVita’s Strategic Business Initiatives (SBIs), with the exception of DaVita Rx.
DaVita Medical Group (DMG)	DaVita Medical Group refers to DaVita’s patient- and physician-focused integrated healthcare solutions delivery and management company, including its subsidiaries and affiliated entities.
DaVita Rx	DaVita Rx is comprised of DaVita Rx’s domestic prescription drug business for DaVita’s Kidney Care and DaVita Rx’s specialty pharmacy and distribution business.
Good Faith	Truthful and without malice or ill intent. A complaint, disclosure or report must be based on a reasonable belief that a Potential Compliance Violation has occurred or might occur.

Term	Definition
Guest Teammate	Any temporary worker, agency employee or contract employee who temporarily works on behalf of DaVita.
Potential Compliance Violation	Any act, conduct, event or situation that involves, or might result in, a potential violation of DaVita's Codes, DaVita's CIA obligations, DaVita's compliance policies and procedures or other compliance-related directives, and/or applicable laws and regulations, including those that apply to federal and state healthcare programs.
Reporter	A DaVita teammate, patient, physician, vendor, Guest Teammate, Contracted Provider or external agent who acts on behalf of DaVita, who reports a Potential Compliance Violation, verbally or in writing, through any mechanism or communications channel, including the Compliance Hotline.
Retaliation	Adverse employment action and/or other adverse treatment such as intimidation, threats, coercion, or discrimination against a Reporter.
Strategic Business Initiative (SBI)	SBIs include DaVita Clinical Research, DaVita Health Solutions, DaVita Labs, Falcon Physician, VillageHealth, Lifeline Vascular Access, Paladina Health and Nephrology Practice Solutions.

#### 4. POLICY

##### 4.1. Prohibition on Retaliation

###### 4.1.1. DaVita prohibits Retaliation against any teammate who:

- Makes a compliance related report in Good Faith.
- Discloses, or expresses intent to disclose, information about a Potential Compliance Violation.
- Provides information to DaVita or an external agency in Good Faith concerning a compliance related matter, or testifies against the alleged offending individual or DaVita.
- Objects to, or refuses to participate in, an activity that he or she feels is or involves a Potential Compliance Violation.
- Is involved in any compliance review or peer review process.

##### 4.2. Obligation to Report

###### 4.2.1. All teammates must promptly report Potential Compliance Violations in accordance with the [Reporting Potential Compliance Violations policy](#).

###### 4.2.2. Teammates who fulfill this duty in Good Faith may do so without fear of Retaliation.

- Self-reporting is encouraged and is consistent with DaVita's commitment to legal and regulatory compliance and transparency with stakeholders. Self-reporting will not exempt or insulate teammates from disciplinary action if disciplinary action is otherwise warranted; however, self-reporting may be taken into account when determining the extent of disciplinary action that appropriate under the circumstances.

- Consistent with DaVita's CIA obligations, confidentiality of compliance related reports will be maintained to the extent possible and to the extent permissible under applicable laws and regulations.

**4.2.3.** All compliance related reports are taken seriously and will be investigated in accordance with disclosure program protocols and, where appropriate, DaVita's CIA obligations.

#### **4.3. Management Responsibilities**

**4.3.1.** Management must support this policy and encourage the prompt reporting of Potential Compliance Violations. At a minimum, managers must:

- Establish and promote an appropriate "tone at the top" and maintain an environment that encourages teammates to communicate openly about their concerns and ask questions.
- Periodically review with teammates the Code, the CIA, as applicable, DaVita's compliance policies and procedures and applicable laws or regulations, or ensure teammates complete all required trainings regarding the same.
- Timely seek guidance regarding compliance related concerns from Team Quest.

#### **4.4. Follow-Up to Reports**

**4.4.1.** Team Quest, in collaboration with People Services and Justice League of DaVita as appropriate, is responsible for reviewing any complaint of retaliation for reporting a Potential Compliance Violation.

**4.4.2.** Teammates found to have engaged in Retaliation against another teammate, Guest Teammate, vendor or other third party will be subject to disciplinary action up to and including termination of employment.

### **5. PROCEDURES**

**5.1.** Teammates who believe that they are the subject of Retaliation for reporting, in Good Faith, a Potential Compliance Violation should immediately report the suspected Retaliation to:

- A member of Team Quest; or
- The Compliance Hotline.

### **6. APPLICABLE DOCUMENTS**

- [Code of Conduct](#)
- [Compliance Policies and Procedures](#)
- [DaVita Corporate Integrity Agreement](#)
- [Reporting Potential Compliance Violations](#)