

Dialysis Regulatory and Ancillary Policies & Procedures

Policy: 3-03-117

DaVita HealthCare Partners Inc.

Printed copies are for reference only. Please refer to the electronic copy for the latest version.

TITLE: PROVISION OF CONSULTING SERVICES TO VENDORS BY DAVITA TEAMMATES

PURPOSE: To provide guidance to teammates regarding how to obtain appropriate authorization to provide consulting services to third party vendors (Vendor), independent of the teammate's job function at DaVita.

DEFINITION(S):

Consulting Services: A written agreement or other arrangement between a DaVita Teammate and a Vendor, where the teammate provides information or advice to inform the Vendor's business efforts, including, but not limited to:

1. Advisory Board; or
2. Speaker Series.

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.

POLICY:

1. Teammates will provide Consulting Services in compliance with DaVita's *Compliance with the Anti-Kickback Statute* and *Conflict of Interest* policies (available on the P&P site Dialysis Regulatory and Ancillary Policies & Procedures folders), including, but not limited to:
 - a. Consulting Services are not provided in exchange for patient referrals or in exchange for purchasing, leasing, or selling any item or service which may be reimbursable by Medicare, Medicaid and/or any other federal or state health care programs;
 - b. Vendor has legitimate business need for teammates to provide Consulting Services;
 - c. Identified teammates have the necessary expertise to provide the Consulting Services and have been selected because of their unique subject matter knowledge;

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- d. A written contract, specifying the nature of the Consulting Services and the basis for compensation, is executed between the Vendor and each teammate; and
 - e. Any compensation provided to the teammates in exchange for providing Consulting Services is confirmed by Vendor to be at Fair Market Value (FMV).
2. All requests to engage teammates for Consulting Services, must be reviewed and approved by DaVita's Compliance Department (Team Quest) prior to the provision of Consulting Services by any teammate.
 3. Consulting Services will:
 - a. Be approved by the teammates' managers;
 - b. Be performed on the teammates' own time;
 - c. Not conflict with the teammates' ability to perform their duties and responsibilities at DaVita;
 - d. Not involve the use of DaVita patient information;
 - e. Not involve the use of any confidential information of DaVita;
 - f. Not involve the use of DaVita resources (e.g. computer, copy/fax machines, telephone, office supplies, etc.); and
 - g. Be conducted in an appropriate venue.

PROCEDURE:

A. Vendor Submits Request to Engage DaVita teammates for Consulting Services:

1. Vendor will email the following items to Team Quest at QUESTIONline@DaVita.com:
 - a. A completed Vendor *Proposal: Request to Contact DaVita Teammates about Consulting Services* form (Attachment A).
 - b. Copy of the written agreement for the provision of Consulting Services; and
 - c. A list of teammates the Vendor would like to engage for Consulting Services.
2. If a teammate is directly asked to provide Consulting Services by a Vendor, the teammate will instruct the Vendor to submit the documentation as outlined above.

B. DaVita Review:

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1. Upon receipt of *Vendor Proposal: Request to Contact DaVita Teammates about Consulting Services* form, Team Quest reviews the request with the Clinical Operations Department.
2. If the Clinical Operations Department approves the request, Team Quest will review the request and complete *DaVita Review: Request to Contact DaVita Teammates about Consulting Services* as outlined in Procedure C.
3. If the Clinical Operations Department denies the request, Team Quest will inform the Vendor of the denial as outlined in Procedure D.

C. Approved Requests:

1. If Team Quest approves the request, Team Quest will inform the Vendor of the approval in writing.
2. Team Quest will inform the teammates and teammates' manager who the Vendor would like to engage for Consulting Services of the approval.
3. Teammates may seek advice from outside legal counsel regarding their personal questions and/or concerns regarding the engagement.

D. Denied Requests:

1. If the Clinical Operations Department and/or Team Quest deny the request, Team Quest will inform the Vendor of the denial in writing.

ATTACHMENTS:

Attachment A: Vendor Proposal: Request to Contact DaVita Teammates about Consulting Services

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.