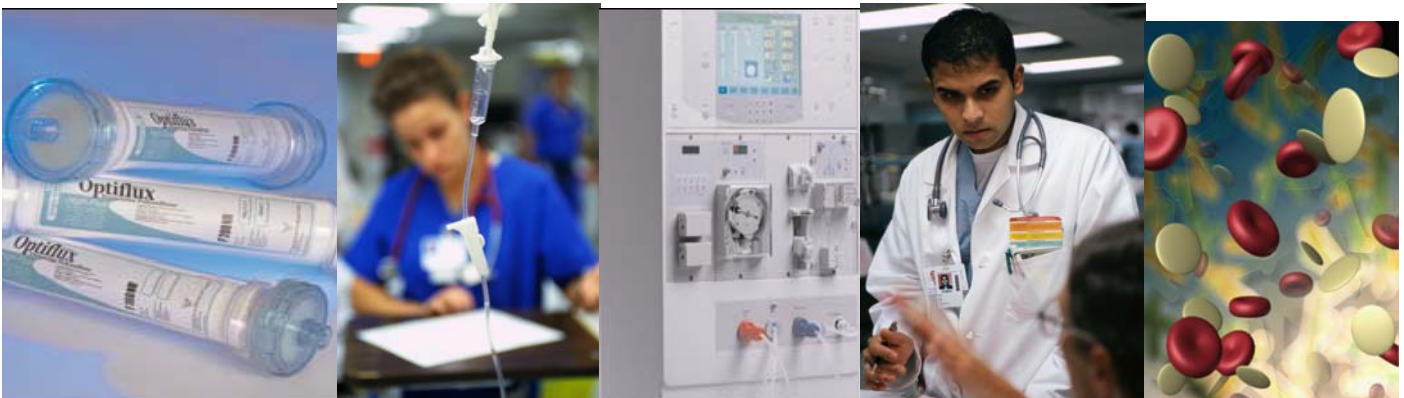




# CODE OF BUSINESS CONDUCT





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## Foreword

DSI Renal, Inc. (“DSI”) is committed to conducting its business activities in compliance with the federal, state and local laws and regulations that apply to our business. We demonstrate professionalism, honesty, and integrity in our business relationships with patients, customers, suppliers, the government and other payors, fellow employees, and the general public. It is the responsibility of every employee and other person who is subject to this Code of Business Conduct (the “Code”) to make the right decision when confronted with a compliance issue during the course of his or her work at DSI. As the proper course of action may not always be obvious, this Code is intended to serve as a guide for reaching the right result. Please review it carefully. You will be expected to know its contents and to govern your activities in accordance with its principles. If you have a compliance question or concern, the Code will offer guidance on understanding your options, taking advantage of Company resources, and ultimately, making the right decision.

All of us have a personal stake in the success of the DSI Compliance Program. Serious or repeated violations of regulatory or contractual obligations will undermine our credibility with government and commercial payors, our physicians and our patients, and could put our future in jeopardy. Working together, we can demonstrate that sound regulatory policies and practices can complement our commitment to quality and provide a sound basis for successful business performance.

## Mission Statement

*Enhancing Life through Teamwork, Technology, Innovation, and Research*

## Core Values

**QUALITY**

**HONESTY and INTEGRITY**

**INNOVATION and IMPROVEMENT**

**RESPECT and DIGNITY**

**TEAMWORK**

**PEOPLE MAKE THE DIFFERENCE**

## Core Values in Action

- Promoting better patient outcomes and product performance through continuous quality improvement.
- Seeking opportunities to exceed the expectations of our patients and customers.
- Treating patients with dignity and respect.
- Complying with regulatory and contractual obligations.
- Billing honestly and accurately and taking prompt action to correct errors.
- Treating fellow employees with respect and promoting teamwork.
- Using Company assets efficiently and responsibly.
- Promoting an open and candid dialogue.



## DSI Corporate Compliance Program

The DSI Compliance Program is comprised of a number of elements, including:

- Policies and procedures relating to proper business conduct;
- Compliance training;
- Opportunities to raise compliance issues on a confidential basis; and
- Compliance audits to monitor DSI's conformance to legal and DSI policy standards.

Managers, supervisors and other personnel share responsibility for implementation of the DSI Compliance Program. We must ensure that our business activities are conducted in compliance with all applicable regulatory obligations and DSI policies. If you are unclear about a particular policy or business practice, you should seek a satisfactory answer through the various resources that are set/within these materials.

### **WHO IS COVERED**

The DSI Compliance Program applies to all operations of DSI, including DSI's subsidiaries and affiliates. All directors, officers, and employees of DSI are covered by the Compliance Program, and are expected to be familiar with, and to conform to, its requirements. DSI personnel who work at dialysis facilities that are managed by DSI under contract are required to participate in the DSI Compliance Program, and to follow DSI policies and procedures. In addition, the DSI Compliance Program applies to all agents or contractors of DSI who:

- Furnish healthcare items or services at a DSI location for which DSI claims payment, or
- Participate in the preparation of claims for payment on behalf of DSI.

The DSI Corporate Compliance Program applies to Medical Directors when they are performing administrative duties within the scope of their contractual responsibilities to DSI.

Any employee or other person who is unsure whether they are covered by the DSI Compliance Program should contact their supervisor, or the DSI Corporate Compliance Department (615/467-0128).



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**DUTIES OF MANAGERS AND PERSONNEL**

One of the goals of the DSI Compliance Program is to assist you in understanding your professional responsibilities.

***As a Manager:***

1. You are responsible for ensuring that persons reporting to you understand and apply the standards outlined in this Code.
2. You are responsible for putting policies and procedures in place to ensure that persons reporting to you are adequately trained, and are carrying out their responsibilities in conformance with DSI policies and regulatory obligations.
3. You are responsible for setting reasonable performance goals and expectations that can be achieved without compromising DSI policies or regulatory obligations, and specifically avoiding the creation of incentives to ignore or seek ways around such policies and obligations.
4. You are responsible for taking prompt and appropriate action when an actual or suspected violation of law or DSI policies is brought to your attention.
5. You are responsible for ensuring that acts of retaliation are not tolerated against any person making a good faith report of a violation or suspected violation of law or DSI policies.

***As an Employee:***

1. You are responsible for understanding and acting in accordance with the standards outlined in this Code and with the policies and procedures applicable to the area in which you work. Neither ignorance nor “good intentions” is an adequate justification for a violation of DSI policy or regulatory obligations.
2. You are responsible for resolving any doubts you have about the propriety of a business practice you observe or participate in by using the resources described in this Code.
3. You are responsible for reporting any suspected violations of the law or DSI policies to your immediate supervisor or other appropriate DSI official.
4. You are responsible for cooperating with auditing procedures that measure DSI’s conformance with policy standards.



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## **WRITTEN COMPLIANCE MATERIALS**

### **Code of Business Conduct**

This Code addresses general compliance concepts and gives personnel a broad outline of acceptable behavior. The Code is not intended to replace the policies and procedures that have been developed by DSI, various divisions/business units and departments. Rather, the Code complements and supports these policies and procedures.

### **Compliance Guidelines**

DSI has developed the Compliance Guidelines. These guidelines include information related to operations, sales and marketing, and billing and reimbursement. These guidelines include topics similar to those in the Code, but are tailored to the specific operations of each division, business unit or business segment. As with the Code, the guidelines are a summary of basic compliance standards, and they also highlight common compliance issues that may arise in the course of your day-to-day activities.

### **Policies and Procedures**

DSI has issued policies and procedures providing detailed instruction on how to perform specific duties and functions. These policies and procedures outline the proper methods for performing the numerous and varied duties expected of DSI personnel. Such policies and procedures are continually updated based on the changing regulatory environment and the needs of DSI.

## **TRAINING**

### **General Compliance Training**

DSI provides general compliance training for all personnel. This training reviews the various elements of the DSI Compliance Program, gives personnel information about the laws and regulations applicable to our business, and discusses this Code. New personnel are required to receive initial compliance training within 30 days of starting work. All personnel are required to receive annual compliance training, which addresses relevant changes in DSI policies, or in federal or state laws.

## **AUDITING**

The DSI Compliance Department determines whether management controls are sufficient to ensure conformance to applicable regulatory and contractual obligations, and measures the effectiveness of our Compliance Program. Many audits are conducted entirely by DSI personnel. Independent auditors may perform other audits. You are expected to cooperate with any DSI authorized audit being conducted in the area in which you work.



## GETTING ANSWERS TO QUESTIONS

### The Five-Step Integrity Process

DSI encourages open discussion of compliance issues by personnel and managers. Often, asking a question is the only way to determine whether an action is proper. If you have a compliance question, you should take advantage of the following five-step integrity process, sequenced in the order below.

1. Review written resources
  - The DSI Code of Business Conduct
  - Applicable policies or procedures
  - The Human Resources Employee Handbook
  
2. Bring the matter to the attention of:
  - Your immediate supervisor
  - A more senior manager or Vice President, if your immediate supervisor is unable to resolve the issue, or if you are uncomfortable speaking to your supervisor about this issue.
  - Your regional Human Resources representative if your issue concerns employee relations, policy or compensation. The Benefits Coordinator at 1-615-467-0144 if your issue concerns benefits.
  
3. Contact the Compliance Department
  - Chief Compliance Officer @ 615/467-0128.
  
4. Contact Appropriate Corporate Departments
  - Legal Department @ 615/234-0951
  
5. Call the Compliance Hotline 888/225-7436

If you feel uncomfortable using any of the above resources, or if you prefer anonymity, the Compliance Hotline is a resource for employees. The Compliance Hotline can be called 24 hours a day, 7 days a week.



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## **REPORTING SUSPECTED VIOLATIONS**

Personnel have an obligation to report actual or suspected violations of law or DSI policies. Doing so allows DSI to investigate and take prompt remedial action. If you fail to report a violation of law or DSI policies, you may be subject to disciplinary action, up to and including termination of employment. Remaining silent about a violation of law or policy by someone else puts yourself and DSI in jeopardy.

### **Non-Retaliation Policy**

DSI understands that personnel may not be willing to report compliance problems or concerns if they feel that they may be subjected to harassment or retaliation by their supervisors or co-workers. Accordingly, DSI has adopted a policy that prohibits harassment or retaliation where an employee or other person, in good faith, reports an actual or suspected violation of law or of DSI policies to DSI officials or to the Compliance Hotline.

If you believe that you are the subject of retaliation for reporting an actual or suspected violation of law or DSI policies, the incident should be reported immediately to the Corporate Compliance Department or the Compliance Hotline. Any person, including supervisors or managers, who is found to have engaged in, or condoned, an act of retaliation against an individual in response to a good-faith report of a violation or suspected violation will be subject to discipline, up to and including termination of employment.

### **Compliance Hotline (888/225-7436)**

DSI has established a confidential Compliance Hotline, which can be used if an issue remains unresolved after trying other options, or if you are uncomfortable discussing a compliance issue through the normal chains of command. Hotline callers may remain anonymous. When you call the Compliance Hotline you do not have to provide your name, but you may do so if you desire. There are no recorders on the telephone lines, or any devices that can identify or trace the number from which you are calling. When you call the Compliance Hotline, it will be easier to review your concern if you provide as much detail as possible.

Calls to the Compliance Hotline are answered by an independent contractor. Information provided by the caller is documented and reported to the Corporate Compliance Department for investigation and follow-through.

Employees may contact the Compliance Hotline when they have a compliance related question or concern, and can be assured that their concern will be reviewed objectively and confidentially. Employees should direct pure HR questions and issues to their supervisor or respective HR representative.

## **ACCOUNTABILITY AND DISCIPLINE**

Violations of DSI rules and performance standards are dealt with through DSI's disciplinary procedures. Violations of law or regulations may entail more serious discipline. Corrective action may range from verbal counseling to termination of employment based upon the seriousness, frequency, pattern, and other circumstances surrounding a particular situation. Consideration will be given to whether a violation was

intentional, as well as the good faith shown by an employee in reporting the violation and assisting in any corrective action.

The following are some examples of conduct that will result in disciplinary action:

- Employees who authorize or participate in a violation of law, regulations, or DSI policies.
- Employees who withhold or fail to report information about such violations.
- Supervisors or managers who fail to take reasonable steps to ensure conformance to DSI policies or regulatory obligations by employees under their supervision.
- Employees who retaliate or attempt to retaliate against individuals who report suspected violations.
- Employees who make deliberately false or bad faith reports of compliance violations.

Adherence to DSI policies and procedures will be considered as an important element in performance evaluations of managers, supervisors and all other personnel.

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## COMPLIANCE STANDARDS

<h3>Legal Requirements</h3>
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#### STANDARD

- DSI will comply with federal, state, and local laws and regulations that apply to its business. DSI will establish policies and procedures to ensure compliance with such laws and regulations, and will not pursue business opportunities that are inconsistent with its regulatory obligations. DSI will provide personnel with information and training on such policies and procedures. If there is a doubt as to the appropriateness of an action or a proposed action, personnel should seek advice from supervisors, managers, or other DSI resources prior to taking the action.
- DSI personnel are expected to know and comply with DSI policies and procedures relating to their jobs, including the principles outlined in this Code.
- Violations or suspected violations of the law or of DSI policy must be reported to a supervisor or other appropriate DSI manager. Failure to report a potential problem deprives the DSI of an opportunity to investigate and take corrective action. Small problems that are not addressed in a timely manner can become serious issues for DSI in the future. Accordingly, failure to report a suspected violation may subject an employee to disciplinary action, up to and including termination of employment.
- “Industry practice” is never a basis for violating DSI policies or regulatory obligations. If you believe that following DSI policies is inconsistent with industry practice in a particular instance, you should bring the matter to the attention of the Legal Department or the Corporate Compliance Department. Do not take it upon yourself to make an exception to DSI rules.

#### QUESTIONS AND ANSWERS

**Q:** *My supervisor has asked me to do something that I believe is against DSI policy and which may be illegal. What should I do?*

**A:** *Discuss the situation with your supervisor to make sure that you agree on the facts of the situation. There may be a simple misunderstanding that requires clarification.*

***If you are not satisfied with the answer, or if you still feel uncomfortable, contact a more senior manager, call the Corporate Compliance Department.***

**Q:** *One of my co-workers is doing something I believe to be illegal. I'm afraid that if I report his activities, he will lose his job. Can I simply talk to him about my concerns and ask him to stop?*

**A:** *You may talk to him, but that would not fully address the problem. Even if he agrees to change his behavior, DSI may be required to report the activity and/or to repay money that may have been received as a result of improper activities. Both of you have an obligation to report the suspected violation, and to follow through with your supervisor or manager, or with the Corporate Compliance Department.*

## Quality of Clinical Care

### STANDARD

- **DSI is committed to providing superior clinical care to our patients.** Clinical care must be based on patient medical needs and physician orders.
- **DSI will provide clinical services, including laboratory testing, which are appropriate, safe, and in compliance with applicable laws, regulations and professional standards.** Patient care should be guided by the intended outcome of the patient's treatment plan in accordance with established clinical standards and protocols. Sound clinical judgment, focused on the best interest of the patient, should be applied at all times.
- **DSI will periodically review patient care policies, procedures and clinical protocols to ensure that they meet or exceed current standards of practice.** We will seek new, innovative and cost-effective approaches for improving the quality of care provided to our patients.
- **Only persons with appropriate professional credentials, and who are properly trained, may be permitted to provide patient care services.** Physicians will be granted medical staff privileges only after the applicant has gone through the credentialing process at DSI. Members of the medical staff of a DSI dialysis facility are required to adhere to the policies, procedures and standards set forth by federal, state and local regulations and DSI policy regarding the quality of clinical care.
- **DSI associates may not provide benefits to referring physicians.** DSI associates may not provide benefits or services to physicians who refer patients to DSI facilities except pursuant to a written agreement between DSI and the physician.

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**QUESTIONS AND ANSWERS**

**Q:** *One of the transportation providers frequently runs behind schedule, and some of our patients arrive at the facility 20 to 30 minutes late for their late afternoon dialysis treatments. Instead of making up this time, the charge nurse stops the treatments at the regular time the unit is scheduled to close. I am concerned that these patients are not adequately dialyzed. Who can I speak to about this situation?*

**A:** *DSI clinics have procedures to deal with late arrivals and noncompliant or uncooperative patients. If a patient is late due to his or her own delay, the treatment may have to be cut short or rescheduled to accommodate other patients. If a patient is late due to a problem with a transportation provider, DSI puts forth best effort to accommodate the patient. Steps should be taken to resolve the transportation problem.*

**Q:** *A patient care technician recently transferred from a DSI dialysis unit in another state, which allowed technicians to administer IV heparin to patients. Technicians are not allowed to give heparin in this state, but she still administers it herself. The FM knows the technician is giving the medication, but she says that the technician is administering the medication properly, so it's not a problem. I am uncomfortable talking to the FM about this. What should I do?*

**A:** *If you know that it is a violation of state law for a patient care technician to administer a medication, and you do not feel comfortable speaking to someone at the facility, you should report the situation to the Corporate Chief Compliance Officer. This is the case even if the technician has been trained and administers the medication properly, and even if the FM allows her to give it.*

**Q:** *One of the attending physicians in my unit often misses scheduled rounds and seems to hurry through when he does come. I am concerned that he is not reviewing laboratory and medication orders on a frequent basis. As a charge nurse, I am reluctant to challenge the doctor, but I am concerned about the wellbeing of his patients. What should I do?*

**A:** *Express your concerns directly to the FM or the Medical Director. If you are reluctant to bring the issue up at the facility level, you can contact the Corporate Chief Compliance Officer. It is important that this kind of concern be addressed to avoid potential harm to patients.*

## Patients

### STANDARD

- **Treat all patients with dignity and respect.** Resolve all concerns and complaints promptly and thoroughly. Access to treatment should never be influenced or restricted by race, religion, national origin, gender, age, sexual orientation, disability, veteran status, or other improper consideration. Respond to and attempt to resolve all concerns and complaints promptly and thoroughly.
- **Involve patients and families in treatment planning whenever appropriate.** Respond to questions accurately. Notify a member of the facility management staff if you are unable to answer any patient’s or family’s questions. Work with the Medical Director and attending physicians to ensure that patients are fully informed of available treatment options.
- **Gifts in excess of \$50 per year should not be received from patients or their family.** Gifts in excess of \$50 per year should not be received from patients or their family unless approved by a Senior Vice President. Gifts should also be shared among staff members and not received by just one person, particularly a manager or another person of authority. While DSI encourages the building of positive patient/staff relationships, gifts or other benefits may not be used to improperly influence a patient’s choice of DSI as his or her dialysis provider.

### QUESTIONS AND ANSWERS

- Q:** *A patient insists on turning up the volume on a television set in spite of protests by other patients who wish to rest. When I attempt to resolve the matter, the patient becomes abusive and uses offensive language. How should I handle this?*
- A:** *You should politely but firmly insist that the patient respect the reasonable requests of her fellow patients. If necessary, you should turn off the set until the patient agrees to behave responsibly. DSI personnel are expected to be courteous to patients, and to make allowances for the stress, which patients may sometimes experience. However, DSI personnel are never expected to endure abusive behavior or allow one patient to disrupt the treatment of others. Document the patient’s behavior in the medical record, notify a member of the facility management staff, and perhaps involve the facility social worker.*
- Q:** *A patient was delayed in completing her dialysis treatment due to a mechanical malfunction in one of the units. As a result, she missed her regular bus. Can we reimburse the cost of cab fare to get her home?*

- A: *Yes, as an exception to the general rule against paying for patient transportation. Because the patient has been inconvenienced by a problem with our equipment, payment for a cab ride under such circumstances would be appropriate.*

## Billing Practices

### STANDARD

- **All billings for healthcare items and services must be truthful and accurate, and should conform to applicable legal and contractual requirements.** Claims may be submitted only for services that have been properly ordered and actually provided. Appropriate records must be available to document that all services meet these standards, including proper documentation of medical necessity.
- **Claims for payment or reimbursement must use billing codes that accurately describe the items or services provided.**
- **Claims for items and services may only include diagnostic information (e.g., ICD-9 codes) supplied by the treating physician or other specifically authorized healthcare professional, and may never be added to a claim “automatically” or by “default.”**
- **DSI will notify the payor and promptly refund any overpayments received as a result of billing errors by DSI or processing errors by the payor.**
- **Do not waive or write off patient coinsurance or deductibles for government or commercial insurance programs unless the patient is determined to be indigent in accordance with established DSI policies and procedures.**
- **Care must be taken in selecting the patient and physician identification numbers to be included on a claim.** Insurance claim numbers must include the alphabetical suffix for the patient receiving the item or service. Similarly, the physician NPI must be the number for the physician who personally ordered the item or service.
- **All clinical research studies conducted at DSI locations must be approved in accordance with DSI policies. Certain items and services provided as part of clinical research studies may not be billed to government and commercial insurance programs.** In particular, items or services provided to patients as part of a clinical research study may not be billed if they are: investigational, provided solely to satisfy data collection and analysis needs of the study and not

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used in the direct clinical management of the patient, provided by the research sponsors free of charge for any enrollee in the trial, or provided solely to determine trial eligibility.

- **DSI employees are expected to cooperate with any internal and external audits of DSI's billing practices.** Any suspicion of inappropriate billing or documentation practices must be reported to a supervisor or manager.
- **DSI employees are expected to be generally familiar with the federal False Claims Act and applicable state statutes (refer to policy).**

## QUESTIONS AND ANSWERS

**Q:** *I discovered a coding error in the billing system and corrected it. Do I have an obligation to determine whether claims have been submitted in error before I found the problem?*

**A:** *DSI may be required to notify one or more third-party payor(s) of the coding error, and could have an obligation to refund overpayments made as a result of the problem. Inform your supervisor of the error so that he or she may determine the extent of any potential overpayment or underpayment, and the proper course of action.*

**Q:** *I am aware of inaccurate billings in my area, but my supervisor told me to process the accounts anyway because we are very busy at this time, and that we will make the appropriate adjustments at the end of the month. What should I do?*

**A:** *Federal and some state regulations prohibit the intentional submission of inaccurate billing claims. If we intentionally submit inaccurate billings without notifying the payor, we violate these regulations even if it is not our intention to over-bill, and even if we intend to make adjustments later. If you are aware that a problem exists and you continue to participate in the submission of incorrect claims, or if you fail to report the situation to the appropriate DSI personnel, you are putting yourself and DSI at risk. In this case, bring your concern to a more senior manager or to the Chief Compliance Officer.*

**Q:** *My clinic is participating in a clinical research study concerning the effectiveness of a new drug that's not yet available on the market. This drug seems to be really helping our patients. Other similar drugs that we provide to our patients are separately reimbursable. What are the rules for billing for this drug?*

**A:** *We may not bill government payors for investigational drugs (i.e., not FDA approved) or services, regardless of whether the drugs or services are shown to be effective. The fact that similar non-investigational drugs or services are reimbursable when furnished in the normal course of treatment makes no difference to our ability to bill government payors. In contrast, some commercial insurance plans will cover investigational drugs and services with prior authorization. Where prior authorization is received, services may be billed in accordance with terms of the authorization. However, in the absence of specific written authorization from a commercial payor, government rules prohibiting billing of investigational drugs and services should be followed.*

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**STANDARD**

- **Create, maintain and store medical and business records accurately, reliably, and honestly in accordance with applicable laws and DSI policies.** Such policies apply to electronic data and records as well as to paper records. All DSI personnel should become familiar with DSI rules concerning the records that you are responsible for in your job, and take steps to ensure that such records are created and stored and protected in accordance with applicable laws and DSI policies. Old or unnecessary records should be destroyed in accordance with the provisions of the DSI Records Retention Schedule, Company destruction policies and applicable department procedures. Current DSI Records Management policies are available on the DSI Intranet, under the **DSI Clinical Policies and Procedures** link.

<b>Recordkeeping and Information Management</b>
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**STANDARD**

- **Medical or business records should not contain false or misleading information, and must never be altered or destroyed to conceal an error or omission, or for the purpose of receiving any payment to which DSI is not entitled.** Do not enter erroneous or incomplete information simply to finish a record. Take the time to verify questionable entries, or contact your supervisor for guidance.
- **Financial records must conform to DSI policies and standards.**
- **Records should be labeled and filed in a manner that allows for easy identification, location and retrieval.** Detailed logs of all files should be maintained.

**QUESTIONS AND ANSWERS**

**Q:** *Why is accurate recordkeeping and storage so important?*

**A:** *Both the law and good medical practice require DSI to prepare and retain a large number of forms and reports in connection with its business and with patient care. Failure to complete or retain required records could cause inconvenience to physicians or patients, and could subject DSI to fines or other government enforcement action.*

**Q:** *My department has boxes filled with business records that are 6 to 10 years old. We have limited storage space, and we don't need these old records to conduct our business. Can we throw these old papers away?*

- A:** *Not necessarily. DSI has a Records Retention Schedule and retention policies that describe the types of records that must be kept, and the period of time the law requires this information to be kept. As these policies periodically change, ask your supervisor for the most recent versions. Do not destroy records unless you are certain that you are allowed to do so. When initiating records destruction, be sure to follow the guidelines defined in the Records Retention Schedule and DSI Records Management policies.*
- Q:** *A nurse on the previous shift forgot to record a medication given to a patient. She called and asked that I record the dose for her at the time it was supposed to have been given, and to use her initials. What should I do?*
- A:** *The nurse did the right thing by calling to note the chart error. However, you should never record a medication dose that you did not give, and you should never sign someone else's initials. Even if no harm occurred in this case, the charting error needs to be properly documented. Make a note in the chart that the dose was given, who administered the dose, the time the dose was administered, and the reason the dose was not recorded on the medication sheet. Follow DSI's Education department's protocol for correcting such errors, especially with regards to DSI's EMR system.*
- Q:** *In researching our records on a series of disputed claims, I noticed that some of the documentation, which should have been in the system, was missing. I am not sure whether the information was ever entered or has been lost. Should I bring this to someone's attention?*
- A:** *Yes. Bring the matter to the attention of your supervisor or manager. He or she should follow up with other departments to determine the scope of the problem. Accurate record management is a critical factor in DSI's ability to meet service demands. Any breakdown of our record management systems should be corrected immediately. The supervisor or manager will advise how to correct the issue in DSI's EMR system.*

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## Government Filings and Reports

### STANDARD

- DSI will make all required filings and reports (including Medicare cost reports, securities filings, tax filings, dialysis network reports, and FDA related reports) to federal, state and local government agencies accurately and on time. Personnel who provide information for inclusion in a report, which will be signed or certified by a more senior manager, are responsible for ensuring the accuracy of the information, and for disclosing any problems or questions in advance of completion of the filing or report. False statements contained in a government filing or report may subject individuals and/or DSI to civil or criminal liability.
  
- Back-up documentation and other materials used in the preparation of a filing or report to a government agency should be retained in accordance with the requirements of the DSI Records Retention Schedule. Government agencies typically reserve the right to audit the accuracy of DSI's filings and reports. The absence of back-up documentation may lead an agency to question or reject a filing or report, and may also lead to fines or other penalties.

### QUESTIONS AND ANSWERS

**Q:** *I am responsible for assembling cost report information for our dialysis facility. Each year I have difficulty getting some of the information I need in a timely manner. Who can help me?*

**A:** *Bring the issue to your supervisor or manager. He or she should be able to help you resolve the problem.*

**Q:** *I have doubts about the accuracy of some of the data I am using to file a report to the regional ESRD network. Should I file it anyway?*

**A:** *You should not file the report without fully disclosing your concerns to your supervisor or manager. Explain the basis of your concerns and give him/her an opportunity to evaluate the accuracy of the information. If there are problems, your supervisor can help you resolve them.*

## PRIVACY and SECURITY of CONFIDENTIAL INFORMATION

### STANDARD

- Privacy of Protected Health Information: It is our legal and ethical responsibility to protect the confidentiality of sensitive patient and employee health information, including information referred to as “protected health information,” or “PHI.” The Privacy Rule and Security Rule of the Health Insurance Portability and Accountability Act (“HIPAA”) and other federal and state laws are in place to protect the right to privacy. To promote compliance with these rules, DSI has adopted privacy and security policies. There may be different privacy and security policies that apply to recently acquired businesses during an integration period. Recently acquired locations should follow the privacy and security policies that apply to their location as directed by the DSI Privacy Officer.
- The principal requirements of privacy policies are as follows:
  - Only use or disclose PHI and other sensitive information as required to perform your job.
  - Employees should be aware of threats to sensitive information and report any concerns to Compliance.
  - Patients who receive direct care from DSI, and employees who participate in DSI health plans, will be given the appropriate Notice of Privacy Practices which outlines how their PHI will be used and disclosed. Patients who receive direct care from DSI must acknowledge in writing their receipt of the Notice of Privacy Practices.
  - DSI will use and disclose PHI for routine purposes (treatment, payment and healthcare operations). Use and dissemination of PHI, both inside and outside the Company, must be limited to the “minimum necessary” to furnish care and seek reimbursement for services rendered.
  - Use and disclosure of PHI for non-routine purposes (other than treatment, payment and healthcare operations) generally requires specific authorization from the patient or their representative.
  - Disclosures made for certain non-routine purposes including, but not limited to, health oversight activities such as those of departments of public health, law enforcement activities, and judicial and administrative proceedings do not require specific patient authorization, but must be tracked.
  - Business Associate Agreements are required to be in place with parties that perform services on DSI’s behalf and to which PHI is disclosed in order for them to perform their job for DSI.
  - Use appropriate safeguards to protect PHI for inappropriate or inadvertent disclosure.
  - Electronic PHI and the workstations or devices used to access electronic PHI must be appropriately safeguarded. This includes using and protecting passwords and following guidelines established in security policies regarding the appropriate use of information systems.



Privacy and security policies are available on the DSI intranet or from your supervisor, and should be consulted for detailed guidance. If you have questions regarding the policies, or if you wish to report a potential policy violation, you may call the DSI toll-free confidential Compliance Hotline at 888-225-7436.

- **Proprietary Business Information:** Do not give confidential or proprietary information about DSI to unauthorized persons such as competitors, suppliers, or outside contractors. Financial information, customer lists, pricing information, DSI manuals and policies, and descriptions of DSI processes or operations should not be discussed with unauthorized persons. The rules of confidentiality continue to apply after you have left DSI.
- **Employee Information:** Respect the privacy of your fellow employees. Avoid gossip or speculation, which could damage the reputation of fellow employees. Access to information contained in employees' personnel files is limited to authorized personnel who have a legitimate business or legal need for the information.
- If you work with confidential information, take common sense precautions to protect such information from inadvertent disclosure. Keep any confidential paper records in a locked room, drawer or file when not in use. Do not discuss confidential information in situations when you may be overheard by unauthorized persons (e.g., elevators, hallways, or break rooms).
- Patient-specific medical information, as well as sensitive business information, should be destroyed when no longer required for use or for record retention. Shredders should be used for disposal of confidential information, including medical records and other PHI, to prevent unauthorized or inadvertent disclosure. Medical records may be destroyed after consultation with the Chief Compliance Officer and review of the following:
  - Applicable state laws.
  - Records Management policies relating to the retention of records and to the disposal of company confidential information.
  - Regulatory agency mandates.
  - Verify that no Legal Holds have been issued by the DSI Legal Department prior to initiating records or document destruction.
- The theft or knowing inappropriate receipt of trade secrets relating to a product used, or intended to be used, in interstate commerce can be a criminal offense under the Economic Espionage Act of 1966. Trade secrets include, but are not limited to, confidential product design or performance information, scientific formulas, computer programs, or other cost or financial information.
- **Use of photography.** Advances in technology have made portable digital cameras widely available, often as part of another device such as a cell phone or handheld computer. DSI personnel may not use these or any photographic or imaging device to take pictures of DSI



premises, personnel, or patients without appropriate manager or supervisor approval. Approval should also be obtained from patients and employees photographed before taking pictures.

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**QUESTIONS AND ANSWERS**

- Q:** *I work in a dialysis clinic and one of my neighbors, Gladys, was recently admitted to our facility. I was having lunch with another neighbor and she asked me if I had run into Gladys recently. How should I reply?*
- A:** *In your response you need to be careful to not indicate anything that you know about Gladys as a result of her admission to the facility. You may not indicate that she has ESRD or even that Gladys is not well if you know this information as a result of Gladys' admission to the facility.*
- Q:** *A patient is being treated by a local specialist, and the physician has requested a copy of the patient's most recent treatment information and lab values. Can I provide this information to the physician without getting our patient's authorization?*
- A:** *Yes, you can provide PHI to another healthcare provider for purposes of treating a patient without getting the patient's authorization. However, you do need to have in the patient's chart written documentation of the patient's treatment relationship with the healthcare provider making the request.*
- Q:** *I have seen co-workers throw papers containing patient and financial information in the regular trash. Is this practice acceptable?*
- A:** *No. Papers containing PHI or other company confidential information must be disposed of in accordance with DSI Medical Records Storage Archive Policy 600-07. Typically this will involve shredding the material. Verify that no Legal Holds have been issued by the DSI Legal Department prior to initiating records or document destruction. Department managers should determine what information, other than PHI, is confidential. If your department handles confidential information, department managers must develop procedures for receiving, handling and disposing of the information in a manner that protects its confidentiality.*
- Q:** *I have asked DSI to purchase a special software program that I use on my home computer to do DSI work but have been turned down. Can I install a copy of my home program on my office PC?*
- A:** *No employee may copy a program onto a DSI network without IS Department approval. The IS Department is responsible for protecting the system against computer viruses or other risks of degradation. It is also against federal law and DSI policy to make or use unlicensed copies of software programs. If a request to purchase new software is turned down, you may ask for an explanation, but you may not put a copy of any software on to the system without approval.*
- Q:** *Sometimes I forget my password to log onto my computer. Is there really any harm if I discretely write down my password on a post-it note and have it available nearby?*
- A:** *Writing down your password and leaving it unlocked could result in someone finding it and logging on as you. Do not write down or electronically record passwords or display them where others may see them. If passwords must be written down:*

- ✓ *Keep the note locked.*
- ✓ *Scramble the written password so that it cannot be used if discovered.*
- ✓ *Do not write the user ID on the same note on which the password is written or keep the user ID on a separate note in the same place.*

**Q:** *Who has access to my personnel records and salary information?*

**A:** *All employee personnel records and wage information are treated confidentially. Information in your records is made available within DSI only to those with a specific business need to know (e.g., your supervisor or manager). Employees who have access to personnel files are held accountable for protecting your privacy. Employees may have access to their own personnel records by contacting their facility manager.*

**Q:** *I have been contacted by an employee of another company offering to sell a copy of the confidential design specifications for a new dialysis-related device. I know that the information is closely guarded by the other company and that it would be valuable for us to have an advance look at the new product. What should I do?*

**A:** *You should decline the offer and report the contact to your Chief Compliance Officer, or directly to the Legal Department. Accepting the information could put both DSI and yourself in jeopardy of criminal prosecution.*

## Sales and Marketing

### STANDARD

- It is against the law and DSI policy to provide a “kickback” or any other improper incentive or inducement to a physician or customer for the referral of patients or the purchase of products or services. Such incentives may include excessive or inadequately documented discounts or compensations, free supplies or equipment, gifts, write-offs, professional courtesy, or below fair market value leases.
- DSI will not seek or retain a business relationship that involves an improper incentive or inducement. If a physician or patient requests a service or concession that you believe to be improper, do your best to explain why we cannot do what is being asked. Seek help from your supervisor or manager, or from the Legal Department if necessary.
- Federal law prohibits making payments or offering other benefits to patients for the purpose of influencing their choice of a particular provider or product. DSI may not offer special “incentives” or other benefits to patients to choose a DSI clinic or product over the clinic or

product of a competitor. These could include routine reimbursement of transportation costs, routine waiver of deductibles and coinsurance, discounts on other products, or similar valuable benefits. (This does not, however, preclude modest patient reward programs designed to promote compliance with treatment goals or infrequent and modest social events intended to maintain patient morale.)

- DSI will not promote or provide information to its customers regarding off-label uses of its FDA-approved products. An off-label use is a use that is not included in the approved product labeling or is not included in the statement of intended uses for an FDA-approved product. Information relating to off-label use of DSI products should not be included in sales or marketing materials.

## QUESTIONS AND ANSWERS

*Q: The Medical Director of my clinic is asking if one of our nurses could cover for the Medical Director's private practice when a regular staff member is on vacation. Is this legal?*

*A: No. The use of provider employees by a physician to perform clinical or administrative duties in his or her private medical practice while the employees are being paid by the provider has been specifically identified by federal law enforcement authorities as a potential violation of the anti-kickback law.*

*In this case, explain to the physician that our employees are not permitted to cover for his private practice while being paid by DSI. You could recommend that the Medical Director contact a temporary agency to meet the physician's needs.*

## RELATIONSHIPS with STAFF PHYSICIANS and MEDICAL DIRECTORS

### STANDARD

- **Proper professional respect should be shown to Medical Directors and attending physicians at all times.** DSI values its relationships with its Medical Directors and other attending cooperation.
- **Administrative policies and procedures should be made easily accessible to Medical Directors and other attending physicians.** Policy changes should be disseminated to all affected physicians on a timely basis.
- **Physician concerns or complaints should be resolved promptly and thoroughly.**

- **Medical policies should respect the integrity of the physician-patient relationship.** Company policy and personnel must avoid inappropriate interference with physicians' practice of medicine. DSI nurses and other personnel should carry out medical orders diligently and in a timely manner.

## QUESTIONS AND ANSWERS

**Q:** *The Medical Director of our dialysis facility is often short-staffed at his office practice, and he frequently asks the dialysis facility staff to help him out with patient related issues that should be handled by his office, e.g., scheduling and paperwork. We are very busy, but we don't want to upset him, so we usually do as he asks. How should we handle the situation?*

**A:** *If DSI personnel provide office assistance for the Medical Director at no charge, the Medical Director is receiving valuable compensation outside of his or her contract. This violates Company policy and may also violate anti-kickback laws. Tell the Medical Director that you cannot provide these services, and inform the facility manager or the Senior Vice President of the Medical Director's request.*

**Q:** *Some of our attending physicians visit their dialysis patients infrequently. They call in telephone orders, but never come in to sign them, and do not always update the medical records for their patients. The Medical Director says she doesn't want to interfere with another physician's care of a patient. We need these orders signed and records updated. What should we do?*

**A:** *Medicare's "Conditions for Coverage for a Dialysis Facility, Subpart U," states that the Medical Director is ultimately responsible for the integrity and completeness of medical records, including long- and short-term care plans, progress notes, complete and legible signed orders and discharge summaries. It is the Medical Director's responsibility to ensure that attending physicians comply with Medicare regulations, and with the rules of the Governing Body. Remind the Medical Director of the requirement to keep records updated. If the Medical Director fails to communicate with the attending physician, bring the matter to the attention of the Senior Vice President or Chief Compliance Officer.*

**Q:** *I have tried without success to get one of our physicians to sign orders. What can I do?*

**A:** *Politely explain that signing is an OIG requirement. If he/she still will not sign the orders, you should seek assistance from your supervisor, manager to secure the Medical Director's help.*

## Antitrust and Competition

### STANDARD

- DSI will compete actively, but fairly, in the marketplace. DSI personnel must not attempt to reduce or restrict competition for products or services by improper measures. Antitrust laws are designed to protect purchasers of goods and services from monopolistic or other predatory practices. The principles underlying antitrust laws ensure that a person or entity purchasing goods or services in the marketplace is able to select from a variety of products at competitive prices without artificial restraints. Competition is compromised when businesses engage in illegal practices such as fixing prices or dividing territories or customer lists.
- It is unlawful to discuss or agree with a competitor to set prices or divide territories. DSI personnel should never exchange pricing or other business-sensitive information with competitors. Relationships with competitors should be conducted at arm's length. Avoid any discussions about pricing or division of sales territories.
- DSI will not:
  - ✓ participate in group boycotts or refuse to deal with specific customers for improper reasons;
  - ✓ engage in deceptive sales practices or other forms of unfair competition; or
  - ✓ make any agreement with a competitor which artificially raises the price of our services, or which otherwise improperly reduces competition.

### QUESTIONS AND ANSWERS

**Q:** *Our competitors are planning to open a new dialysis clinic in our area. What kind of incentives can I give our attending physicians to keep their patients at our facility?*

**A:** *You can continue to offer excellent patient care and clinical support to the physicians. Any other "special" incentive might be considered an illegal kickback to induce the referral of patients. Likewise, any artificial disincentive (e.g., threat to withdraw staff privileges) might be viewed as an unfair restraint of trade.*

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## Gifts, Meals and Entertainment

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### STANDARD

- DSI personnel may not give, offer, or receive gifts or meals to or from healthcare providers, patients, or other persons or companies doing business with DSI. Gifts or meals could be considered an improper inducement under federal and many state laws for the referral or purchase of healthcare items or services. Criminal and civil penalties may be imposed on both the offeror and recipient of an improper inducement. The purpose of these laws is to prevent personal benefit to a physician, medical provider, or patient from overriding considerations of quality or patient wellbeing.
- Legal and DSI restrictions focus on gifts or meals that are intended to, or give the appearance of trying to, compromise healthcare decisions. More moderate expressions of good will, which are consistent with industry and local business practices, are acceptable (e.g., promotional items of minimal value such as pens and notepads that can be used in the recipient's business practice, modest lunches or dinners where business is discussed).
- The *appearance* created by giving or receiving a gift or meal must be considered. Even if a gift or meal may be technically acceptable, it may, under some circumstances, appear improper to another person. In such cases, it may be appropriate to refrain from offering or accepting a gift or meal, or to take steps to ensure that an action is not misinterpreted.
- Where modest gifts or meals are appropriate, good judgment should be followed. All gifts or meals should fall within the bounds of moderation and be common business courtesies that have a valid business purpose (e.g., a business lunch). A pattern of giving or receiving gifts or meals may be inappropriate if the frequency or total value of the gifts or meals exceeds reasonable limits. Offers of individual gifts with a value of more than \$50, or of business meals more than \$150, must be approved in writing by a Senior Vice President or other designated member of senior level management.
- Gifts in excess of \$50 per year should not be offered to patients. In addition, gifts in excess of \$50 per year should not be received from patients or their family unless approved by a Senior Vice President.
- Gifts should generally not be offered to government officials or employees. Federal, state and local laws set specific restrictions on such practices, which must be carefully observed. Any such expenditure must be approved by a Senior Vice President or other designated senior manager.

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**QUESTIONS AND ANSWERS**

- Q:** *I am negotiating with a local nephrologist to accept a position as Medical Director of a new dialysis facility that DSI proposes to open. Can I invite her to lunch or dinner to discuss the position?*
- A:** *Generally yes, so long as the meal is not extravagant and you use the occasion to discuss business. Lunch and dinner meetings are generally viewed as common business practice and are generally acceptable, unless the cost of food or drinks exceeds reasonable limits. The presence of spouses or other guests is inappropriate, unless the spouse is part of the business organization and given his/her job function, his/her attendance at the business meal would be appropriate.*
- Q:** *A drug company is holding a seminar for my facility's staff to teach them how to use their product. The seminar is at a hotel, and will last until 2:00 PM. They will provide a lunch, and they have also offered to let us use the conference room for our own facility meeting from 2:00 to 5:00 PM. Can we do this?*
- A:** *The facility staff may attend the drug company's seminar and may accept a modest lunch, since this is directly related to the use of the drug company's product. However, the use of the conference room in the afternoon would not be appropriate, since the vendor seminar will be over and vendors may not provide gifts to facilities to support their general operations. If the facility needs the use of a hotel conference room, it should arrange for it independently from the drug company.*
- Q:** *I want to give my co-worker a present for her birthday. Do these rules apply?*
- A:** *No, these rules do not apply to interactions solely between DSI personnel. As such, the birthday gift would be acceptable as long as it is intended to be a genuine expression of personal esteem and does not influence personnel or business decisions in an improper manner.*

<b>Conflict of Interest</b>
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**STANDARD**

- DSI personnel are expected to be loyal to DSI. Avoid situations where your personal interests could conflict, or could appear to conflict with those of DSI. Our reputation depends not only on our conduct, but also on the appearance of our actions to an objective observer. A conflict of interest occurs if an outside activity, business relationship, or financial investment could improperly influence, or have the appearance of influencing, your ability to perform your duties objectively as a DSI employee. A conflict may exist if the demands of other activities, including outside business activities, distract you from performing your job, or cause you to use DSI time or resources for non-DSI purposes.

- If you are uncertain about the propriety of your conduct or a business relationship, ask your supervisor or manager. Your loyalty to DSI must supersede any relationships with a client, competitor, or supplier.
- Employment outside of DSI with a company doing business with, or directly competing against, DSI must be approved by Human Resources.
- If a close relative works for a customer, competitor or supplier, you should disclose the relationship to your supervisor or manager and to Human Resources.
- A conflict of interest may exist if:
  - ✓ you conduct private business on DSI time;
  - ✓ outside employment interferes with or causes you to miss work;
  - ✓ you perform services for a company directly competing against DSI; or
  - ✓ you accept gifts or meals that may appear to obligate DSI to a particular customer or vendor.

## QUESTIONS AND ANSWERS

***Q: I have an outside business selling household cleaning products. Can I put my brochures and phone number on DSI's bulletin boards?***

***A: You must get the permission of your facility manager. You may engage in an outside business, which does not directly compete with DSI on your personal time, so long as it does not hinder or distract you from meeting your responsibilities to DSI. You may not sell or promote products or services during working hours or on Company premises without authorization.***

***Q: Is it against the rules for members of my family to provide products or services to DSI?***

***A: Not necessarily. It is important that any such relationship not influence a purchasing decision. So long as you stay out of the purchasing decision, DSI can reach an independent judgment. To avoid a possible conflict, or the appearance of a conflict, you should inform your supervisor or the Human Resources Department of any close personal or family relationship with a vendor.***

***Q: I work part-time for DSI as a nurse at a dialysis clinic. Prior to joining DSI, I worked at a competitor's clinic, and now the other clinic has asked me to work for them two days a week. Is this OK?***

***A: No. Outside employment that constitutes a conflict of interest is prohibited. It is company policy not to employ anyone who currently works for a direct competitor. Any exceptions must be approved by Human Resources.***

**Q:** *I am good friends with a person who works in the marketing department of another dialysis products company. We are very careful not to discuss any confidential information about our respective companies. Does this situation present a problem?*

**A:** *There should be no problem so long as you do not discuss proprietary or confidential information. To avoid the appearance of any impropriety, you may wish to disclose this relationship to your supervisor or the Human Resources Department.*

## Dealing with Vendors

### STANDARD

- Treat all vendors fairly and professionally. Respect the privacy of any confidential or proprietary information that vendors may share with you.
- Evaluate all bids and proposals objectively on the merits of price and performance.
- Avoid relationships with vendors that may give the appearance of favoritism.
- Do not accept extravagant personal gifts from vendors. Acceptance of extravagant gifts can influence your business judgment or give the appearance of doing so. Avoid placing yourself in a potential conflict of interest. Observe the rules outlined in the Gifts section of this Code.

### QUESTIONS AND ANSWERS

**Q:** *One of our vendors has offered to take me to lunch at a local restaurant. He wants to talk about his product line and says that we will be more relaxed outside the office. Can I accept the invitation?*

**A:** *Yes, if the value of the meal is modest and you discuss DSI business. However, gifts of entertainment from vendors, such as tickets to athletic events or theater performances, are not allowed. If in doubt, schedule meetings on DSI premises during business hours to avoid any appearance of a conflict of interest.*

**Q:** *A vendor representative has invited me to their annual users' conference on the West Coast. I have been asked to make a one-hour presentation on our experience with their product. The supplier will cover all the costs of the trip. Can I accept the invitation?*

- A:** *Yes, with written permission from a Senior Vice President. He or she can make a determination as to whether it is in DSI's interest for you to attend the conference and, if so, whether reimbursement by the vendor would be appropriate.*
- Q:** *A vendor has offered to "throw in" a few copies of a popular household accounting program if I place an order for office supplies from her company. Her prices are the same or better than our regular supplier. Is it wrong to give her the business?*
- A:** *Two things are wrong. First, you could be allowing your personal interest in receiving a free software program to influence your business judgment. (In fact, the accounting software would be the property of DSI and not available to you for private use.) You should never put yourself in that position. Second, DSI selects vendors based on price, quality, service and other factors. A one-time discount from a particular supplier may seem attractive from your viewpoint, but it may not be in DSI's overall interest. If you honestly believe that DSI would get a better deal with this supplier, bring it to a manager's attention so that the terms can be compared to other bids.*

## Employment and Standards of Conduct

### STANDARD

- DSI is committed to fair and lawful human resources policies and practices in hiring, compensation, career development, discipline, and other employment actions.
- DSI will not permit discrimination in hiring or in the workplace based on race, color, religion, gender, national origin, age, marital status, citizenship, disability, sexual orientation, veteran status, or any other unlawful consideration. DSI wishes to maintain a safe, secure, productive, respectful and non-discriminatory workplace, which values the contributions of all employees.
- It is the policy of DSI that all employees should be able to enjoy a work environment free from all forms of discrimination, including harassment from supervisors, co-workers, vendors, consultants, visitors or customers of DSI. DSI personnel have the right to work in an environment that is free of harassment in any form. Refer to the DSI Human Resources Policy Manual for more detailed information relating to harassment.
- Violence, abuse or aggressive behavior will not be tolerated. This policy will be enforced for any employee, whether on DSI property, while performing any job-related duties for DSI, or at any DSI-sponsored event, on or off DSI premises.
- DSI personnel may not report to work while under the influence of alcohol or illegal drugs. The use, possession, buying or selling of illegal drugs while on DSI business or on DSI property is strictly prohibited and may result in immediate discharge. Employees who appear to be under the influence of alcohol or illegal drugs will be subject to alcohol or drug testing. DSI will

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comply with all Department of Transportation drug and alcohol testing regulations regarding commercial drivers. Any employee who suspects that a co-worker is intoxicated or under the influence of illegal drugs should report the situation to his or her supervisor. You may seek assistance for drug and alcohol related issues through the Human Resources Department.

- Illegal, improper or unauthorized use of substances intended for patients is prohibited. Some DSI employees have access to controlled substances, prescription drugs, and other medical supplies. If you become aware of any improper diversion of drugs or medical supplies, you must immediately report the incident to your supervisor or manager.
- Employees are expected to deal honestly with DSI in scheduling and reporting time off, seeking reimbursement of business-related expenses, and other similar matters.

## QUESTIONS AND ANSWERS

***Q: What are my options if I feel that I have been treated unfairly in my annual performance review?***

***A: You should discuss your concerns directly with your supervisor. He or she should be prepared to give you a candid and honest appraisal of your performance. Make sure that you understand the basis for the review and any performance concerns expressed during the review. If this does not resolve the problem, bring your concerns to the Human Resources Department.***

***Q: What qualifies as sexual harassment and what can I do if I believe that it is happening to me?***

***A: Sexual harassment may include unwelcome sexual advances, requests for sexual favors, or any other verbal or physical conduct of a sexual nature. A victim's submission to such unwelcome conduct may never be a condition of employment or serve as the basis for career advancement or retaliation. If you believe that you have been the subject of sexual harassment, you should contact your facility manager or the Human Resources Department. You may also call Compliance Hotline. Allegations of sexual harassment will be investigated fully and confidentially.***

***Q: One of my co-workers is in the habit of telling questionable ethnic or "off-color" jokes. This offends me and others in the office. How can I get this to stop?***

***A: You should contact your supervisor or the Human Resources Department.***

***Q: I am a supervisor, and I am not sure how to recognize an employee who may be under the influence of alcohol or controlled substances. How can I determine if an employee is unfit to work?***

***A: Facility Managers should contact Human Resources for guidance.***

***Q: My doctor prescribed some medication for me, and I don't know if it will interfere with my job of operating a forklift. What should I do?***

- A:** *If your physician has informed you of any restrictions placed on your activities due to the medication, you must inform your supervisor of such limitations, as they may affect your work performance. Inform your immediate supervisor of your prescription, and of any such restrictions that may place you or your co-workers in danger or interfere with your job responsibilities.*

## Workplace Safety

### STANDARD

- DSI personnel are expected to comply with policies and regulations relating to environmental health and safety. DSI seeks to provide a safe, healthy and productive workplace for its employees. Policies and procedures have been developed in compliance with governmental regulations to protect you from potential workplace hazards. Take necessary precautions to avoid injury or harm to yourself and to co-workers. It is important for you to notify your supervisor of any workplace injury, or of unsafe work conditions, unsafe work practices, environmental releases/spills, or potential or actual incidents of violence that may present a risk of injury so that corrective action may be taken.
- Follow proper techniques for the disposal of medical and other hazardous waste. Policies and procedures have been developed by DSI to ensure that biomedical and hazardous waste disposal is done in compliance with federal, state and local laws. These policies and procedures must be followed at all times. Report any violations or suspected violations immediately to your supervisor.
- DSI personnel should become familiar with safety regulations and emergency plans regarding fire and disaster in the areas in which they conduct business.
- Violent or abusive conduct, including verbal or physical abuse by any employee, patient, vendor or visitor at a DSI facility, will not be tolerated. Any violent or potentially violent situation in the workplace or any business related function should be reported to your supervisor or the Chief Compliance Officer.

### QUESTIONS AND ANSWERS

- Q:** *We occasionally have a problem in our dialysis clinic with a patient who becomes violent. What is the policy on dealing with violent or threatening patients?*
- A:** *The safety of the other patients and staff are of primary concern when a violent episode takes place. It is important to be prepared beforehand so you will know how to react to a violent encounter. Consult the DSI Compliance Guidelines for dealing with abusive patients.*

**Q:** *I live and work in an area of the country where many people have handguns. My coworker brings a firearm to work in his coat, and keeps it in his locker all day under lock and key. Is this an acceptable practice?*

**A:** *No. It is against DSI policy for DSI personnel (other than authorized security personnel) to bring any type of firearm to a DSI location, unless the state allows it. You should report such a practice immediately to your facility manager or the Chief Compliance Officer.*

**Q:** *I have been having some domestic relationship problems at home recently, and I am afraid that my partner may begin to harass me at work. I don't want this problem to interfere with my job, but I don't know how to prevent it. What should I do?*

**A:** *Discuss your concern with your facility manager or the Human Resources Department so that appropriate security measures can be taken to protect you and your coworkers. If necessary, security would be called in. Other resources would be the Chief Compliance Officer or the local police department.*

## Responsible Use of Company Assets

### STANDARD

- DSI personnel are responsible and accountable for the proper expenditure of DSI funds and use of DSI property.
- Proper authorization must be obtained prior to commitment or expenditure of DSI funds or other resources.
- DSI assets may be used for DSI business purposes only, and should not be used for outside or personal reasons. This policy applies to office equipment, medical supplies, computers and software, in addition to all forms of DSI records and funds. (It does not apply to occasional or incidental use of office equipment for personal convenience.) All personnel are expected to take measures to protect computer systems and networks from unauthorized use, access or modification of software.
- Protect DSI property against waste, loss, theft or abuse. DSI assets entrusted to DSI employees are to be maintained properly and returned to DSI in an acceptable condition. Damage to or theft of DSI assets and equipment should be reported promptly to appropriate personnel, as well as to Chief Compliance Officer. Assets and equipment that are no longer needed should be reported to appropriate Company personnel.

- Removal of assets from DSI facilities is not allowed, except when necessary to conduct DSI business.
- Improper or unauthorized use of DSI assets, including theft of property or embezzlement of money, is a serious violation and may lead to legal prosecution.

## QUESTIONS AND ANSWERS

**Q:** *If I see an employee intentionally misusing or damaging DSI property, what should I do?*

**A:** *We all have an obligation to treat DSI property with care and respect. If you are aware of anyone intentionally or negligently damaging DSI property, you should ask them to stop or speak to your supervisor, who will investigate the matter and take appropriate action.*

**Q:** *A friend of mine who sells medical products has asked me for a list of our dialysis facilities and Medical Directors. Her products are dialysis-related, but we are not in competition with his company. Can I give her the list?*

**A:** *No. Lists of our facilities and Medical Directors are a valuable asset and should never be disclosed to anyone outside of DSI without specific authorization from management.*

**Q:** *I am taking a continuing education class and DSI is paying the tuition since the course is related to my work and is designed to improve my job-related skills. May I use a computer at the office to do my homework?*

**A:** *Yes. If your course is related to your employment with DSI, use of a DSI computer would be acceptable after your normal work hours and if no one else needs to use it for DSI business. Check with your supervisor for authorization prior to using any DSI property for non-DSI business.*

## Dealing with Government Entities

### STANDARD

- Observe legal restrictions on offering gifts or entertaining employees of a federal, state or local agency. Most government employees are subject to restrictions on their ability to accept gifts or entertainment. Any requests or solicitations of gifts from government employees should be reported to the Legal Department.
- Cooperate with requests for information from government auditors or other officials. Non-routine requests for information by government personnel should be brought to the attention of the Legal Department or other appropriate corporate personnel before responding.

- Requests for clarification of Medicare or other government program rules should be directed through authorized channels. In general, contacts with government agencies to ask questions or seek clarification of rules and regulations should be made only by authorized employees. If you are not sure whether you are authorized to contact an agency on your own, check with your supervisor or manager in advance. In all cases, document any response received in writing (e.g., a memo to the file indicating the date, agency, content of the response, and the name and title of the person furnishing the advice). Notify other personnel who may be affected by the response.

## QUESTIONS AND ANSWERS

**Q:** *I received a call from a person who says she works at “Medicare” asking for claims information about a specific patient. She gave me a fax number to forward the material and is insisting that I provide it right away. This does not sound right to me. What should I do?*

**A:** *Talk to your supervisor or contact the Legal Department before sending any information. Although certain government employees and their agents have the right to review patient information, such requests will normally be in writing and delivered through more formal channels. In this case, the person may not be authorized to receive the information. Ask her to submit her request in writing through proper channels.*

## Political Activities

## STANDARD

- The use of DSI funds, equipment, facilities, or assets to support a political party, candidate or holder of any government office is subject to federal and state law restrictions. Any such use, where expressly permitted by law, must be approved in advance by the Legal Department.
- Any lobbying or other issue advocacy activities with federal and state government bodies conducted by DSI, or by others on DSI’s behalf should be carried out in compliance with all applicable rules of conduct and disclosure. No DSI personnel should undertake any lobbying activity on behalf of DSI without the approval of the Legal Department.
- DSI personnel should never seek reimbursement from DSI, directly or indirectly, for any personal political contributions. Personnel may choose to make personal political contributions or participate in the election process on their own time and at their own expense.

## QUESTIONS AND ANSWERS

**Q:** *I like to volunteer as a poll watcher at my local precinct. Is this allowed?*

- A:** *You can use paid time off (“PTO”) to participate in any election-related activity as long as you request time off in advance from your supervisor and your supervisor approves the requested time off.*
- Q:** *I think that DSI should support a state candidate I know. She chairs a key committee dealing with healthcare and could be in a great position to help us in the future. If DSI will not write a check directly, can I use my own money and get reimbursed later?*
- A:** *No. Even in states where corporate contributions to non-federal candidates are legal, it is improper to disguise the true source of a contribution. In this case, if DSI is not prepared to make a direct contribution, you may not ask DSI to reimburse you for a personal contribution.*
- Q:** *A customer has asked that DSI make a contribution to a local political candidate. Corporate contributions to non-federal candidates are legal in the state. Can we do this?*
- A:** *Corporate contributions to candidates are illegal in all federal and many state elections. Any corporate contributions must be reviewed and approved in advance by the Legal Department.*
- Q:** *Because of my position with DSI, I have been asked to speak at a local community meeting on the issue of healthcare reform. Are there any restrictions on my doing so?*
- A:** *So long as you make it clear you are speaking for yourself, and not as an official spokesperson for DSI, you are free to participate in such meetings. If you are asked to represent DSI in a formal capacity, you should review your presentation with the Legal Department.*

## External Communications

### STANDARD

- All written and verbal communications from DSI to physicians, other healthcare professionals, patients, payors and other third parties should be professional and accurate. All external communications should be made or approved by appropriately authorized personnel.
- Certain types of external communications require prior approval by, or notification to, specific corporate departments.
- DSI stationery and titles should not be used for personal communications or for expressing personal opinions.

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**QUESTIONS AND ANSWERS**

- Q:** *I am irritated by recent negative and inaccurate news reporting of the dialysis industry. Can I write a letter to the editor of my local newspaper using DSI letterhead?*
- A:** *Not without approval from the Legal Department. As well intentioned as your efforts may be, DSI letterhead should only be used in connection with official company business. You should feel free to write letters on your own stationery as long as you do not give the impression that you are speaking on behalf of DSI. If you believe that it is important to use DSI's name, contact the Legal Department for approval.*
- Q:** *We are opening a new facility next week and want to get the event reported in the local paper. Can I call the editor to give him or her details?*
- A:** *You should first seek approval from the Legal Department. Normally, this can be accomplished very quickly. It is important that all media communications made on behalf of DSI be properly reviewed and coordinated through a central point.*

All employees and managers have an obligation to comply with the laws, regulations and DSI policies that govern our business. You are expected to know the contents of this Code and to act in accordance with its principles. Adherence to DSI policies and procedures designed to ensure compliance with Federal healthcare programs will be considered an important element in performance evaluation of managers, supervisors and all other employees. Keep in mind that employees who fail to comply with laws and DSI policies are subject to disciplinary action, up to and including termination of employment. Never think that a violation is not your problem, even if you are not participating in the action. As a member of the DSI team, you are required to report all actual or suspected violations of law or DSI policy. Doing so gives DSI an opportunity to investigate and take corrective action.



Summary

**COMPLIANCE CONTACTS**

Corporate Compliance Department: 615/467-0128, Fax 615/234-2425

E-Mail: [jlefkovitz@dsi-corp.com](mailto:jlefkovitz@dsi-corp.com)

Executive Vice President and Chief Compliance Officer: Judy Lefkovitz, 615/467-0128  
DSI Corporate Privacy and Security Officer: Judy Lefkovitz, 615/467-0128  
DSI General Counsel: Jay Yalowitz, 615/234-0951

**Human Resources**

Vice President, Human Resources: Katie Stewart, 615/234-0945  
East HR Manager: Rosie Marsh, 901/428-1444  
West HR Manager: Kelly Kolb, 316/207-7952

**Regional Operations Leadership**

East Senior Vice President: Debbie Taylor, 615/234-0197  
West Senior Vice President: Colleen Kasson, 816/756-0651

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