

Dialysis Community Seeks Emergency Relief to Block CMS' Unlawful "Midnight" Rule Harming Patients

DENVER, Jan. 6, 2017 /[PRNewswire](#)/ -- Today, a group representing dialysis patients and providers filed suit seeking an emergency temporary restraining order in the United States District Court for the Eastern District of Texas, Sherman Division against the Centers for Medicare and Medicaid Services' (CMS) [Interim Final Rule](#), which was issued in violation of federal law, according to the suit, and threatens to cause significant and irreparable harm to dialysis patients.

The "midnight" rule was issued on December 14th bypassing the normal notice and comment period and is set to take effect days before the change in presidential administrations. If permitted to take effect, this rule will cause immediate harm to dialysis patients, some of the most vulnerable patients in the United States, by causing great disruption in their care, exposing them to additional costs and potentially denying them access to health insurance. The plaintiff group seeks an injunction to at least defer the effective date of the rule so as to allow proper time for notice and comment.

"We felt we had no choice but to challenge this hastily implemented rule to protect the interests of our patients and those of the greater kidney care community," said Philipp Stephanus, senior vice president in charge of patient support functions at DaVita.

Additionally, DaVita announced it had received a subpoena from the United States Attorney for the District of Massachusetts seeking the production of information related to charitable premium assistance. The company looks forward to working with the government to allow for clarity on these complex issues.

About DaVita Inc. (NYSE:DVA)

DaVita Inc., a Fortune 500® company, is the parent company of DaVita Kidney Care and HealthCare Partners, a DaVita Medical Group. DaVita Kidney Care is a leading provider of kidney care in the United States, delivering dialysis services to patients with chronic kidney failure and end stage renal disease. As of Sept. 30, 2016, DaVita Kidney Care operated or provided administrative services at 2,318 outpatient dialysis centers located in the United States serving approximately 186,000 patients. The company also operated 139 outpatient dialysis centers located in 11 countries outside the United States. HealthCare Partners manages and operates medical groups and affiliated physician networks in California, Nevada, New Mexico, Florida, Colorado and Washington in its pursuit to deliver excellent-quality health care in a dignified and compassionate manner. As of Sept. 30, 2016, HealthCare Partners provided integrated care management for approximately 750,000 patients. For more information, please visit www.davita.com.

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