

Healthcare Code of Ethics

Including:
Best Practices Guide &
Independent Review Board Charter

Guidelines for Legal, Ethical, & Socially-Responsible Global
Healthcare Recruitment



Guiding Principles of Conduct	2
Code of Ethics for International Healthcare Recruitment.....	3
Recruit Responsibly	
Comply with Applicable Laws	
Provide Fair Treatment in Contracting	
Communicate Honestly and Accurately	
Honor Commitments	
Preserve Confidences	
Adhere to Credentialing Standards	
Ensure Quality U.S. Placement	
Ensure Freedom from Discrimination	
Ensure Appropriate Transition to Living and Working in the U.S.	
Ensure Safe Employment	
Responsively Address Complaints	
Ensure Freedom from Retaliation and Coercion	
Employ Reasonable Breach Protocols	
Code of Ethics for International Healthcare Professionals	6
Honor Commitments	
Maintain High Standards of Ethics	
Preserve Confidences	
Communicate Accurately and Forthrightly	
Make Full Disclosures	
Comply with Applicable Laws and Regulations	
Comply with Policies and Procedures	
Adhere to Credentialing Standards	
Responsibly Resolve Conflict	
AAIHR Best Practices	8
Independent Review Board Charter	9

The American Association of International Healthcare Recruitment (AAIHR) recognizes the right of international healthcare professionals to migrate and the corresponding potential benefits of such migration to healthcare professionals, their families, and their countries of origin, as well as to healthcare organizations patients in the United States. AAIHR believes that the legal and ethical recruitment of foreign-educated healthcare professionals to the United States to meet the needs of U.S. healthcare organizations and patients provides benefits to both the individual healthcare professional and American society as a whole.

The mission of the AAIHR includes the assurance of high standards of ethical conduct among all of the organizations engaged in international recruitment, including the recruiting and staffing companies that constitute AAIHR's member organizations, U.S. healthcare provider organizations, foreign recruiting

agents, U.S. immigration law firms, other organizations that participate in international healthcare recruitment, as well as the foreign-educated healthcare professionals themselves.

This Code of Ethics will serve to clarify the manner in which each AAIHR member organization may fulfill its responsibilities to patients, the general public, to client organizations, source countries, prospective healthcare professional employees and candidates, and one another.

As a condition of membership in AAIHR, each member pledges its support of, and adherence to, the principles, rules and practices set forth herein. AAIHR members acknowledge that such compliance is in the best interests of patients, U.S. healthcare organizations, international healthcare professionals, source countries, and the international recruitment industry.

Guiding Principles of Conduct

- Provide Fair Treatment in Contracting
- Communicate Honestly and Accurately
- Honor Commitments
- Preserve Confidences
- Adhere to Credentialing Standards
- Ensure Quality U.S. Placement
- Ensure Freedom from Discrimination
- Ensure Appropriate Transition to Living and Working in the U.S.
- Ensure Safe Employment
- Responsively Address Complaints
- Ensure Freedom from Retaliation and Coercion
- Employ Reasonable Breach Protocols

Recruit Responsibly

AAIHR members shall operate by recruitment policies that are, at a minimum, considerate of the impact of such recruitment on the performance of the health systems of source countries, and ideally, contribute to the sustainability of the source country's ability to provide adequate healthcare to its peoples.

Comply with Applicable Laws

AAIHR members shall comply with all applicable laws and regulations in the United States and in the source countries in which they recruit, including all applicable U.S. healthcare, immigration, prevailing wage and employment laws.

Provide Fair Treatment in Contracting

AAIHR members shall:

- Be transparent in explaining to healthcare professionals and client organizations the material terms of their respective contractual obligations, the requirements of U.S. immigration laws and processes, the terms of the health professional's U.S. employment, financial obligations among the parties, potential consequences for violations of contractual obligations, and other material information.
- Provide material information as soon as it is known and provide timely progress updates throughout the immigration process.
- Provide a clear explanation of any contract changes and secure candidate's written consent whenever modifying an executed contract either at the contract signing or subsequently, except when required by law to accommodate and reflect changes in relevant regulations.
- Offer healthcare professionals a minimum of 14 days to review and consider written contracts before signing.
- Make reasonable efforts to ensure that the contract terms are explained and understood by the recruit.
- Ensure that the recruit is aware that they are free to consult with an attorney about contractual terms that they do not understand prior to signing.
- Ensure that all employment agreements contain an optional thirty-day open offer to allow recruits time to consult with an attorney if desired.
- Ensure that all employment agreements have at least a seven-day rescission period after signing.
- Ensure that any non-compete clauses in the contract are reasonable in time and scope in accordance with applicable state laws and do not unreasonably restrict the ability to make a living in one's chosen occupation.
- Permit the termination of a contract if candidate's deployment is delayed for more than three years from execution of the contract and candidate reimburses the recruiter for all recruitment costs.
- Secure written consent from the candidate to sell or transfer their contract to another unaffiliated agency or employer, either in the language of the original contract or prior to consummation of any transfer of sale.
- Include clear identification of the financial responsibilities of all parties in the contract especially relating to the period of transition between countries.
- Ensure that if contract completion is based upon a certain number of hours being worked and overtime hours do not count toward the completion of the contract that this key term is clearly stated in the contract.
- Provide candidates with a dually executed copy of the contract.
- Allow candidates to have any contract disputes resolved in the jurisdiction in which the candidate works or the jurisdiction in which the employer is headquartered.
- Make a copy of this code available to candidates when the contract is executed.

Communicate Honestly and Accurately

AAIHR members shall:

- Communicate and make representations to prospective applicants, contracted candidates, regulatory bodies, U.S. healthcare organizations and other relevant parties in an honest, forthright, and accurate manner based upon available information.
- Avoid using false or misleading information in all forms of communication.
- Explain in writing the steps involved in the migration and licensing process and keep candidates informed about their progress throughout the process and upon candidate's request.
- Provide candidates with information related to their immigration case and provide them with copies of relevant information pertaining to their case including status and priority date.
- Disclose the possibility of delays in visa processing before the contract is signed and explain that the recruiter and staffing agency is unable to control or influence the federal government or credentialing agencies. Where it is known and relevant, recruiters will provide historical processing times for the applicable visa category.
- Provide the candidate with a copy of the Prevailing Wage requirements and disclose which Prevailing Wage will be used.

Honor Commitments

AAIHR members shall employ commercially reasonable efforts to fulfill all agreements made with healthcare organization clients, healthcare professional employees and candidates, and make no promises that they have reason to believe they cannot fulfill.

Preserve Confidences

AAIHR members shall preserve and protect all confidential or proprietary information provided by candidates, employees, clients, vendors, and patients, unless expressly authorized by the disclosing party to reveal such confidential information.

Adhere to Credentialing Standards

AAIHR members shall carefully review qualifications and experience of applicants and comply with credentialing standards established by the relevant credentialing organizations for the specific healthcare occupations including those of the Joint Commission.

Ensure Quality US Placement

AAIHR members shall:

- Use reasonable efforts to place healthcare professionals in positions with U.S. healthcare organizations that are appropriate for their qualifications, credentials, and experience.
- Provide resources to enable healthcare employees to be fully informed of their responsibilities and scope of practice when providing care to U.S. patients.
- Specify the nature of employment (e.g. direct hire by hospital or nursing home or employment by a staffing agency) as soon as such information is known, provide a clear explanation, and secure candidates written consent prior to making changes to the nature of employment.
- Identify the geographic location of the future worksite at the time of the recruitment if such information is known. If the future worksite location has not been determined at the time of recruitment, then recruiters will fully and clearly disclose this to candidate at the time of recruitment and will disclose the worksite location as soon as it is determined.

Ensure Freedom from Discrimination

AAIHR members shall provide a recruitment and employment experience free of discrimination. Employers will not discriminate on the basis of age, race, religion, national origin, gender or sexual orientation. Employers recognize that experience, skills, scope of practice and education can differ significantly in different countries and that foreign-trained healthcare professionals can differ significantly from their U.S. trained counterparts in terms of competencies and skills, and Employers acknowledge that they have a duty to ensure patient safety and not place foreign-trained healthcare professionals in work environments for which they may not be prepared. Employers commit to treating candidates fairly based on their experience and skill sets recognizing that education and experience in a foreign country may differ from education and experience in the United States.

Ensure Appropriate Transition to Living and Working in the U.S.

AAIHR members shall:

- Ensure that migrating healthcare professionals have an appropriate transition to living and working in the U.S. including appropriate initial housing, transportation resources, and adequate clinical orientation by their employer.
- Educate recruits in the basic facts regarding living and working in the United States and provide suitable training to recruits regarding the cultural transition to the United States in an effort to assist the recruits with cultural integration.
- Encourage and assist healthcare institutions to provide or assist in the provision of clinical orientation to ensure the appropriate delivery of care, particularly with regard to clinical practices and procedures that may differ from the practices and procedures in the candidate's country of origin.

Ensure Safe Employment

AAIHR members shall use reasonable efforts to ensure that migrating healthcare professionals are assigned to work sites that are safe, that they understand the nature of their work assignments and that they can perform such work without harm to themselves or others.

Responsively Address Complaints

AAIHR members shall take prompt action to address questions, concerns, or complaints regarding unsafe work conditions, discrimination, or any other matter involving the terms and conditions of the healthcare professional's employment.

Ensure Freedom from Retaliation and Coercion

AAIHR members shall not withhold Green cards, passports, certifications, permits, visas, or other official documents from the candidates for any coercive purpose. Custody of such documents must be transferred to the applicant or employee as soon as the management of the certification, immigration and licensure process reasonably allows. Recruiters and employers shall not threaten or use immigration enforcement mechanisms to exercise control over healthcare professionals. Employers shall not discriminate against healthcare professional that file complaints or take legal action resulting from a violation of their employment contract or U.S. law.

Employ Reasonable Breach Protocols

AAIHR members shall rely upon good faith and reasonableness in pursuit of breach fees. Breach fees should never be used for punitive purposes. In an effort to resolve issues expeditiously and efficiently, employers should establish internal procedures to facilitate review of disputes regarding alleged contract breaches by either party.

All members are responsible for continuous review of the AAIHR's Code of Ethics.

*The above standards in this Code of Ethics are MINIMUM standards, and in cases whereby specific contracts between International Healthcare Recruitment and Staffing Companies and their Clients or Healthcare Professionals include standards in excess of these minimums, the maximum standards will be honored. Any member who is bound by law or professional ethics not to participate or comply with a provision of the Code is not obliged.

Code of Ethics for International Healthcare Professionals

AAIHR believes that international healthcare professionals have the right to be treated ethically and professionally. AAIHR believes international healthcare professionals also have a responsibility to act in an ethical and professional manner. The following represent professional practice guidelines for international healthcare professionals in their dealings with prospective employers, visa sponsors, recruiters, and regulatory bodies governing their profession.

Honor Commitments

Healthcare professionals will be given ample opportunity to review contracts and consult with legal counsel if desired. In consideration of this privilege, healthcare professionals should:

- Read all contracts thoroughly and completely.
- Ask questions of the recruiter, employer or legal counsel if there are terms of the contract that they do not understand.
- Enter into agreements with international recruiters or employers in good faith and fulfill agreed upon contractual obligations in exchange for promised compensation.
- Employ professionally reasonable efforts to fulfill all written and verbal agreements made with prospective employers, visa sponsors, clients or potential clients and shall make no promises to any of these parties that they have reason to believe they cannot fulfill.
- Only sign up with one employer or agency at a time unless released from a previous contractual relationship.

Maintain High Standards of Ethics

Healthcare professionals should learn and adhere to the Code of Ethics for their profession. Healthcare professionals should also maintain high standards of ethics and fairness in dealings with international recruiting and staffing companies, regulatory organizations, healthcare provider organizations, colleagues, patients and families. Healthcare professionals should provide only authentic, original documents for credentialing, licensure, immigration, and employment purposes. Healthcare professionals should not participate in the sharing of test questions, do work on behalf of another healthcare professional or allow others to do work on his/her behalf, or take any action that would represent an unethical or unfair advantage in professional credentialing or examinations.

Preserve Confidences

Healthcare professionals should preserve all confidences of their employer, visa sponsor, client or a potential client concerning their proprietary information and business practices, unless expressly directed by the employer, visa sponsor or client to reveal such confidences.

Communicate Accurately and Forthrightly

Healthcare professionals should not knowingly make a false statement of fact to an employer, visa sponsor, client, licensing board or other regulatory organization, and should present employment history, qualifications and competencies, as well as professional and personal goals as accurately as possible.

Make Full Disclosures

Healthcare professionals should apply the principle of full disclosure with employers, visa sponsors, and clients. Healthcare professionals should be forthcoming and transparent in explaining:

- Their experience level and area of expertise;
- Any issues or factors that may impede or limit their ability to meet the expectations of the employer, visa sponsor, or client or to fulfill any contractual obligations; and
- Any additional cultural or clinical training that they may need to fulfill the contractual obligation and professional responsibilities.

Comply with Applicable Laws and Regulations

Healthcare professionals should comply with all federal, state and local laws and regulations governing credentialing, licensing, immigration, and professional practice regulations for foreign-educated healthcare professionals.

Comply with Policies and Procedures

Healthcare professionals should meet the reasonable expectations of the employer and the healthcare facility to which they are assigned and comply with all policies and procedures of the employer and healthcare facility. Healthcare professionals should maintain professional standards and appropriately represent the recruitment firm to healthcare facilities.

Adhere to Credentialing Standards

Healthcare professionals should comply and remain in compliance with standards established by the relevant credentialing organizations for maintaining competency for the specific healthcare occupations including those of the Joint Commission. Healthcare professionals should assume the responsibility for educating themselves with regard to all standards and regulations surrounding patient care, documentation and privacy at both the Federal and State Levels. Healthcare Professionals acknowledge that continuing education is vital to success and high quality patient outcomes. Professional agrees that this is a personal responsibility to be coordinated with their employer.

Responsibly Resolve Conflict

Healthcare Professionals shall seek resolution of disagreements or misunderstanding with the staffing agency and healthcare facility in good faith.

AAIHR Best Practices



While the AAIHR Code of Ethics describes the minimum standards for AAIHR Member Organizations, the AAIHR Best Practices outlines some of the aspirational goals that should be sought by AAIHR member firms. “Best Practices” are those that are possible and achievable, but perhaps not by all Recruiters and Employers all of the time. AAIHR Members are encouraged to respect and to reinvest in the sustainability of the health systems of source countries, especially developing countries. The following are examples of ways this might be accomplished:

1. Directing active recruitment initiatives toward source countries with adequate supplies of healthcare professionals or where foreign governments do not restrict recruitment of healthcare workers. Limit active overseas recruitment in those countries or areas within countries that are experiencing either a temporary health crisis during which health professionals are in dire need, or a chronic shortage of health professionals.
2. Pursuing health facility partnership agreement (e.g., between US schools of nursing or hospitals and source country schools of nursing or hospitals). Such partnerships, often called twinning, provide source country facilities with visiting faculty, and in some instances, nursing and/or medical supplies and resources.
3. Consider matching a portion of the remittances sent by recruited foreign educated healthcare professionals and channeling the funds directly to source country healthcare organizations.
4. Establishing a scholarship fund at a source country educational institution or through a professional organization for the additional education and advancement of local source country nurses.
5. Establishing relationships with the departments of human resources in source country hospitals, so that the training and departure processes have an agreed upon timeframe.
6. Respecting agreements in which the foreign educated healthcare professionals have contractual obligations to serve their home country health system in return for public education or scholarships provided in the source country. Encourage healthcare professionals to honor these obligations. Where appropriate, require that a foreign educated healthcare professional provide evidence that his or her public obligations have been satisfied.

Independent Review Board Charter

Purpose

The purpose of the AAIHR Independent Review Board (IRB) is to investigate complaints and alleged violations of the AAIHR Code of Ethics and to sanction recommendations to the Ethics Committee for appropriate sanctions regarding any violations.

Membership

The AAIHR Independent Review Board shall consist of three or more individual representatives nominated by the AAIHR Ethics Committee and approved by the AAIHR Board of Directors (the "Board"). The members of the IRB shall be appointed for two-year terms and shall serve for such term or terms as the Board may determine or until earlier resignation on at least 90

days' advance written notice or death. The Board may remove any member from the IRB at any time with or without cause.

Duties and Responsibilities

The IRB and its members shall have the following authority and responsibilities:

- To investigate alleged violations of the AAIHR Code of Ethics in accordance with the AAIHR Grievance Procedures.



- To make recommendations to the Ethics Committee regarding appropriate sanctions to the extent the IRB determines that a Code of Ethics violation has occurred.
- To keep confidential all of the information learned as a result of a complaint and any IRB investigation.

Structure and Operations

The Ethics Committee shall designate a member of the IRB as the chairperson. The IRB shall convene as necessary to investigate alleged violations of the Code of Ethics at such times and places as it deems necessary to fulfill its responsibilities. The IRB shall report regularly to the Ethics Committee regarding its actions and make recommendations to the Ethics

Committee as appropriate. Members of the IRB shall be entitled to compensation per grievance review, with an initial retainer for their commitment to cover the initial five investigations. IRB members will not be entitled to reimbursement of travel expenses, unless expressly authorized in advance by the Board.

Filing a Grievance

AAIHR provides a confidential, online form hosted on the association website (aaihr.org) which can be submitted when it is believed that an AAIHR Code of Ethics violation has occurred.





AAIHR

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The AAIHR logo identifies organizations committed to ethical international healthcare recruitment. Visit AAIHR.org for a full list of member organizations you can trust with your American dream.