

NATIONAL ASSOCIATION OF TRAVEL HEALTHCARE ORGANIZATIONS CODE OF ETHICS

I. PREAMBLE

The Code of Ethics is for the Travel Healthcare industry. Members of this industry are responsible for maintaining and promoting ethical practice. This Code of Ethics has been adopted by the National Association of Travel Healthcare Organizations (NATHO) and its subsidiaries and affiliates and shall be binding on any member organizations that belong to NATHO in any status. The actions of any entity or employee controlled by a member organization or a principal of a member organization or by an entity which controls a member organization shall be considered as the action of a member for the purpose of this Code. The establishment of and adherence to this Code of Ethics is necessary to the well being of this industry.

In general, it would be considered that a violation of the Standards of Practice and Procedures also construes a violation of the Code of Ethics.

This Code of Ethics will serve to clarify the manner in which each member organization may fulfill its responsibilities to the general public, to clients, to candidates, to other recruitment organizations and to other Travel Healthcare organizations. If a dispute occurs between members, the first obligation is for the members to resolve the issue among themselves. It is understood that disputes between members will then go to the Ethics Committee or Arbitration Committee (if it is a dispute over a fee) for resolution.

II. DEFINITIONS

- A. Affiliate - Any company which has common ownership and control over at least 5%.
- B. Board of Directors - The Board of Directors of the National Association of Travel Healthcare Organizations.
- C. Candidate - An individual who contacts a NATHO member in pursuit of a position, or individual contacted by a NATHO member organization or an individual member.
- D. Chairman, Ethics Committee - Appointed by the NATHO President, chairs all meetings of the Ethics Committee.
- E. Client - An organization that contracts with, or may potentially contract with, a NATHO member to recruit candidates and/or an organization that utilizes Travel Healthcare services and contacts or is contacted by a NATHO member.
- F. Code - This Code of Ethics.
- G. Complainant - A person or organization who files a complaint alleging violation of the Code.
- H. Complaint - A written charge by a complainant alleging violation of the Code.
- I. Curriculum Vitae - Information that includes names, addresses, background information and historical information on individuals in any form including an employment application or work history document.
- J. Member - An organization, firm, or individual member that is a member of NATHO.
- K. NATHO – The National Association of Travel Healthcare Organizations.
- L. NATHO Subsidiary Businesses – Any violation involving a subsidiary business will be considered a violation of this Code of Ethics.
- M. Potential Client - Any individual or organization to whom you represent your services.
- N. President - Chief elected officer of NATHO.
- O. Submittal - A submission of a candidate for hiring consideration by a Member to a Client. A Candidate will only be considered a Submittal if staffing assistance has been requested by the client or a potential client. A Submittal must minimally include a name, address, and employment history, and have the express consent of the candidate. A submittal may be given over the telephone, E-mail, internet or by fax with the candidate's consent.
- P. Respondent - An organization, firm, or individual member that has been alleged in a complaint to have violated the Code.
- Q. Standards - NATHO Standards of Practice and Procedures.
- R. Subsidiary - Any business which is controlled by a NATHO member.
- S. Ruse – An action whereby someone is misrepresenting themselves and/or their organization.

III. ETHICAL RULES

- A. Relationships with Clients and Potential Clients
 - a) A member shall reasonably fulfill all agreements made with a client or a potential client, and shall make no promises that the member has reason to believe it cannot fulfill.

- b) A member shall preserve all confidences of a client or a potential client on information concerning business practices of the client, unless expressly directed by the client to reveal such confidences.
- c) A member shall not knowingly make a false statement of fact to a client or candidate or another member organization, and shall state to the client as accurately as possible a candidate's employment history and qualifications.
- d) A member shall not submit, present or refer, either in person, or by resume, employment application or by name, a candidate to a client, or potential client except at the request of the client or firm for staffing assistance, and only if the candidate's name and address are identified, and only with the candidate's knowledge and express consent. A member that makes an unsolicited submittal with the intention of charging a fee will be considered in breach of the Code of Ethics. If a candidate's file is submitted by more than one member, the member company that receives the actual job offer from the client will be honored as the company representing that candidate, regardless of the timing of the submittals. If a client makes an offer to more than one member, the traveler will choose the company to represent them.
- e) A member shall thoroughly examine a candidate's employment history and qualifications before referring such candidate to a client, a potential client or another firm, and shall refer a candidate to them only if the candidate generally possesses the qualifications designated by the above mentioned and the candidate expresses an interest in the opportunity.
- f) A member shall negotiate a fee with a client or a potential client. The fee obligation shall be fully disclosed preferably in a written agreement signed by the client.
- g) A member shall not initiate the performance of services for a client if:
 - i. the performance of services will result in violation of this Code or of any applicable law;
 - ii. the member learns that the client has used the member's services in the past to commit actions in violation of this Code or of any applicable law;
 - iii. the condition will prevent the member from performing full and fair services to a client.
- h) A member shall comply with all federal, state and local laws governing hiring practices.
- i) A member shall adhere to credentialing standards established by the Joint Commission

B. Relations with Candidates

- a) A member shall not knowingly make a false statement of fact to a candidate and shall state to a candidate as accurately as possible the responsibilities, compensation, hours and other pertinent information concerning prospective opportunities.
- b) A member shall not present a candidate's name or curriculum vitae to a client, a potential client or another firm except with the consent of the candidate.
- c) A member shall not refer a candidate to a client, potential client or another firm whose business practices are known to be in violation of the Code or of any applicable law.
- d) A member cannot ruse candidates.
- e) A member shall not encourage a candidate to breach a current obligation or future contract.
- f) A member shall not "flip" a traveler on back-to-back renewals or assignments at the same facility. There must be at least a 90 day break before a traveler returns to a client facility with a different member company.

C. Cooperation in Investigations and Enforcement

- a) A member under investigation by the Ethics Committee shall cooperate fully with the Ethics Committee, or Board of Directors (and will honor requests for documentation, testimony, or explanation of facts and circumstances) concerning violation of the Code in a timely manner.
- b) A member that reasonably believes that another member has committed a violation of the Code shall inform the NATHO Headquarters Office after they have contacted the other organization first to resolve the matter between themselves.

D. Advertising and Other Communications

- a) A member shall not in the course of its advertising, marketing, or other communications make a false or misleading statement about the organization, firm or its services, or about another organization or its services. A statement will be considered false if:
 - i. it contains a material misrepresentation that violates the spirit of the Code of Ethics or omits a fact which would make the statement as a whole misleading;
 - ii. it is likely to create an unjustified expectation about the results the member can achieve, or states or implies that the member can achieve results that violate the Code or any applicable law;
 - iii. it makes a comparison of the member with another member that cannot be factually substantiated.

- b) No member or its representatives shall knowingly or unknowingly misrepresent or malign the position of the National Association of Travel Healthcare Organizations or its members.
- c) A member that lists potential employment opportunities in all types of media or directly to a candidate shall ensure that such opportunities in fact exist at the time of making such listing.

E. Relations With Other Organizations

- a) All members must compete in a fair and honorable manner and will:
 - i. never discredit the reputation of a competitor or another member of NATHO;
 - ii. honor agreements made between other members and refrain from defaming, maligning or falsely accusing any other member or competing firms;
 - iii. refrain from intentionally misrepresenting another member to a prospective candidate or client or another firm;
 - iv. act professionally and in a businesslike manner towards other members at all times;
 - v. not engage in a deceptive or misleading manner with respect to other members;
 - vi. honor both oral and written agreements made with other members;
 - vii. not engage in any activity which brings dishonor to the healthcare staffing industry;
 - viii. report all activity to the Ethics Committee that is perceived to be violating this Code of Ethics if direct communication with the offending member cannot resolve the issue.

F. Accounting and Taxation Standards

It is understood that violating accounting and taxation laws to gain competitive advantage is not only an issue of unfair competition, but also puts our key stakeholders, our clients and travelers, in serious risk of sanctions for violating labor laws and IRS regulations. As experts in healthcare staffing, this is unacceptable and irresponsible behavior. All members must comply with generally accepted accounting principles, wage and hour laws, and fully comply with IRS regulations not limited to, but to include:

- a) proper usage of non-taxable per diems or lodging or meals and incidentals allowances/reimbursements
- b) appropriate classification of temporary healthcare employees as non-exempt and W2 employees
- c) abidance by all overtime laws
- d) proper withholding of all taxes, including state income taxes

G. Conflicts

- a. Any Conflicts with these Ethical Rules amongst member companies will be subject to an Ethics Committee review process after an attempted resolution between the member companies did not reach a mutually satisfactory resolution.

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

*The above standards in this Code of Ethics are MINIMUM Standards, and in cases whereby specific contracts between Travel Healthcare Companies and their Clients or Travelers include standards in excess of these minimums, the maximum standards will be honored.

IV. ETHICS COMMITTEE

- A. There shall exist an Ethics Committee that shall consider a complaint forwarded by the President and the Ethics Committee Chairperson.
- B. The Ethics Committee shall consist of the Chairperson and a minimum of three (3) members. The Chairperson is appointed by the President of NATHO for a three-year term. All of the members shall be individuals employed by active member organizations of NATHO and appointed by the Ethics Committee Chairperson with Board of Directors approval for a three-year term. The Chairperson and committee members may succeed themselves.

The Ethics Committee shall be responsible for reviewing and acting upon reported violations of the NATHO Code of Ethics or may, on its own initiative, institute an investigation of apparent violations.

V. GRIEVANCE PROCEDURES

- A. Complaints
 - a) Complaint may be filed with NATHO by anyone who has an ethics complaint against a NATHO member. The complaint must be in writing on a completed NATHO complaint form and shall be accompanied by supporting material to allow action on the complaint. All complaints must be received within three (3) months of alleged violation.

- b) A complaint must be filed in writing and sent directly to the NATHO Headquarters Office. Failure to provide adequate documentation will result in dismissal of the complaint.
- c) In the event that a case is brought before the Ethics Committee, which would involve either a director or a member of the Ethics Committee, that member will be excused from any involvement in the case.
- d) The President and the Ethics Committee Chairperson shall consider any and all complaints concerning violation of the Code. If the Ethics Committee Chairperson and the President determine that there is no reasonable cause, they shall dismiss the complaint and shall notify the complainant and respondent of such dismissal. If the NATHO President and Ethics Committee Chairperson find a reasonable cause, they shall refer the complaint to the Ethics Committee.

B. Ethics Committee Determination

- a) If the complaint is referred to the Ethics Committee, the Chairperson of the Ethics Committee shall notify the respondent by certified return receipt mail that a complaint against respondent has been forwarded to the Ethics Committee and the Ethics Committee will investigate the complaint. The certified letter will be sent to the respondent within two weeks of the receipt of the complaint by the Ethics Committee. The certified letter will be sent to the respondent with a copy to the complainant and will:
 - i. contain a copy of the complaint;
 - ii. contain a copy of the NALTO Code of Ethics;
 - iii. advise respondent of the right to respond to the complaint;
 - iv. advise the respondent of the right to appear before the Ethics Committee to offer evidence or state the right of the respondent to offer evidence in written form and/or by telephone; and
 - v. outline what areas of the Code are deemed to be in violation, and send a copy of the NATHO complaint form.

C. Investigation Process

- a) Respondent may file a response to the complaint within thirty (30) days after the first notice of complaint is sent to respondent. The answer shall indicate whether respondent intends to offer evidence. All such evidence shall be submitted within sixty (60) days after the Notice to Respondent is placed in the mail. If respondent shall fail to answer the notification within the thirty (30) day period, the Ethics Committee may proceed with determination of the complaint and state its final disposition.
- b) Respondent may offer all evidence in writing as well as by telephone without requesting a hearing.
- c) The parties involved in the dispute have a right to request further cross examination to reconcile differences in points of fact.
- d) If respondent files a response, the Ethics Committee will acknowledge response within 30 days.
 - i Respondent may request a hearing. Such hearing will take place before the Ethics Committee.
- e) If a hearing is requested:
 - i. The Ethics Committee will schedule a hearing for respondent's testimony. Respondent and complainant will be notified sixty (60) days prior to the Ethics Committee meeting by certified mail of date, time and location.
 - ii. At the time of the hearing, the respondent will have the opportunity to present witnesses and pertinent evidence. Evidence may be presented by telephone or by videotape.
 - iii. All testimony at the hearing shall be recorded or otherwise preserved.
- f) If, after the hearing, the committee determines that a violation exists, a sanction may be imposed by a majority of the committee. Voting may be either in person or by telephone conference call.
- g) If there is not a hearing the Ethics Committee will assign an investigator who will investigate the complaint and make a recommendation to the Ethics Committee. The committee will vote on the recommendation.
- h) The committee may impose any one or more of the following sanctions; education and quality assurance, reprimand, probation, suspension or expulsion.
- i) The respondent shall be notified of the decision by the Ethics Committee in writing by certified mail within thirty (30) days of the date of the decision or hearing, or determination without a hearing.

D. Appeal to Board of Directors

- a) Following a decision of the Ethics Committee or after a hearing, a respondent will have the right to appear in person at the next Board of Directors Meeting (date to be provided 30 days prior to the meeting). At that time, the respondent may appeal the Ethics Committee decision. No additional

evidence will be permitted after the Ethics Committee ruling unless requested and approved by the Board of Directors. A respondent wishing to appeal will file a written statement concerning the basis for the appeal with NATHO. The Board of Directors shall, within thirty (30) days of receipt of the written statement, review that statement and either grant or deny the request for appeal. If the appeal is granted, the Board of Directors shall fix a time limit for the appeal. The decision of the Ethics Committee will stand until the Board of Directors makes its determination.

- b) All proceedings before the Board of Directors and the Ethics Committee shall be recorded or otherwise preserved.
 - c) In the event a case is brought to appeal before the Board of Directors and involves a member of the Board, that member will be excused from adjudicating the case.
- E. The Board of Directors within thirty (30) days following the close of the meeting will report its final decision to complainant and respondent by certified mail. This will be done by the President of the Association.

VI. DEFINITIONS AND RESULTS OF SANCTIONS

- A. Recommendation of education and quality assurance standards.
- B. Private Reprimand - A private written communication admonishing respondent that the conduct was in violation of the Code; and that future violations of the Code will result in more stringent discipline. It is intended that written admonition shall be appropriate for minor violations of the Code, or for first time violators of the Code.
- C. Probation - A period of up to 12 months during which time should additional conduct occur that constitutes a violation of the Code of Ethics, then the member shall be suspended. During a period of probation, the organization on probation may not state that it is a member of NATHO in good standing in any written or oral communications. It may not have use of the NATHO logo or access to any services offered by the NATHO and its subsidiary companies. There will be no refund of dues previously paid.
- D. Suspension - A period of up to 18 months during which time a sanctioned member may not state that it is a nor access to any services offered by the NATHO and its subsidiary companies. Furthermore, it will not be allowed to attend any of the NATHO meetings. During that period, the organization's membership will be reviewed by the Board of Directors at its next regularly scheduled meeting. There will be no refund of dues previously paid.
- E. Expulsion - Expelled organizations may reapply for membership after 3 years.
- F. Publication - If the Board of Directors deems it useful for education purposes, the Board of Directors may publish a summary of the final report after having deleted the names of the parties involved. Reasonable efforts will be made to protect the confidentiality of individuals.
- G. Confidentiality - All information gathered in the course of investigations by the President and Ethics Committee Chairperson, the Ethics Committee or the Board of Directors, shall be confidential and shall remain known only to those entities and their members. Release of such information, except in a final report (or summary of the final report) published by the Board of Directors, shall be a violation of the Code.
- H. The Association will, at the request of a client or a potential client, give the membership status of a member, and state whether that member has ever been in violation of the Code of Ethics, and will disclose only those that have resulted in probation, suspension or expulsion. No other sanctions will be disclosed.

All members are to be continuously aware of ways in which a member can help fellow association members improve their awareness and compliance with the Association's Code of Ethics.