I. PREAMBLE

The Code of Ethics define the ethical principles for the physician locum tenens industry. Members of this profession are responsible for maintaining and promoting ethical practice. This Code of Ethics is adopted by the National Association of Locum Tenens Organizations® and its subsidiaries and affiliates and shall be binding on any member organizations that belong to the National Association in any status. The actions of any entity 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 profession.

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 locum tenens 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.

☐ I have read this section of the Code of Ethics and agree to adhere to it.

II. DEFINITIONS

A. Affiliate - Any company which has common ownership and control

B. Board of Directors - The Board of Directors of the National Association of Locum Tenens Organizations®.

C. Candidate - An individual who contacts a NALTO® member organization in pursuit of a locum tenens assignment, or individual contacted by a representative of a member organization for the purposes of filling a locum tenens assignment

D. Chairman, Ethics Committee - Appointed by the NALTO® President, chairs all meetings of the Ethics Committee.

E. Client - An organization that contracts with, or may potentially contract with, a NALTO® member to recruit candidates and/or an organization that utilizes physician services and contacts or is contacted by a NALTO® 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.

J. Member - An organization, firm, or individual member that is a member of NALTO®.


L. NALTO® Subsidiary Businesses – Any additional businesses that have common ownership or are owned and or operated by a NALTO® member company.

M. Potential Client - Any individual or organization to whom you represent your services.

N. President - Chief elected officer of NALTO®.

O. Referral/Presentation - A name requested by any organization seeking to recruit a candidate.

P. Respondent - An organization, firm, or individual member that has been alleged in a complaint to have violated the Code of Ethics or Standards of Practice.

Q. Standards - NALTO® Standards of Practice and Procedures.

R. Ruse – A misrepresentation to a client of provider.

☐ I have read this section of the Code of Ethics and agree to adhere to it.

III. ETHICAL RULES

A. Relations with Clients and Potential Clients

1. 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.

2. 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.

3. 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 work history and qualifications.
4. A member shall not present or refer, either in person, or by curriculum vitae or by name, a candidate to a client, a potential client or another firm except at the request of the client or firm and only if the candidate's name and address are identified, and only with the candidate's knowledge and permission. A member that makes an unsolicited referral or presentation without the permission of the candidate, with the intention of charging a fee will be considered in breach of the Code of Ethics. A verbal referral or name clear must be followed within 24 hours with the provider's curriculum vitae.

5. A member shall thoroughly examine a candidate's work 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 Client and the candidate gives permission to be presented for the opportunity.

6. A member shall negotiate a fee with a client or a potential client. The fee obligation shall be fully disclosed in a written agreement signed by the client.

7. A member shall not initiate the performance of services for a client if:
   a. the performance of services will result in violation of this Code or of any applicable law;
   b. 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;
   c. the condition will prevent the member from performing full and fair services to a client.

8. A member shall comply with all federal, state and local laws governing Independent Contractors.

9. A member shall comply with NALTO® established minimum credentials verification standards.

B. Relations with Candidates

1. 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.

2. 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.
3. A member shall not refer a candidate to a client, potential client or another firm whose business practices are known to violate the Code or of any applicable law.

4. A member cannot ruse candidates.

5. A member shall not provide enticement to encourage a candidate to breach a current obligation.

C. Cooperation in Investigations and Enforcement

1. A member under investigation by the Ethics or Arbitration Committees shall cooperate fully with the 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.

2. A member that reasonably believes that another member has committed a violation of the Code shall inform the NALTO® Headquarters Office after they have contacted the other organization first to resolve the matter between themselves.

D. Advertising and Other Communications

1. 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:

   a. 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;

   b. 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;

   c. it makes a comparison of the member with another member that cannot be factually substantiated.

2. No member or its representatives shall knowingly or unknowingly misrepresent or malign the position of the National Association of Locum Tenens Organizations® or its members.

3. A member that lists potential locum tenens 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.
4. No member shall list locum tenens opportunities using terms associated with employment,

E. Relations With Other Organizations. All Members will:

1. never discredit the reputation of a competitor or another member of NALTO®;

2. honor agreements made between other firms and refrain from defaming, maligning or falsely accusing any other firm or competing firms;

3. refrain from intentionally misrepresenting another firm to a prospective candidate or client or another firm;

4. act professionally and in a businesslike manner towards other firms at all times;

5. not engage in a deceptive or misleading manner with respect to other firms;

6. honor both oral and written agreements made with other firms;

7. not engage in any activity which brings dishonor to the industry;

8. report all activity to the Ethics Committee that is perceived to be violating this Code of Ethics if direct communication with the offending other firm cannot resolve the issue.

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

IV. I have read this section of the Code of Ethics and agree to adhere to it.

V. 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 NALTO® for a three-year term. All of the members shall be individuals employed by active member organizations of NALTO® 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.

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.

The Ethics Committee shall be responsible for reviewing and acting upon reported violations of the NALTO® Code of Ethics or may, on its own initiative, institute an investigation of apparent violations.
I have read this section of the Code of Ethics and agree to adhere to it.

VI. GRIEVANCE PROCEDURES

A. Complaints

1. A complaint may be filed with NALTO® by anyone who has an ethics complaint against a NALTO® member. The complaint must be in writing on a completed NALTO® 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.

2. A complaint must be filed in writing and sent directly to the NALTO® Headquarters Office. Failure to provide adequate documentation will result in dismissal of the complaint.

3. 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.

4. 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 NALTO® President and Ethics Committee Chairperson find a reasonable cause, they shall refer the complaint to the Ethics Committee.

B. Ethics Committee Determination

1. If the complaint is referred to the Ethics Committee, the Chairperson of the Ethics Committee shall notify the respondent in writing that a complaint against respondent has been forwarded to the Ethics Committee and the Ethics Committee will investigate the complaint. The notification will be sent to the respondent within two weeks of the receipt of the complaint by the Ethics Committee. The notification will be sent to the respondent with a copy to the Complainant and will:

   a. contain a copy of the complaint;

   b. contain a copy of the NALTO® Code of Ethics;

   c. advise respondent of the right to respond to the complaint;


d. 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

e. outline what areas of the Code are alleged to be in violation, and send a copy of the NALTO® complaint form.

C. Investigation Process

1. 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 include any evidence Respondent wishes to offer. 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. If respondent files a response, the Ethics Committee will acknowledge response within 30 days. Respondent may request a hearing. Such hearing will take place before the Ethics Committee.

2. Respondent may offer all evidence in writing as well as by telephone without requesting a hearing.

3. The parties involved in the dispute have a right to request further cross-examination to reconcile differences in points of fact. If a hearing is requested:

   a. 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 of date, time and location.

   b. 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 video conference. All testimony at the hearing shall be recorded or otherwise preserved.

4. 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.

5. 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.

6. The committee may impose any one or more of the following sanctions; education and quality assurance, private reprimand, probation, suspension or expulsion.
7. The respondent shall be notified of the decision by the Ethics Committee in writing within thirty (30) days of the date of the decision or hearing, or determination without a hearing.

D. Appeal to Board of Directors

1. 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. 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.

2. All proceedings before the Board of Directors and the Ethics Committee shall be recorded or otherwise preserved.

3. 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. This will be done by the President of the Association.

☐ I have read this section of the Code of Ethics and agree to adhere to it.

VII. DEFINITIONS AND RESULTS OF SANCTIONS

A. Recommendation of education and review of the quality assurance standards.

B. Private Reprimand - A private written communication admonishing respondent that the conduct was a 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 NALTO® in good standing in any written or oral communications.
It may not have use of the NALTO® logo or access to any services offered by the NALTO® and its subsidiary companies. After the expiration of the designated time period, the organization’s membership status will be reviewed by the Board of Directors at its next regularly scheduled meeting. 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 member of NALTO® in good standing in any written or oral communications. It may not have use of the NALTO® logo nor access to any services offered by NALTO®. Furthermore, it will not be allowed to attend any of the NALTO® meetings. After the expiration of the designated suspension 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 from the date of Expulsion.

F. 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.

G. 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.

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.

☐ I have read this section of the Code of Ethics and agree to adhere to it.
Preamble
The National Association of Locum Tenens Organizations® recognizes as professionals all individuals who provide physician locum tenens services. NALTO® stresses honesty, objectivity, integrity, and competency. Members of NALTO® are obligated to conduct business so that their actions reflect positively on the profession and the association.

General
The National Association of Locum Tenens Organizations® was established in 2001 to create and enforce industry standards for our profession; these standards are to apply to all physician locum tenens specialists. The goal of Standards of Practice and Procedures is to set clear and effective parameters of behavior for all individuals affected by the industry, including Physician Candidates and Clients. Failure to perform to the following criteria constitutes a disregard for the professional criteria established by NALTO® and its Code of Ethics.

Definitions:
The following are entities involved in the physician locum tenens process:

- The Candidate (physician)
- The Client (client or potential client)
- Locum Tenens Company
- Contract (a legally binding written or verbal agreement setting forth the terms and conditions specific and unique to the relationship between the locum tenens company and a person authorized to approve payment of a fee by the hiring/contracting entity.)
- Procuring Agent (the locum tenens company or individual introduces a physician to entity and is the substantial cause of the placement of a physician with that entity.)

☐ I have read this section of the Standards of Practice and agree to adhere to it.

Responsibilities of Entities
Locum Tenens Company Should:

A. Contract with physicians as independent contractors and report this income on IRS Form 1099

B. Procure Professional Liability Insurance and extend the coverage to independent contractor physicians

C. Have received a signed contract from the client, and clearly state all conditions under which a fee may be incurred, and the terms of payment, before submitting a curriculum vitae for the client’s consideration (with the exception of government contracts);
D. Present a Candidate only after receiving permission from the Candidate for each specific assignment; and submit CV of candidate only with permission from client.

At a minimum, the following should be disclosed to the candidate when requesting permission in order to result in a valid referral/presentation:

1. Name of client
2. Location of worksite
3. Time frames for work
4. Clinical requirements

E. Verbal presentation (Name Clear) of a physician is acceptable only if followed within 24 hours by a curriculum vitae.

F. Advise Clients as timely as possible if the original search objective cannot be met as agreed upon;

G. Present all information to both Candidates and Clients fully and fairly to allow comprehensive evaluation by each party;

H. Attempt to amicably resolve any disputes between locum tenens companies with a minimum amount of involvement by the Client and Candidate;

I. Accept as assignments only situations where the Client has formally agreed to the level of service promised. Assignments beyond the scope or capability of the locum tenens company shall not be accepted;

J. Report to NALTO® any substantive violation/infraction of these Standards or of the NALTO® Code of Ethics;

K. Honor all contractual arrangements;

L. Maintain regular contact with candidate for the purposes of updating follow-up.

☐ I have read this section of the Standards of Practice and agree to adhere to it.

*Locum Tenens Companies Should Not:*

A. Keep the revenue generated by the independent contractor physician.

B. Contract with the physician as an employee.

C. Provide medical supervision.
D. Present curricula vitae and other forms of communications to entities with whom they have no formal working arrangements;

Clients Should:

E. Work with locum tenens firms with whom they have established a contractual relationship, preferably written;

F. Reject curricula vitae and other forms of communications from entities with whom they have no formal working arrangements;

G. Keep meticulous records of Candidate referrals, including times, dates, and locum tenens companies;

H. Insist on complete Candidate information on the Candidate when accepting referrals; a valid referral is defined as follows by NALTO® standards:
   1. Receiving curriculum vitae of Candidate.
   2. LT company fully apprising the Candidate of the position when requesting permission to present.
   3. Furnishing credentialing information, if required.
   4. Arranging for the telephone interview, if required.

I. Refrain from recognizing the submission of just names and phone numbers of a Candidate as a bona fide referral. This includes names and addresses by physicians contained in data banks;

J. Refuse a referral that would violate a pre-existing contract with another locum tenens company;

K. Report to NALTO® any violation/infraction of these Standards or of the NALTO® Code of Ethics;

L. Thoroughly discuss excluded Candidates before the initiation of the search;

M. Honor all contractual arrangements;

N. Keep the locum tenens company apprised of issues relevant to the search;

O. Accept verbal referrals of candidates from locum tenens company only in anticipation of receiving the candidate's curriculum vitae or written referral within 24 hours;

P. Respond in a timely manner to locum tenens company with respect to the client's interest in pursuing the referred candidates;

Q. Contact NALTO® Headquarters to resolve possible disputes.

☐ I have read this section of the Standards of Practice and agree to adhere to it.
Candidates Should:

A. Provide references and credentials that are complete and factual;
B. Provide data from the National Practitioner Data Bank upon request;
C. Acknowledge whether he/she has already been presented to Client/opportunity;
D. Be prepared to acknowledge which Locum Tenens Firm referred him/her to a position including who presented the assignment and assisted making the placement;
E. Be prepared to give timely and complete feedback on referrals to both the Client and locum tenens company;
F. Report to NALTO® any violation/infraction of these Standards or of the NALTO® Code of Ethics;
G. Require that Locum Tenens Firms present accurate and complete information regarding practice opportunities; and
H. Respond in a timely manner to Locum Tenens Firm's calls.
I. Receive payment directly from the Locum Tenens Firm

☐ I have read this section of the Standards of Practice and agree to adhere to it.

Specific Unacceptable Practices
Pursuant to standards set forth above, these are examples of unacceptable practices.

1. Claiming as proprietary an unscreened Candidate whose name appears on mailing lists or in data banks.
2. Claiming as proprietary a Candidate who has not yet agreed to accept an assignment with the Client.
3. Misrepresentation of Client opportunity.
4. Misrepresentation of Candidate's skills or abilities.
5. Sending/faxing unsolicited C.V.s. This would include lists, data banks, individual C.V.s and other forms where consent between the Candidate/Client has not been established.
6. If a Locum Tenens Firm is not the procuring cause of a Candidate's decision to accept an assignment with a Client, then the locum tenens company is not entitled to claim a fee, unless specific contractual agreements otherwise exist.
7. Unilaterally sending candidates CV's for "future consideration" if a client does not have a current job opening for which a locum tenens company is recruiting.
Remedy

If a dispute occurs among the entities as listed above, the first obligation is for the entities to resolve the issue among themselves. If their attempts fail, NALTO® will facilitate non-binding arbitration upon request. Only as a last resort will entities use legal action to resolve disputes.

Revised April 2014