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Group Moves to Prevent Unethical Recruitment of Foreign Educated Nurses

Business, Labor, Educators and Advocates Unite, Release Code of Conduct for the Recruitment of Foreign Educated Nurses to the United States

(Washington, D.C.)—A Task Force representing unions, health care organizations, educational and licensure bodies, and recruiters today released the *Voluntary Code of Ethical Conduct for the Recruitment of Foreign-Educated Nurses to the United States*. The Code aims to ensure that the growing practice of recruiting foreign-educated nurses to the United States is done in a responsible and transparent manner.

“There are concerns that the rapid increase in international recruiting creates opportunities for unethical behavior on both sides,” says Patricia Pittman, Ph.D., Executive Vice President of AcademyHealth, who convened the Task Force and led a recent study of the structure and practices of the U.S.-based international recruitment industry. “This task force brought together stakeholders with differing—and sometimes conflicting—perspectives who nonetheless worked together to find a consensus solution that protects the rights of foreign educated nurses and, in doing so, promotes quality patient care.”

AcademyHealth, in a report funded by the John D. and Catherine T. MacArthur Foundation, identified almost 300 U.S.-based international nurse recruitment firms, a ten-fold increase in the number of companies since the late 1990s. During the same time period, the annual percentage of newly licensed, foreign-educated registered nurses in the United States rose from five percent to 16 percent, based on data from the National Council of State Boards of Nursing.

The AcademyHealth study found some foreign-educated nurses who described situations in which they were subjected to unfair labor conditions, questionable contract practices, and threats related to their immigration status. Conversely, employers and recruiters point to cases where nurses have breached their contracts after receiving assistance with immigration and resettlement.

Advancing Research, Policy and Practice

The Code of Conduct aims to increase transparency and accountability in international recruitment and ensure adequate orientation programs for foreign educated nurses. It also provides guidance on ways to ensure recruitment is not harmful to the nurses' home countries. The Code is wholly voluntary; health care organizations and recruiters that subscribe are committing to adhere to a series of practical standards and to emulate best practices.

“To migrate to the United States and improve one’s professional and economic life is the hope and dream of a majority of Filipino nurses,” says May Mayor, immediate past president of PNAA. It is important that all parties—nurse, recruiter, and employer—involved in the process of recruitment and migration be cognizant of inherent ethical responsibilities and obligations.”

“As a recruiter of foreign-educated nurses and the President of the American Association for International Health Care Recruitment, I am appalled by reports of unethical conduct identified during the research phase of this project,” said Shari Sandifer, CEO of Avant Healthcare Professionals. “We adhere to the highest standards and believe it is critically important for others in our industry to do likewise. That is why we joined forces with this group – to proactively set a standard of fair and transparent practices that all parties involved in the recruitment process can embrace.”

The Code evolved from the recognition that there is no single cause for the nursing shortage and that there are diverse solutions to ensure supportive, productive work environments for all nurses in the United States. In particular, there was widespread agreement among Task Force members that international recruitment needs to be conducted in an ethical way that balances diverse stakeholder interests.

"The nursing workforce shortage is a very real problem and our association is working to improve the situation on a number of fronts," says Linda J. Stierle, MSN, RN, CNAA, BC, CEO of the American Nurses Association. "In the meantime, we want to be sure that our colleagues who are recruited internationally are treated fairly and are also properly educated and trained. That, we believe, is in the interest of all nurses and the public we serve. ANA supports this important effort to establish a code for international recruitment."

The Code has been endorsed by these and a number of other groups, including the American Organization of Nurse Executives, AFT Healthcare, the Service Employees International Union, the American Hospital Association, the American Association of International Healthcare Recruitment, the National Council of State Boards of Nursing, the American Health Care Association, and the National Association for Home Care and Hospice.

“Fair and ethical recruitment is one way we ensure we have the skilled workforce needed to care for our patients,” says Rich Umbdenstock, President and CEO of the American Hospital Association. “We’re proud to have been part of this initiative from the beginning and to join with other stakeholders in taking a leadership position of endorsing the Code.”

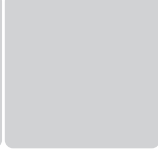
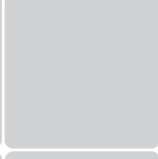
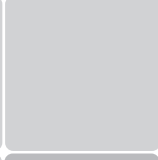
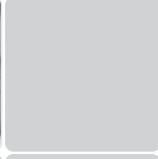
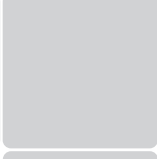
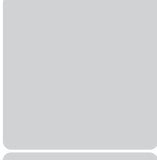
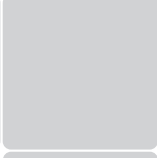
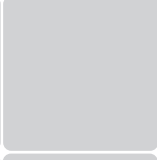
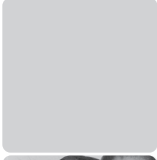
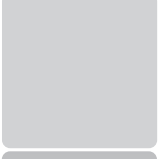
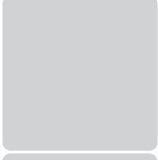
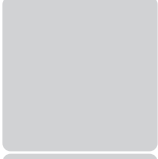
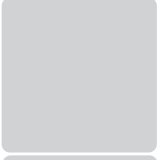
A copy of the Code of Conduct, list of endorsing organizations and background study are available at www.fairinternationalrecruitment.org.

The initial research and resulting task force initiative were funded through a grant from the John D. and Catherine T. MacArthur Foundation. The MacArthur Foundation supports creative people and effective institutions committed to building a more just, verdant, and peaceful world. More information is at www.macfound.org.

AcademyHealth, in partnership with the O’Neill Institute for National and Global Health Law at Georgetown University, facilitated the consensus-building process.

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Voluntary Code of Ethical Conduct for the Recruitment of Foreign-Educated Nurses to the United States



About the Voluntary Code of Conduct for the Ethical Recruitment of Foreign-Educated Nurses to the United States (the Code)

The Code is a first of its kind agreement that sets out standards for fair and transparent recruitment, the provision of cultural and clinical orientation, and best practices to ensure that recruitment is not harmful to nurses' home countries. It was drafted by a diverse group of stakeholders and has been endorsed by leading organizations such as the American Nurses Association, the American Hospital Association, the Service Employees International Union, the American Association of International Healthcare Recruitment, and the American Health Care Association.

Nursing Shortage Drives International Recruitment

A study by the Department of Health and Human Services predicts that by 2020 the U.S. nursing workforce could be 800,000 nurses short of what's needed. There is no single cause for the shortage and a great deal of debate about long-term solutions. In the meantime, many employers rely upon international nurse recruitment to fill the gap.

Recruitment Concerns

Foreign-educated nurses are eager to work in the United States and many employers are eager to have them. However, AcademyHealth research revealed instances of abuse on both sides and concerns exist about whether there is appropriate clinical and cultural orientation of foreign-educated nurses; protecting nurses' rights during the recruitment process itself; and, the need for strategies to ensure that international recruitment does not have a negative impact upon health care services in less-developed source countries.

Employers, Recruiters, Nurse Advocates and Educators, and Unions Proactively Come Together to Offer Standards

AcademyHealth and the O'Neill Institute for National and Global Health Law at Georgetown University, with support from the John D. and Catherine T. MacArthur Foundation, convened a task force to build consensus on standards for fair international recruitment. Despite diverse perspectives, stakeholders were able to set aside disagreements over the role of international recruitment and come to consensus on a set of standards and best practices for maximizing the benefit and reducing the potential harm of international nurse recruitment.

For more information go to FairInternationalRecruitment.org

The Code's Web site has background information including:

- Full text of the Code
- Complete list of task force members and Code authors
- Complete list of organizations endorsing the Code
- Nurse workforce research and statistics

Voluntary Code of Ethical Conduct for the Recruitment of Foreign-Educated Nurses to the United States

Frequently Asked Questions

About the Code

What is the Code?

The Voluntary Code of Ethical Conduct for the Recruitment of Foreign-Educated Nurses to the United States (the Code) provides voluntary standards that aim to ensure that the growing practice of recruiting foreign-educated nurses to the United States is done in a responsible and transparent manner.

What does the Code cover?

The Code sets standards for ensuring that the rights of foreign educated nurses are protected, that the provision of clinical and cultural orientation programs for foreign-educated nurses is adequate, and that the practice of recruitment is not harmful to source countries.

How is the Code enforced? What are the penalties of non-compliance?

The Code is voluntary. Employers and recruiters that subscribe to the Code commit to adhere to its guidelines and strive to engage in a set of best practices. In the coming months a steering committee made up of representatives from key stakeholder groups will establish a monitoring entity and a process for tracking compliance and addressing situations of non-compliance.

Why was the Code developed?

The Code was developed in response to widespread recognition that international nurse recruitment needs to be conducted in an ethical way that balances diverse stakeholder interests. There is general acknowledgement that there is currently no mechanism for preventing or reporting unethical conduct in international recruitment. Among the points of concern are unfair labor practices, insufficient clinical and cultural orientation, and active recruitment in countries with severe health workforce crises.

Who authored the Code?

The Code was authored by a diverse group of stakeholders representing unions, health care organizations, educational and licensure bodies, and recruiters. A full list of authors is included with the Code at www.fairinternationalrecruitment.org.

How were these organizations selected?

The participating organizations were identified as a result of a study on the structure and practices of the U.S.-based international nurse recruitment industry conducted by AcademyHealth. They include both stakeholders in, and experts on, the process of international nurse recruitment.

Who uses the Code?

The Code is used primarily by employers and recruiters, who can voluntarily subscribe and agree to be monitored for compliance with the Code's standards for ethical recruitment. In addition, foreign-educated nurses can use the Code to learn about their rights and to identify recruiters and employers that have agreed to comply with these standards.

Why is the Code needed?

Because opportunities exist for abuses and unethical conduct, Task Force members decided to proactively set forth standards for ethical behavior.

How was the Code developed?

AcademyHealth convened a diverse group of stakeholders for a year-long consensus-building process. The group developed the Code with technical assistance from the O'Neill Institute for National and Global Health Law at Georgetown University.

Why was AcademyHealth the convener?

AcademyHealth has a proven track record of bringing together diverse interests for balanced, informed debate and consensus building. The research and consensus building processes that formed the core of this project are a perfect fit with AcademyHealth's mission to move research into policy and practice. As the professional society for health services researchers and a leading, nonpartisan resource for health research and policy, the organization is uniquely suited to provide neutral leadership.

Who funded this work?

The research and consensus building process were funded by the John D. and Catherine T. MacArthur Foundation.

Frequently Asked Questions *(Continued)*

Background on the U.S. Nurse Shortage

How serious is the U.S. nurse shortage?

The shortage of nurses in the United States is expected to reach 800,000 by 2020 (based on a 2002 study by the U.S. Department of Health and Human Services, Health Resources and Services Administration).

What caused the U.S. nurse shortage?

The shortage is driven by a number of factors. Nursing is one of the fastest-growing job sectors in the United States, and the U.S. nursing education system has not kept pace. Nursing faculty positions require advanced degrees, yet typically do not offer high salaries commensurate with that level of training. As a result, there is a shortage of available faculty to train U.S. nurses. At the same time, the demand for nurses is rising in response to an aging population and an increasing prevalence of chronic disease, physician shortages in primary care, and expansions of hospitals, disease management companies, and retail and worksite clinics. The insufficient supply of nurses is also impacted by an aging workforce, high levels of job dissatisfaction, and low federal nursing education subsidies.

What is being done to address the U.S. nurse shortage?

Responses to the nursing workforce shortage are as varied as its causes. International nurse recruitment is used by some employers to address the problem. The American Hospital Association reports that 17 percent of hospitals recruit internationally. In addition, the private sector, including employers, unions and nurses associations, is investing in a number of strategies to recruit and retain more U.S. nurses. However, their efforts are constrained by a critical need for increased state and federal funding for nursing education.

About International Recruiting

How big an industry is international nurse recruitment?

As of 2007, there were almost 300 U.S.-based firms specializing in foreign-educated nurse recruitment. This represents a nearly ten-fold increase in recruitment firms in the past ten years.

How many foreign-trained nurses are in the United States?

Depending on the data source being cited, estimates can vary. According to the National Council of State Boards of Nursing, the annual percentage of newly licensed foreign-educated registered nurses (RNs) as a percentage of all RNs in the United States has increased from five

percent to 16 percent over the past ten years. Census data indicate that there were approximately 300,000 foreign-born RNs in the United States in 2000. Of these, an estimated 218,000 (or 8 percent of all RNs) were foreign-born RNs who immigrated to the United States as adults and likely received their nursing education abroad. The U.S. Department of Health and Human Services' National Sample Survey of Registered Nurses, conducted every four years, indicates that approximately 100,000 RNs (or 4 percent of all RNs) were foreign-educated in 2004. A recent survey of hospital nurses in New York finds that 20 percent of RNs in New York were educated abroad, significantly higher than all nationwide percentage estimates.

From which countries are nurses recruited?

Nurses are recruited from many different countries. U.S.-based recruiters are most active in the Philippines, India, the United Kingdom, and Canada. However, 47 companies report active recruitment in the 57 countries identified as experiencing a healthcare workforce crisis by the World Health Organization, including 28 companies who are active in South Africa.

How do we know international nurses meet the same standards of training as U.S. nurses? How do we ensure that international nurses provide comparable quality care?

The Commission on Graduates of Foreign Nursing Schools issues a "Visa® Screen" certificate for foreign-educated nurses that includes verification of their credentials and an English language proficiency test. In addition, like U.S.-educated nurses, all foreign-educated nurses must pass the National Council Licensure Examination in order to practice in the United States. In addition, many employers offer clinical and cultural orientation to foreign-educated nurses to ensure that the nurses are fully prepared for their assignments.

What type of oversight (government or licensure) currently exists for the practice of international nurse recruitment?

While recruiters are subject to relevant labor and immigration laws in the United States and the countries in which they operate, there is no single entity that oversees the process of international nurse recruitment. The Joint Commission (formerly Joint Commission on Accreditation of Health Care Organizations) voluntarily certifies health care staffing companies and there have recently been a few state-level efforts to regulate or certify health care staffing agencies.