

DIRECTIONS



Presidential Perspective

By Michele Snider, BSN, RN, CHCR



The countdown to NAHCR's 45th Annual Health Care Recruitment Conference is fast approaching! I attended my very first conference in 2009 as a new NAHCR member and have not missed one since. This year will be my eleventh! I was very fortunate to have a leader who introduced me to NAHCR and supported my attendance at the conference.

NAHCR's 2019 conference is July 30 - August 2 in Philadelphia. It's always interesting to learn about industry trends and share the best practices that make it easier for me to be successful, and this year's conference promises to be better than ever! The NAHCR Education Team, under the leadership of Education Director Josh Cosby, took your feedback from last year and planned a great conference. Enjoy programming from health care recruitment's best in a rich learning environment that's appropriate for recruiters regardless of your experience level. Sessions on cutting edge recruitment practices position you as invaluable strategic business partners at your organization. Real-life case studies and examples help you apply what you've learned to your situation. You will take away helpful tips and resources. Plus, you can earn valuable

continuing education credits toward maintaining industry certifications, such as the Certified Health Care Recruiter (CHCR) credential.

The conference also affords you the opportunity to participate in the face-to-face networking and peer learning experiences that you value in your work as a health care recruiter. Find common ground, share ideas, and discover different perspectives. The exhibit hall is your chance to explore innovative solutions to the challenges you face every day. Build relationships with existing partners or establish relationships with new resources.

This year's host hotel is the Loews Philadelphia. Located in the nation's first skyscraper, in the heart of the city, it's just steps to historic attractions, such as these, among many others:

- Reading Terminal Market - one of the oldest and largest public markets in America
- Liberty Bell Center - the dramatic home of the internationally known symbol of freedom
- Franklin Square - one of the original five squares in William Penn's plan for the city,

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5: Chapter Update: Social Media Tips



6: How to Recruit and Hire America's Veterans



8: Visit Philadelphia's Most Essential Experiences

Presidential Perspective

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now a modern and fun family park

- The Philadelphia Museum of Art - and the "Rocky" steps!
- Independence Hall - birthplace of both the Declaration of Independence and the Constitution

In addition, the hotel is surrounded by some of the best restaurants and bars in Philadelphia—with food and drink offerings well beyond the classic cheesesteak and soft pretzel. Keep in mind too that, in addition to offering a sleek and sophisticated 4-star experience, staying at the host hotel keeps conference costs in check, saving you money on registration and exhibit fees.

As a first-time attendee, I looked forward to meeting other recruiters

from across the United States. That first year, I formed relationships that have remained strong to this day. I continue to build my network with every conference I attend. This year, I invite you to become a part of my network by joining me at this year's conference.

Rates start at \$675 for members, \$824 for nonmembers. Add a pre-conference workshop for just \$175!

Nonmembers may choose to apply the difference in registration fees toward membership in NAHCR. Enjoy NAHCR's bi-weekly news digest and quarterly newsletter, FREE monthly educational webinars, members-only listserv, and more!

Don't miss this opportunity to "Unlock Your Potential as a Health Care Recruiter"—I look forward to seeing you in Philly!



National Healthcare Recruiter Recognition Day Messages

Happy National Healthcare Recruiter Day from HospitalRecruiting.com!
Thanks for the work you do to support our healthcare system!

Happy National Healthcare Recruiter Recognition Day from all of us at RIVS.com where we're helping recruiters succeed using technology!

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Talent is Not Enough: Why Purpose and Meaning Matter

By Kala Taylor, Assistant Dean of Career & Professional Development, Campbell University, and Keynote Speaker

We can learn life lessons from anyone and anything! It's true. If we stop and study situations, life is speaking to all of us, all of the time. Let me tell you about my first lesson on *purpose*.

Our family celebrates a traditional Christmas and believe in Santa, and making sure that Santa delivers! We were so excited when our son turned three because he was now of the age where he could ask for something from Santa and get excited on Christmas morning when his request is found under the tree!

My son loved music. Throughout his extensive three years, at any given time, you could catch him dancing. I noticed that he watched guitar players on TV, while acting out the motions. I asked, "Son, what would you like Santa to bring you for Christmas?" He would point to the guitar on TV and pronounce "guitar" as best he could. Now, I was on a mission! My brother, a self-taught bass player, recommended that I get him a ukulele because it's small and would allow him to practice holding it correctly with his little hands. Immediately, I got online to try to find a red (his favorite color) ukulele! I spent hours, scrolling through sites to find that perfect

instrument and I did, with a bonus red carrying bag! I could see it now - my son and his friends starting a band, getting signed by a record label at an early age and hitting the road, touring around the country with this red ukulele!

Fast forward, it's Christmas Eve. We are in Texas with the grandparents so that all of the grandkids could open their gifts together! The grandparents had a fireplace and chimney and we put out the reindeer food to make sure that Santa knew that we were not in NC but in TX! We made sure our son knew that Santa had a tracker on him and could find him anywhere!

I could hardly sleep.

Christmas morning came and all the kids bombarded the living room. My husband stopped them so we could first sing happy birthday to Jesus. (That was the fastest birthday song I had ever heard!) We began distributing gifts. My son grabbed his red gift from under the tree! He was so happy. He opened up the gift and saw the red ukulele and he smiled from ear to ear, displaying all six of his teeth. It was the moment I had been waiting for!

And then it happens!

About 53 seconds later, his little cousin pulls out his gift, which is a small

football from Walmart! The next thing I know, my custom made, specially ordered red ukulele is in the middle of the floor, left kid-less!!!! What just happened? At first, I was confused, then sad, but later I was mad! How could a kid receive such a special gift to just lay it to the side to play with somebody else's gift for hours?!

I learned a lot of lessons that Christmas morning. Aside from never spending that kind of money again on a three-year-old, I learned that gifts are not enough. I see our talents as gifts that we didn't earn. We were just born with them. The gift of the ability to make someone laugh or make a mean carrot cake. The gift of organizing or the gift of singing. We all have these gifts and talents, but I suspect that many gifts and talents are found left on the floor as we get caught up in the world's trap of social comparison, distracted by the dazzle of another's gift.

Value, Vision, and Will

My son did not know three things: He did not *know the value of his gift or how to use it*. He *didn't have a vision of the impact he could make with it*, and he *didn't have a will to learn* because he didn't have a "why."

Now I know I may be asking too much of a three-year-old but let's turn the focus to *our gifts, our talents, and our work!*

Do you know how valuable *your* ability to connect with others is?

Do you know that *your* talent to see potential in others is impacting families, organizations, and communities?

Do *you* have a will to learn knowledge and develop those skills and talents for a certain impact?

I suspect we take for granted the little things that make us great recruiters and HR professionals. Let's get back to the value (meaning) and the vision (purpose) of our work and remember, "where there is a *will*, there is a *way*!" I look forward to further discussion on purpose and meaning this summer! I look forward to meeting you in Philly in August!



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Click here for more information

Opening Keynote Speaker Regina Hartley, Human Resources Expert, Shares “Why Transformational Talent May Not Have the Perfect Resume”



Regina Hartley, Vice President, Human Resources, IT and Engineering for UPS will present the opening keynote session at the NAHCR 45th Annual Health Care Recruitment Conference: “Why Transformational Talent May Not Have the Perfect Resume.”

Given the choice between a person with a perfect resume and straight A's and one who has fought their way through difficulty, Regina tends to give the “scrapper” a chance. She believes those who flourish in the darkest of spaces encompass the qualities of our strongest leaders. Throughout her 25-year career—working in talent acquisition, succession planning, learning and development, employee

relations, and communications—she has seen how, given the opportunity, people with passion and purpose will astound you.

An accomplished speaker, Regina also holds a BA in political science from SUNY Binghamton and an MA in corporate and organizational communication from Fairleigh Dickinson University. Her professional certifications include Senior Professional in Human Resources (SPHR) and SHRM-SCP.



[Listen to Regina's TED Talk](#)

Demonstrate your readiness to face the challenges of today's health care recruiting industry

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JULY 30, 2019 • 1:30 - 3:30 PM
LOEWS PHILADELPHIA HOTEL

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Application Deadline: July 15, 2019

Global Leadership Consultant Robb Holman to Speak at NAHCR Annual Conference

Internationally recognized leadership expert, executive coach, keynote speaker, podcast co-host, and best-selling author Robb Holman will deliver practical methods of transforming your leadership.

As a lifelong serial entrepreneur, Robb has founded numerous, highly influential organizations, both for-profit as well as non-profit. In addition, he is the CEO of Holman International, a global leadership consultancy revolutionizing the way business leaders operate. Robb's work has been featured in publications like *Inc.*, *Forbes*, and *Fast Company* and endorsed by many of the world's top leadership thinkers.

With passion and exuberance, Robb's dynamic teaching style has successfully led thousands of business owners, executives, and leaders through his exclusive and proprietary method of Inside Out Leadership™



Coaching. Attend this session to learn how to connect with your unique life purpose more intimately and find suc-

cess in a way you never expected—from the inside out!

Check out his [highlight video](#).



Chapter Update - Danyelle Felchner Shares Social Media Tips with NAHCR Chapter Presidents



Danyelle Felchner, Senior Talent Source Professional and Social Media Manager for Memorial Health System in Springfield, Illinois, shared social media basics and best practices with almost 20 chapter presidents and/or representatives on the 2nd Quarter Chapter Presidents Call held May 15, 2019. Danyelle initially reviewed the various platforms available for social media interaction, but suggested that chapters begin with one or two platforms before expanding their social media efforts more broadly. Facebook is a great platform to start with, but only if chapter members and pros-

pects are active on it. Danyelle talked about the importance developing a content strategy and using a social media calendar to map the chapter's social media efforts. Danyelle also shared content ideas, encouraged chapters to engage with those who comment on posts, and to review analytics and insights regularly.

NAHCR hosts quarterly calls for chapter presidents to share their ideas and experiences to enrich the activities of all chapters. The next NAHCR Chapter Presidents Call will be held in August.

Conference Session to Explore: How to Recruit and Hire America's Veterans



If you're attending the 45th annual National Association for Health Care Recruitment Conference in Philadelphia, you won't want to miss this session, "A Guide to Hiring Heroes: Helping Veterans Find Their Place" which is a perfect follow-up to the conference's opening session that focuses on "Why Transformational Talent May Not Have the Perfect Résumé." The Hiring Heroes session takes place the following day, Thursday, 1:45 pm - 3:00 pm.

There's an incredible pool of job candidates out there you should target for hiring. They're America's heroes - military veterans who have served our country and may now be on the hunt for their first non-military job opportunity. They're often disciplined, highly trained and team-players - even if their resumes don't have a long list of familiar job titles.

Learn how to adopt specific recruiting and hiring practices to win them over in this session presented by Theresa Mazzaro, RN, CHCR, RACR, Talent Acquisition Leader at Suburban Hospital and Michelle Reed, Chief Marketing Officer at SkillSurvey. They will discuss the challenges and rewards of recruiting and hiring the more than a million veterans entering our nation's workforce. Theresa has first-hand knowledge of veteran employment; she began her career in the U.S. Air Force, served in the Air Force National Guard and then was a member of the Air Force Reserves while she pursued a career in healthcare talent management.

Key take-aways you will learn from the session include:

- Gain a greater knowledge about the real benefits of hiring veterans
- Understand the barriers facing veterans and our organizations
- Learn how to more effectively hire veterans and keep them onboard

Getting Past Preconceived Notions About Veterans

The session will explore how recruiters and hiring managers can successfully evaluate veterans' hard and soft skills (both developed in the military) and will include exercises to test your knowledge. One obstacle to overcome is the notion by some employers that veterans are less creative and more regimented than the rest of the workforce. This, despite research that shows veterans score higher in tests gauging creativity than 58% of private sector people. And they score highest in demonstrating agility in order to achieve goals. Research shows that once hired, veterans demonstrate leadership, learn fast, "get" the concepts of teamwork and inclusion, perform well under pressure, respect procedure, and work hard.

Tips to Source, Recruit America's Heroes

So how do you find and hire these model workers? Veterans are like everybody else—they use civilian job boards such as Indeed and CareerBuilder. Mazzaro and Reed will share some sourcing resources specifically created for veterans and their related social networks.

There are also great resources to

help assess a veteran's skills learned in the military and then translate them for use in the private sector. [Online military acronym dictionaries](#) can help you wade through military qualifications and decipher what will be useful to your organization.

And to get a comprehensive understanding of your candidate's suitability, you'll need to look beyond the military required Officer Performance Reports or OPRs and Enlisted Performance Reports or EPRs that will be provided to you and use tools where you can get feedback from those who've observed their behavior through digital reference tools. When it's time to interview your veteran candidate, your goal will be to get them to talk more freely about themselves. You can use feedback from their references to enhance a discussion of accomplishments or behavioral skills during the interview.

It's also important to make veterans feel welcome throughout the hiring experience and after they're hired. If you extend an offer and want to onboard your veteran candidate, consider assigning a mentor to help them adjust to corporate life, offer training, and establish a routine of communication and agreed-upon deliverables. To make all the veterans you hire more comfortable and welcomed, consider establishing a military service recognition program. In addition to making your current veteran employees feel at home, it can also help in your recruiting efforts.

America's veterans have given a lot for their country, have received extensive training, and many have developed great working habits in the process. Take advantage of this talented, disciplined group and bring more value to your organization.

Be sure to attend "A Guide to Hiring Heroes: Helping Veterans Find Their Place," at the upcoming 45th Annual National Association for Health Care Recruitment Conference.

Staff Corner: See You in Philly!

Want to know a little bit more about NAHCR Headquarters staff you'll see in Philadelphia? Be sure to stop by the Registration Desk and say "Hi!"



BRIANA MELNICK, CMP, MEETING PLANNER

What three traits define you? Hard working, passionate, witty

What is your personal philosophy? If you can't reach it, find someone tall(er)

What is your greatest fear? Frogs (seriously!) or failure

What does true leadership mean to you? Inspiring others to do their best

How do you define success? Getting up every morning and being excited about what you do

Tell us something that might surprise us about you. I know how to do Fire Baton Twirling



LINDSEY LEAHY, CMP, TRADE SHOW MANAGER

What three traits define you? Caring, hard-working, passionate

What's one thing you couldn't live without? My dog, Bella

Where is your favorite place to be? Anywhere as long as I'm surrounded by my friends and family

What does true leadership mean to you? Always being willing to jump in and help. It is one thing to ask for something to be done, but it is another to be ready and willing to help make that something a success.

Which one would you want most - flying cars, robot housekeepers, or moon cities? Flying car, no more traffic!

Tell us something that might surprise us about you. I played four sports in high school (cheerleading,

track and field, basketball, and golf) and broke two school records



EMMA HYVONEN, REGISTRAR

What three traits define you? Passionate, supportive, empathetic

How would your colleagues describe you? Supportive, helpful and optimistic!

What is your personal philosophy? Work hard and stay positive

How do you stay organized? I have learned to write a new to-do list every day, prioritizing in a way that allows me to focus on one task at a time.

How do you define success? Success is being 100% prepared for an event and feeling that I have done absolutely everything I can do to help make my team successful. The majority of my work happens behind the scenes before the event begins, but I always strive for perfection every step of the way.

What's the most interesting thing about you that we wouldn't learn from your resume? I love dancing! I used to be on the University of Central Florida dance team.



TONYA WADE, CAE, EXECUTIVE DIRECTOR

Tonya will be attending her third NAHCR Annual Conference—her second as Executive Director.

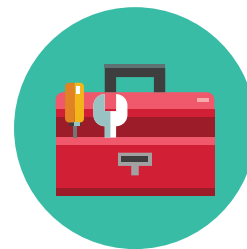
Tonya brings almost 20 years of experience in association management to NAHCR, along with a heart for service and a passion for excellence.

Tell us something that might surprise us about you. I was "the rat that ate the cheese" in my kindergarten production of *The Farmer in the Dell*. Or perhaps that's not a surprise?

We look forward to seeing you all in Philly!

Toolbox Topic: Getting Your Boss "On Board"

By Briana Melnick, CMP, NAHCR Meeting Planner



Whether you are new to NAHCR or a seasoned veteran, securing support from your supervisor is always a necessity.

When submitting for approval, it helps to demonstrate how your participation directly relates to the goals and objectives of your organization. Showcase how NAHCR and the 45th Annual Health Care Recruitment Conference will better serve your organization overall and the value of this experience.

To help you gain approval, NAHCR has put together an encouragement letter to help you get your boss "on board" as to why NAHCR is the place to be for education, networking, and professional development!

Download the letter here <https://naahcr.memberclicks.net/assets/docs/Employee%20Justification%20Toolkit%202019.docx>







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- Snap a photo in front of the Liberty Bell
- Pose with the Rocky Statue and run up the "Rocky Steps"
- Enjoy an authentic Philly cheesesteak
- Tour Independence Hall, the birthplace of the United States
- Visit the famous *LOVE* sculpture
- Chow down on food from dozens of vendors at Reading Terminal Market (across the street from the conference hotel!)
- Visit the awesome museums on the Benjamin Franklin Parkway
- Take in an epic view of City Hall—then tour the massive building
- Explore Philly's revitalized waterfront
- Admire the quiet beauty of Boat-house Row on the Schuylkill River



Learn more at VisitPhilly.com



P H I L A D E L P H I A

Meet This Year's Cindy Fife Scholarship Award Winner: Katie Byrd



The NAHCR Board of Directors is pleased to award this year's Cindy Fife Scholarship to Katie Byrd. Katie is a recruiter at Anne Arundel Medical Center in Annapolis, Maryland. Although she's been in recruiting since 2017, this will be her first

NAHCR conference! Marita Kellers, Director of Employment Services for Anne Arundel Medical Center and long-time NAHCR member, nominated Katie for the award. She described Katie as "someone who sets the bar high for each of us . . . able to manage a high volume of positions with competence and ease . . . a great listener and communicator . . . [as well as] a true team player."

The Cindy Fife Scholarship Award is available to individuals who have been in health care recruitment for less than five years and never attended a NAHCR conference. Nominees

must submit a 1,200-word essay addressing why they became health care recruiters, what they love about their positions, how attending the conference will help with their professional development and what they hope to gain by attending. The NAHCR Board of Directors reviews the submissions and selects a scholarship award winner to receive a complimentary conference registration and hotel accommodations.

Katie's desire to become a health care recruiter was born, in part, out of a "difficult and frustrating" post-college job search experience. "I often recall the difficulties I experienced and empathize with applicants in their job hunt," Katie shared in her scholarship-winning essay. "I enjoy helping people find meaningful careers in the hospital. Each employee of Anne Arundel Medical Center touches the lives of the public."

At the Maryland Association for Health Care Recruitment (MAHCR) regional conference in October 2018, Katie was able to network with health

care recruitment professionals across Maryland. She'll be able to broaden her network by attending the NAHCR 45th Annual Health Care Recruitment Conference. "I am excited to have the opportunity to discuss what other professionals are doing in their state, where their struggles are, and how they are handling recruitment in this job market." She also hopes to bring new insight back to the Anne Arundel Medical Center recruitment team. "I hope to learn further trends of what we are seeing on the national level and how to best prepare for the now and the future," Katie said. "Recruitment is a field that is constantly evolving and changing with time. I hope to be a better recruiter and team member because of attending this conference."

Discover (or rediscover) the excitement of collaborating with other health care recruiting professionals. Register for the NAHCR 45th Annual Health Care Recruitment Conference (July 30 - August 2, 2019, at the Loews Philadelphia Hotel) TODAY!

I Don't Care About Your Current Salary!

By Jonathan A. Segal, Partner and Managing Principal, Duane Morris Institute, and Keynote Speaker

An increasing number of state and local jurisdictions have bans on the right of an employer to ask applicants about their compensation at prior jobs. These state and local laws include:

1. States: California, Connecticut, Delaware, Hawaii, Massachusetts, Maine, Oregon and Vermont.
2. Local: Cincinnati; New Orleans (city contractors); New York City; Philadelphia (on partial hold pending appeal); San Francisco; Suffolk County, New York; and Westchester County, New York.

Bills are pending in state and local legislative bodies all over the country so, by the time you read this article, the lists above will need to be expanded.

These bans are based on the premise that relying on prior compensation may perpetuate the gender gap. And, the premise is correct.

Let's assume you are hiring for a job that pays between \$80,000 and \$90,000.

You decide to hire Jane who currently is earning \$60,000.

You decide to offer her \$80,000. Who would not be happy with a 33% increase?

Well, perhaps Jane. Why? If you had not known what she was earning before, she probably would have been paid \$85,000, which she learns was the starting salary of one of her male peers in the same job.

Why does it matter what Jane was making before in making her an offer now? My view: it does not.

Employers should consider creating a range for the position and consider posting it. When you hire an applicant, figure out where he or she belongs in the range based on the relevant criteria.

What if the individual tries to negotiate for more based on his or her current salary? You may be able to consider prior salary if the applicant raises it but that depends on the law in your jurisdiction.

If you go outside the range, document why so you can show a legitimate non-discriminatory reason. And, audit your exceptions to make sure they are not being offered only to men (or women).

What if you are recruiting in a location where is no salary ban? Okay to ask?

There is still risk under the Equal Pay Act. The federal appellate courts are split on the issue and it is an open issue in many federal circuit.

But let's put the law aside. Even if we lawfully can ask, that begs the real question: should we?

We don't need the information to set the initial compensation offer. And, having the information may result in inequities. So why ask?

This blog is not legal advice, should not be construed as applying to specific factual situations or as establishing an attorney-client relationship. Follow me on Twitter at: Jonathan_HR_Law.

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Committee Corner: Education

By NAHCR Education Director Joshua Cosby

NAHCR Education Team members are in the final stages of conference preparation as this issue of *Directions* arrives in your inbox. The effort to deliver a high-quality experience actually began almost before last year's conference ended, with the NAHCR Board of Directors holding a debrief meeting before leaving Scottsdale, AZ, to reflect on how things went.

The NAHCR Education Team itself has been meeting monthly since August. Keynote speakers have been in place since the first of the year. Changes to the Call for Presentations resulted in more submissions across a broader base of content and contributors, including recruiters from our Federal sector, among others. Early distribution and aggressive marketing of the exhibitor prospectus has resulted in a SOLD OUT show, with six weeks left until the conference. Now all we need is to see YOU in Philadelphia!

Special thanks to our conference subcommittee lead volunteers:

- Education Team Leader - Marie Chambers
- Webinars: Marie Chambers, Joe Dunmire, Lisa Dyson and John Lidstrom
- Conference Kick Off - Ray Bixler and Ellen Williams
- Exhibitor Engagement - Ann Bures, Judi Russell and Ellen Williams
- Concurrent Session Review - Marie Chambers, Joe Dunmire, Lisa Dyson, Victoria Cox, John Lidstrom, Theresa Mazzaro and Debbie Rowe

But the conference isn't the only project that the NAHCR Education

Team is working on. As the committee responsible for oversight of all educational products and services of NAHCR, the team has also been working hard to deliver educational webinars as well as manage the Certified Health Care Recruiter (CHCR) credential. The team is also responsible for securing NAHCR's status as an accredited provider of continuing education credits.

Currently the team is on track to deliver almost a dozen webinars this year. This includes a webinar on July 16, 2019, at noon ET: "Employment Law 101" presented by Marc J. Scheiner, Attorney, Duane Morris, LLP. Learn more [here](#).

NAHCR is now accredited by no less than three organizations to provide continuing education credits toward industry certifications: the [HR Certification Institute](#) (HRCI), the [Society for Human Resource Management](#) (SHRM), and now the [Association of Staff Physician Recruiters](#) (ASPR), for the physician recruiters among us.

None of this work would be possible without the enthusiasm and generosity of all our team members. We plan a conference for twelve months and the dedication of the Education Team has surpassed many goals this year. Thank you for all you do, and I look forward to seeing all you in a few weeks in Philadelphia—the home of the Philly Cheesesteak!

Interested in joining your health care recruitment colleagues in their pursuit of educational excellence? Email info@nahcr.com for more information.



Advertising and Sponsorship Opportunities to Fit Every Need

Are you looking to reach health care recruitment professionals? Does your business depend on getting in front of industry decision-makers? Advertise with the National Association for Health Care Recruitment (NAHCR) and put your products and services in the hands of people with the power to buy.

Directions Newsletter

Directions, the NAHCR digital newsletter, is distributed electronically four times per year to all Active, Associate, Institutional, and Federal members as well as newsletter subscribers.

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Recognition as the sponsor during the introduction of the webinar

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Recruiting and Placing Would-Be Whistleblowers

By Shauna Itri, Whistleblower Attorney

As a healthcare recruiter you might regularly come across whistleblowers, but just don't realize it. It is also quite possible that your client does not know he/she is a whistleblower either. For instance, often individuals come across fraud, waste or abuse while working and instead of partaking in it to keep their job or reporting it and causing conflict, they just find a new job. The individuals might not even know they have the option to be a whistleblower or what a whistleblower even is? This is where you come in.

Knowing that whistleblower laws exist, being able to ask the right questions to determine if a client is a potential whistleblower, and leading that client to the right lawyer (free of charge) not only provides your client with a valuable service (i.e., an option and the ability to remedy fraud and/or do the "right thing"), but could also result in a significant bounty.

I. Whistleblower Laws

The primary laws under which relief for reporting fraud, waste, and abuse are the federal and state False Claims Acts (FCAs). The FCAs are not specific to any particular type of fraud. In addition to the FCAs, there are other laws which apply to tax fraud, securities fraud, and in California, fraud on private insurance companies.

The FCAs place power within the hands of private citizens, allowing them to become "private attorneys general," and file a lawsuit if they have information of fraud or dishonesty in certain transactions with the government. The individuals can engage a lawyer, free of charge to the whistleblower, and can bring a case on behalf of the government. These individuals are called "whistleblowers." Whistleblowers are provided with a financial reward if the suit is successful. The reward to the whistleblower is normally between 15% and 30% of the amount recovered by the government.

California has a unique insurance fraud prevention act modeled after the False Claims Acts, with one major distinction: the government does not have to suffer harm. Instead, the California Insurance Frauds Prevention Act allows whistleblowers to fight insurance fraud by bringing whistleblower cases against any person or company that defrauds private insurance companies.

II. Identifying Potential Whistleblowers

In order to identify a potential whistleblower, it is important to understand what type of fraud, waste or abuse can be pursued under the whistleblower laws. First, the entity that needs to be defrauded is the government. In the healthcare setting, it's typically Medicare, Medicaid, TRICARE, Veterans health programs or private insurance companies in California. Second, it can be any type of action where the government is getting the raw end of the deal.

The whistleblower does not have to have documentary evidence of the fraud. If the whistleblower witnessed fraud, is credible and can testify as to what occurred, this could be enough. A qualified lawyer can assess whether he/she can be a whistleblower under the law. Any conversations with a lawyer are confidential and the lawyer works on a contingent fee basis. This means the lawyer fronts all out-of-pocket costs, provides all his/her attorney time for free, and only recovers money if the whistleblower recovers money.

III. Whistleblower Case Examples

To put this analysis in context it is helpful to explain some of the types of fraud that have been prosecuted under the whistleblower laws:

Billing for Services Not Rendered - this is obvious fraud: billing the government for a service which was not provided to the patient.

Billing for Unnecessary Services - this scheme involves providing a service and billing for that service, even though the patient did not need that type or quantity of care. For example, a patient only needs a basic eye exam which costs \$75, but the physician orders a CAT scan and related testing which costs hundreds of dollars more.

Kickbacks - kickbacks are items of value (money, gifts, trips, meals, etc.) which are provided by one party in exchange for referrals or business from the other party. For example, a hospital reimburses a neurologist at twice the "going rate" for his services in exchange for the neurologist referring all of his patients to the hospital.

Stark Violations - there are complex rules regarding the ownership interests that doctors and hospitals have with respect to referrals. It is generally illegal for a doctor to make a referral to a business which he owns or in which he has a vested interest. For example, unless a "safe harbor" applies, a doctor may not refer one of his patients to a physical therapy business that the doctor also owns.

Up-coding - all medical procedures and diagnoses have an assigned "code" which determines how much the physician or hospital is going to get paid by the government. If a doctor or hospital knowingly bills for a higher "code" - and thus is paid more by the government - fraud has been committed. For example, a patient is seen for a short time in the Emergency Room, but the hospital bills for a complex medical visit.

"Best Price" fraud - under U.S. law, pharmaceutical manufacturers are required to give the government the lowest or "best" price. This takes the form of a "rebate" paid by the drug manufacturer to the federal and state governments. Generally, the lower a drug's "Best Price," the larger the rebate will be.

Defective Devices - if a device is defective yet the company, knowing about the defect, nonetheless bills and is reimbursed for same, the government has been defrauded.

This list is not exhaustive and other types of fraud, waste, or abuse can be prosecuted under the whistleblower laws.

IV. Key Take-Aways

You may come across a client (or consultant) leaving a position because he/she experienced some fraudulent conduct. These clients may not think they have any other options than to (1) report it and experience conflict or (2) leave and get a new job. You can now arm them with a third option: find an attorney (free of charge) to file a whistleblower lawsuit. This can provide the client with the opportunity to do the "right thing" and report fraud and receive a financial award. It's a win-win!