

119TH CONGRESS
2D SESSION

H. R. 8272

To classify qualified locum tenens professionals and advanced care practitioners as independent contractors for the purposes of the Fair Labor Standards Act of 1938 and the National Labor Relations Act.

IN THE HOUSE OF REPRESENTATIVES

APRIL 14, 2026

Mr. OWENS introduced the following bill; which was referred to the Committee on Education and Workforce

A BILL

To classify qualified locum tenens professionals and advanced care practitioners as independent contractors for the purposes of the Fair Labor Standards Act of 1938 and the National Labor Relations Act.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. CLASSIFICATION OF QUALIFIED LOCUM**
2 **TENENS PROFESSIONALS AND ADVANCED**
3 **CARE PRACTITIONERS AS INDEPENDENT**
4 **CONTRACTORS UNDER FAIR LABOR STAND-**
5 **ARDS ACT OF 1938 AND NATIONAL LABOR RE-**
6 **LATIONS ACT.**

7 (a) IN GENERAL.—For the purposes of the following
8 Federal laws, an individual who is a qualified locum tenens
9 professional or advanced care practitioner shall not be con-
10 sidered an employee of the entity on behalf of which the
11 individual furnishes physician or advanced care practi-
12 tioner services on a temporary basis, whether or not pro-
13 vided as a substitute for another provider:

14 (1) The Fair Labor Standards Act of 1938 (29
15 U.S.C. 201 et seq.).

16 (2) The National Labor Relations Act (29
17 U.S.C. 151 et seq.).

18 (b) QUALIFIED LOCUM TENENS PROFESSIONAL OR
19 ADVANCED CARE PRACTITIONER DEFINED.—In this sec-
20 tion, the term “qualified locum tenens professional or ad-
21 vanced care practitioner” means an individual who—

22 (1) provides temporary physician or advanced
23 care practitioner services, including for workforce
24 coverage, scheduling flexibility, or episodic staffing
25 needs—

1 (A) for a period of not more than one con-
2 tinuous year at a single site of service; and

3 (B) pursuant to a written contract pro-
4 viding that the individual will not be treated as
5 an employee with respect to such services; and
6 (2) is—

7 (A) a physician, as defined in—

8 (i) section 1861(r) of the Social Secu-
9 rity Act (42 U.S.C. 1395x(r)); or

10 (ii) section 8101(2) of title 5, United
11 States Code; or

12 (B) a nurse practitioner, physician's assist-
13 ant, or certified registered nurse anesthetist.

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