

# On Call for America: Strengthening Access Through Locum Tenens Providers

## Hearing before U.S. House of Representatives

Committee on Education & the Workforce

Subcommittee on Workforce Protections

June 9, 2026

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Chair Mackenzie, Ranking Member Omar, and Members of the Subcommittee, thank you for inviting me to appear before you to offer testimony. My name is Katie Wells, and I am a Senior Fellow at the AI Now Institute. Founded in 2017, AI Now is a leading independent research institute focused on expert analysis and policy recommendations to tackle concerns about artificial intelligence.

For the past fifteen years, I have worked at the intersection of technology and labor in roles across academia and civil society. I have examined the labor conditions and political campaigns of some of the largest gig economy companies in the US, from DoorDash<sup>1</sup> and Grubhub to Uber and Lyft.<sup>2</sup> Last year, I designed a study about the pricing experiments of Instacart, which generated an Emmy-nominated video,<sup>3</sup> a public apology from the company,<sup>4</sup> and investigations by the Federal Trade Commission,<sup>5</sup> as well as by the Attorneys General of New York<sup>6</sup> and California.<sup>7</sup>

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<sup>1</sup> Katie J. Wells and Isabella Stratta, *The Instant Delivery Workplace in D.C.*, Beeck Center for Social Impact and Innovation, Georgetown University, April 19, 2023,

<https://beeckcenter.georgetown.edu/wp-content/uploads/2023/04/Instant-Delivery-DC-Report.pdf>.

<sup>2</sup> Katie J. Wells, Kafui Attoh, and Declan Cullen, *Disrupting D.C.: The Rise of Uber and the Fall of the City* (Princeton University Press, 2023), <https://press.princeton.edu/books/hardcover/9780691249759/disrupting-dc>.

<sup>3</sup> More Perfect Union and Consumer Reports, “We Had 400 People Shop for Groceries. What We Found Will Shock You,” YouTube, 18:33, December 9, 2025, <https://www.youtube.com/watch?v=osxr7xSxsGo>.

<sup>4</sup> Derek Kravitz, “Instacart Stops Pricing Tests on Its Platform Amid Outrage From Customers,” *Consumer Reports*, December 22, 2025,

<https://www.consumerreports.org/money/questionable-business-practices/instacart-stops-ai-pricing-experiments-a1176475852>.

<sup>5</sup> Jody Godoy, “Exclusive: FTC Probes Instacart’s AI Pricing Tool, Source Says; Shares Drop,” Reuters, December 17, 2025, <https://www.reuters.com/legal/litigation/ftc-investigating-instacarts-ai-pricing-tool-source-says-2025-12-17>.

<sup>6</sup> Letitia James, “Attorney General James Demands Answers from Instacart about Algorithmic Pricing,” Office of the New York State Attorney General, press release, January 8, 2026,

<https://ag.ny.gov/press-release/2026/attorney-general-james-demands-answers-instacart-about-algorithmic-pricing>.

<sup>7</sup> Rob Bonta, “On Data Privacy Day, Attorney General Bonta Focuses on Surveillance Pricing, Compliance with California Consumer Privacy Act,” State of California Department of Justice, press release, January 27, 2026,

<https://oag.ca.gov/news/press-releases/data-privacy-day-attorney-general-bonta-focuses-surveillance-pricing-compliance>.

In today’s testimony, I will discuss how gig nursing platforms—which exist in almost every US state—are reorganizing healthcare work. This testimony is based on research I conducted with Maya Pinto, an employment law and misclassification expert, and Dr. Funda Ustek Spilda, a professor at King’s College London, who has evaluated working conditions of platforms in forty countries.<sup>8</sup> Overall, my testimony will offer evidence about what is at stake when we allow the misclassification of healthcare workers, especially nurses.

**Today, nearly 15 percent of US employment is in the health- and social-assistance sector.<sup>9</sup> Healthcare is one of the only growing professions left in the US.<sup>10</sup> But turning these jobs into independent contracts—or “giggifying” the healthcare profession—could upend this reality.**

New platform companies increasingly treat healthcare workers as independent contractors rather than employees with labor rights.<sup>11</sup> Nowhere is this trend more visible than in nursing where new platforms create problems for both workers and patients.

*For healthcare workers, gig nursing platforms generate financial uncertainty.*

Gig nursing platforms rely on algorithmic management technologies that offer little transparency about how jobs are allocated, scheduled, canceled, or paid. Different shifts will show up on different workers’ phones—often for different amounts of pay. On the same day, at the same hour, in the same hospital, two different gig nurses can be paid different amounts by the same app. Gig nursing platforms look more like a black box than a fair set of rules. These uncertainties combine to produce frustrating and precarious conditions for the workers who rely on these platforms. Such opaque pay structures could also enable “surveillance wages,”<sup>12</sup> or what legal scholar Veena Dubal terms “algorithmic wage discrimination,” a kind of discrimination in which nurses’ personal data is used to determine wages.<sup>13</sup>

Some gig nursing platforms even encourage workers to bid against each other for the same shift.<sup>14</sup> To win, a nurse must offer to work for lower hourly rates than peers. It’s a race to the bottom.

The risks of gig nursing are also higher than those of employed work. For nurses and nursing assistants, ShiftKey and its peer companies provide no paid sick leave or unemployment insurance. When a platform like Clipboard Health classifies nurses and nursing assistants as independent contractors, many of the costs and risks of doing business are shifted onto the

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<sup>8</sup> Katie J. Wells, Maya Pinto, Funda Ustek Spilda, “Uber for Nursing Part II: How Gig Nursing Platforms are Lobbying States to Deregulate Healthcare.” AI Now Institute, April 22, 2026, <https://ainowinstitute.org/publications/uber-for-nursing>.

<sup>9</sup> Ibid.

<sup>10</sup> Lydia DePillis, “Health Care Has Become the Lifeblood of the Labor Market,” *New York Times*, March 6, 2026, <https://www.nytimes.com/2026/03/06/business/economy/health-care-hiring-labor-market.html>.

<sup>11</sup> Katie J. Wells, Maya Pinto, Funda Ustek Spilda, “Uber for Nursing Part II: How Gig Nursing Platforms are Lobbying States to Deregulate Healthcare.” AI Now Institute, April 22, 2026, <https://ainowinstitute.org/publications/uber-for-nursing>; Katie J. Wells and Funda Ustek Spilda, “Uber for Nursing: How an AI-Powered Gig Model Is Threatening Health Care,” Roosevelt Institute, December 17, 2024, <https://rooseveltinstitute.org/publications/uber-for-nursing>; and Katie J. Wells, Funda Ustek Spilda, Veena Dubal, and Mark Graham, *Fairwork US Ratings 2025: When AI Eats the Manager*, University of Oxford and Fairwork, 2025, <https://fair.work/en/fw/publications/fairwork-us-ratings-2025>.

<sup>12</sup> AI Now Institute et al., *Prohibiting Surveillance Prices and Wages*, American Economic Liberties Project, February 2025, <https://www.economicliberties.us/wp-content/uploads/2025/02/Real-Surveillance-Prices-and-Wages-Report.pdf>.

<sup>13</sup> Veena Dubal, “On Algorithmic Wage Discrimination,” *Columbia Law Review* 123, no. 7 (November 2023): 1929–2004, [https://www.columbialawreview.org/wp-content/uploads/2023/11/Dubal-On\\_Algorithmic\\_Wage\\_discrimination.pdf](https://www.columbialawreview.org/wp-content/uploads/2023/11/Dubal-On_Algorithmic_Wage_discrimination.pdf).

<sup>14</sup> Katie J. Wells, Maya Pinto, Funda Ustek Spilda, “Uber for Nursing Part II: How Gig Nursing Platforms are Lobbying States to Deregulate Healthcare.” AI Now Institute, April 22, 2026, <https://ainowinstitute.org/publications/uber-for-nursing>.

workers. These workers are excluded from the protections of local, state, and federal law on minimum wage, overtime pay, workers' compensation, retirement benefits, employment-based health insurance, and paid sick days.

***For patients, gig nursing platforms pose health and safety risks.***

Gig nursing platforms drop uninitiated strangers into already stressful situations with little support. A Shiftkey nursing assistant described this isolated workplace: “You really have no one to talk to if [...] you’re needing help. [...] It’s really no communication with anybody other than yourself.”<sup>15</sup> Worker after worker that I’ve interviewed voiced similar concerns with communication and the lack of supervision by both facilities and gig nursing platforms.<sup>16</sup> One gig nurse even admitted that in these nonsupervised workplaces, she has to be careful not to lower her own standards of care. Some gig nurses have reported coming to work while sick given that nursing platforms generally do not provide paid sick days.<sup>17</sup>

With gig nursing, there is often little to no continuity of care. A nurse for ShiftKey described the work as “a rotten situation because [the patients] just have all these random folks taking care of them.”<sup>18</sup> Gig nursing can hurt the quality of care in health-care facilities and even ignite workplace tensions between gig nurses and full-time staff.<sup>19</sup> The most difficult part of the job, as a nurse on Clipboard Health put it, is “seeing the care that is provided is not adequate.”<sup>20</sup>

***Despite these problems, gig nursing platforms are building a nationwide campaign to legitimize their business model and limit public oversight of their operations.***

Backed by huge sums of venture capital and private equity funds, five of the largest gig nursing platforms have lobbied legislators in multiple states to recognize their business model as distinct from supplemental healthcare staffing agencies.<sup>21</sup> Since 2022, lawmakers in at least seventeen states have introduced bills to do so.<sup>22</sup> Some of these bills include language designed to help gig nursing platforms narrow access for their workers to federal-wage, unionizing, and collective-bargaining rights. For instance, Clipboard Health lobbied in Georgia to exempt gig nursing platforms from state unemployment insurance and workers' compensation laws.<sup>23</sup> ShiftKey supported an Ohio bill to classify gig nurses as independent contractors, exempting gig platforms from minimum wage and other worker protection laws.<sup>24</sup> Other bills carve gig nursing

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<sup>15</sup> Katie J. Wells and Funda Ustek Spilda, “Uber for Nursing: How an AI-Powered Gig Model Is Threatening Health Care,” Roosevelt Institute, December 17, 2024, <https://rooseveltinstitute.org/publications/uber-for-nursing>.

<sup>16</sup> Ibid.

<sup>17</sup> Ibid.

<sup>18</sup> Ibid.

<sup>19</sup> Chia Yu Lien, 2023. “Temp Nurses Go Digital: Examining Gig Care in US Nursing Homes.” *Sociology of Health & Illness* 45, no. 3 (March): 542–59. <https://pubmed.ncbi.nlm.nih.gov/36575601/>; Tony Y Yang., Deborah Stamps, and Patricia Pittman, 2023. “Navigating the Crossroads of Opportunity and Challenge in On-Demand Nursing.” *Health Affairs Forefront*, October 2, 2023. <https://healthaffairs.org/content/forefront/navigating-crossroads-opportunity-and-challenge-demand-nursing>.

<sup>20</sup> Katie J. Wells and Funda Ustek Spilda, “Uber for Nursing: How an AI-Powered Gig Model Is Threatening Health Care,” Roosevelt Institute, December 17, 2024, <https://rooseveltinstitute.org/publications/uber-for-nursing>.

<sup>21</sup> The five platforms are CareRev, Clipboard Health, Kare Technologies, Nursa, and ShiftKey. See Katie J. Wells, Maya Pinto, Funda Ustek Spilda, “Uber for Nursing Part II: How Gig Nursing Platforms are Lobbying States to Deregulate Healthcare.” AI Now Institute, April 22, 2026, <https://ainowinstitute.org/publications/uber-for-nursing>.

<sup>22</sup> The seventeen states are California, Colorado, Georgia, Illinois, Iowa, Kansas, Louisiana, Minnesota, Missouri, Nebraska, Nevada, Ohio, Pennsylvania, Rhode Island, Tennessee, Utah, and Wisconsin. See Katie J. Wells, Maya Pinto, Funda Ustek Spilda, “Uber for Nursing Part II: How Gig Nursing Platforms are Lobbying States to Deregulate Healthcare.” AI Now Institute, April 22, 2026, <https://ainowinstitute.org/publications/uber-for-nursing>.

<sup>23</sup> Georgia H.B. 991, Reg. Sess. (2025–26), <https://www.legis.ga.gov/legislation/72258>.

<sup>24</sup> Ohio H.B. 277, 136th General Assembly, Reg. Sess. (2025–26), <https://www.legislature.ohio.gov/legislation/136/hb277>.

platforms out of requirements to submit regular reports to the state on the average wages paid to workers and the average rates charged to facilities by category of worker. In Utah, for example, the general counsel for Nursa publicly agreed that a bill was admirable because of how *little* it did to regulate gig nursing platforms.<sup>25</sup>

Through such efforts, gig nursing platforms are pursuing a deregulatory agenda that hurts workers and threatens patient safety. Taking away the protections of healthcare professionals is not going to help us build a strong economy or offer decent healthcare.

Thank you for the opportunity to testify before your committee. I look forward to answering your questions.

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<sup>25</sup> Utah State Legislature, *House Health and Human Services Committee: March 04, 2025*, March 4, 2025, video, <https://le.utah.gov/av/committeeArchive.jsp?timelineID=277350>.