

Press Coverage | November 19, 2024

HealthLeaders Quotes Locke Lord's Richard Reibstein on Implications of Classifying Nurses as Independent Contractors

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Richard Reibstein, a New York Partner in Locke Lord's Labor and Employment Practice Group and co-head of the Firm's Independent Contractor Compliance and Misclassification Practice, was quoted by HealthLeaders discussing the nuances of classifying nurses as independent contractors (IC). Reibstein explains, "There is no one particular situation where nurses can be legitimately classified as independent contractors. Rather, there are many different situations, and the facts are critical in determining if you are in sync with the law or out of compliance and facing IC misclassification liability."

Reibstein discusses the pros and cons for the use of engaging nurses as ICs. He notes on the positive side that health care systems "need to worry less about compliance with the applicable federal, state, and municipal labor and employment laws that apply to employees." On the other hand, he explains that IC misclassification can expose health systems to investigations and litigation. He then details how they can avoid such issues, noting that "...health systems should structure their relationships with ICs in a manner that maximizes compliance with the applicable IC laws, and they should strive to meet as many as [the] two or three dozen criteria for IC compliance," that he looks at to assess whether a worker is likely to be properly classified.

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