

Legal Nurse Consultants: Who, What & Why

WHO

Legal nurse consulting has been around for close to 30 years, yet there are many attorneys that do not know the profession exists, have little understanding of our role or how to effectively utilize our skills. A speaker at a recent conference cited a study indicating only 28% of attorneys polled could state what a legal nurse consultant (LNC) does. We all know nurses; our sister, our mother, or spouse, however the LNC is a nurse with specialized training in merging medicine with the law. We have taken courses, continuing education, and done apprenticeships in our field to prepare to be of the most benefit to attorneys, insurance firms, and other clients with their health-related cases. We have our own professional organization the American Association of Legal Nurse Consultants (AALNC) formed in 1989 and have been a recognized “specialty” by the American Nurses Association since 2006. Utilizing an LNC may not be necessary on every case, but for complicated or catastrophic cases we are invaluable. We shine in the arena of medical malpractice, personal injury, toxic tort, product liability, workers’ compensation, and criminal cases with a medical twist.

WHAT

There are two distinct types of legal nurse consultants. Nurse expert witnesses, who are clinically active, able to testify, and review the medical records related to the case for that purpose. Consulting nurses have a different perspective and are part of the team pulling the case together with 50% working as independent contractors. The balance of LNCs are employees of law firms, insurance companies, government agencies, healthcare facilities, health maintenance organiza-

tions, patient safety organizations, and legal departments in business and industry.

Nurses have been the most trusted profession for 16 consecutive years per a Forbes magazine report. Our focus in all aspects of our careers is to solve problems both for our patients and in the LNC world. The LNC provides many services for both plaintiff and defense, that can expedite and simplify legal cases. The idea is to get medical expertise on the front end, leading to less expense and a clearer picture moving through the process. Our knowledge makes us uniquely qualified to identify all the issues in a medical record that would be overlooked by someone not intimately familiar with healthcare/medicine.

The LNC can be of value in the legal arena in many ways and just a few are highlighted below:

Location of expert witnesses: finding qualified experts can be challenging and time consuming. LNCs are a valuable resource, with networks of thousands of colleagues, making it easier to locate the right person to speak to a case. We locate experts in all fields for example: physicians, nurses, therapists, dietitians and EMS.

Participating in client interviews: a medical background makes it easier to read between the lines of the client’s story and see the weak and strong points; in this way nurses help with case selection early in the game.

Screening medical malpractice cases: review for the plaintiff with identification of non-meritorious cases before time and money is expended, and before experts are obtained. Cases with merit have the strengths and weaknesses highlighted, with recommendations given.

Defining standards of care in medical malpractice cases: not only for nursing, but for anyone with a duty to the patient.

Preparation of medical chronologies: Record review with pertinent information placed in a timeline.

Comments are included to explain medical issues or jargon and highlight discrepancies. Entries are referenced to the page in the medical documentation for easy location of issues in voluminous records.

Preparation of medical summaries: Case overviews, with an in-depth explanation of the diagnoses/medical issues found in the record, conclusions are drawn, and recommendations are given.

Literature searches: to refute or substantiate allegations in a case.

Deposition reviews: preparing questions prior to deposition and finding discrepancies afterward.

PREPARATION OF MEDICARE SET ASIDES, MEDICAL COST PROJECTIONS, AND LIFE CARE PLANS.

Medical billing review: determining bills associated with the case and correlating bills with service.

KNOWLEDGE AND UNDERSTANDING OF THE ELECTRONIC MEDICAL RECORD.

Record organization, bates stamping: identification of missing records, and producing a user-friendly record, that is easily searchable.

Attending defense/independent medical exams: who better than nurses to attend as the eyes and ears of their clients. Nurses streamline the process, protect the client, and notice discrepancies that may prove invaluable in the court room.

WHY

Many attorneys perform their own case review or rely on review by a paralegal. It is logical to believe that any complex or catastrophic case would be better served with evaluation by a trained medical professional for quality, accuracy and finding key issues. Insider knowledge can be a secret weapon for success, which is why firms who use legal nurse consultants depend on our knowledge, experience and resourcefulness.



Patty Mitchell, RN, BSN, CLNC is the president of Central Florida Legal Nurse Consultants. Her nursing career has spanned over 24 years, in the hospital acute care setting. She is a graduate of the Medical Legal Consulting Institute and maintains her certification. Patty is the president elect of the Greater Orlando Chapter of the American Association of Legal Nurse Consultants. She has provided consulting services since 2014, to both plaintiff and defense attorneys on a wide variety of cases. She is a member of the National Association of Certified Legal Nurse Consultants, and Sigma Theta Tau, nursing honor society.