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Legal nurse consulting makes a case for patients, justice

By Liz Baker

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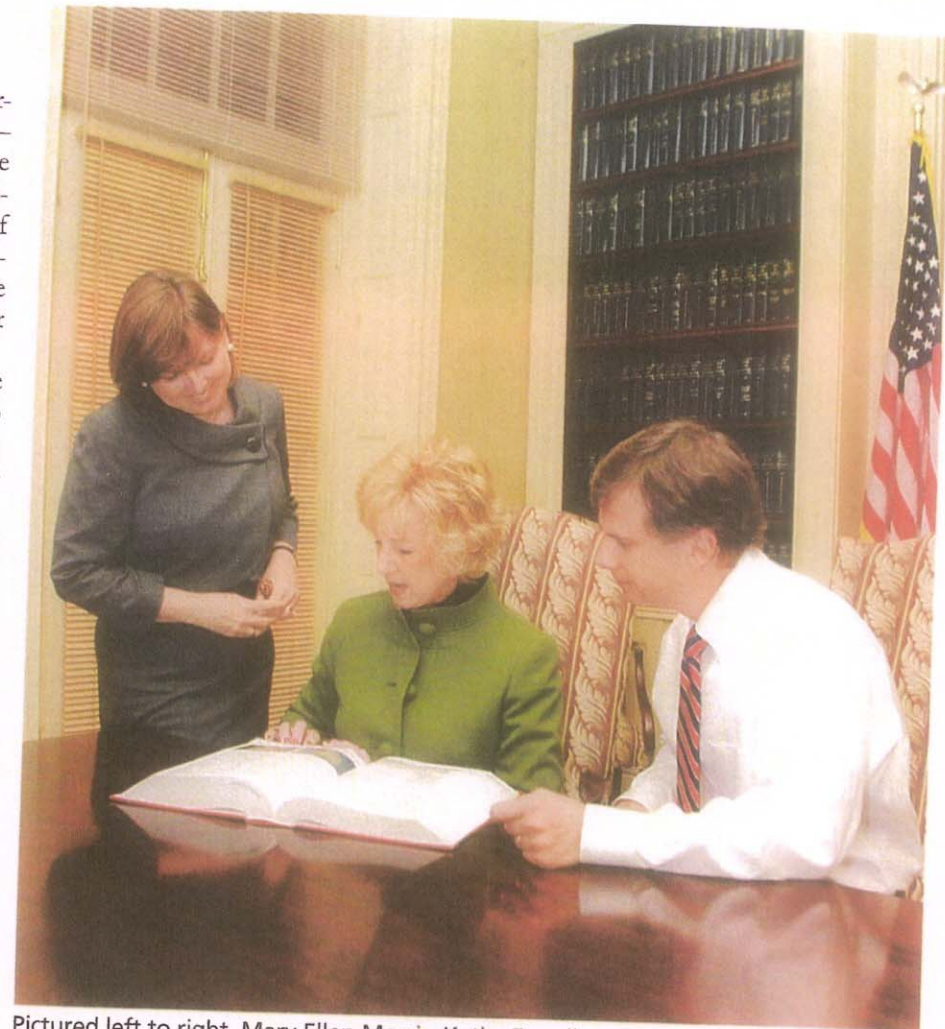
Working closely with attorneys, interviewing witnesses, analyzing evidence — these sound more like experiences for the local police department than for a registered nurse. But for the emerging field of legal nurse consultants, these trained professionals provide a unique resource to the justice system that could help make or break a case.

“Primarily what we do is bridge the knowledge gap in medical cases that go to an attorney, whether it’s personal injury, medical malpractice or product liability — anything that involves medicine,” says Kathy Ferrell, a certified LNC and owner of Medical-Legal Consulting. “We try to help the attorney determine if it was a case where everyone did everything they could and it was just a bad outcome — if his case has merit or not.”

Although the services of LNCs were first used in the 1970s, the profession is starting to gain momentum as more and more nurses discover the flexibility and rewarding nature of the field. According to the American Association of Legal Nurse Consultants, LNCs are licensed, registered nurses who use their medical knowledge and background to evaluate, analyze and research facts for medically related litigation. Legal nurse consulting is a nursing specialty recognized by the American Nurses Association. Nurses in this specialty work in environments such as law or consulting firms, government offices, insurance companies and forensic departments.

Certified LNC Karen Hayes, owner of Hayes & Associates and 2009 president of the Tennessee Chapter of the AALNC, says LNCs can perform a number of critical tasks to aid in the defense or prosecution of a case. She says responsibilities include serving as a testifying expert, screening for record tampering, reviewing medical records, summarizing medical literature, defining standards of practice, and assessing issues of causation and damage.

“These attorneys are very schooled



Pictured left to right, Mary Ellen Morris, Kathy Ferrell and Daniel L. Clayton review research for a case at Kinnard, Clayton and Beveridge law firm in Nashville.

DAN MENLOVE / TENNESSEAN CUSTOM PUBLICATIONS

about medical issues — especially those who work with medical malpractice suits,” says Hayes. “But they have not received training in medicine nor have they been by the bedside. They may not understand that critical information that someone who has worked in the field would understand.”

According to the AALNC, legal nurse consultants work on a diverse range of cases. This can include anything from workers’ compensation, criminal law, elder law and risk management to toxic torts, and fraud and abuse compliance, among others.

Flexibility and mobility

Like traditional nursing, LNC work is known for its flexibility and diverse set of challenges. Hayes says one of her favorite parts of the job is the ability to control her schedule, as most LNCs work as independent consultants. Since she is not connected to any particular firm or business, Hayes enjoys working with attorneys in states all across the country, including Texas, Tennessee, Florida, Illinois and others.

“You are not just restricted to working for firms in one town; it’s all through referral once the word gets out,” says Hayes.

In addition to convenient timetables and varied clients, an LNC's work is never monotonous. Although their responsibilities are generally consistent, their cases are unique.

"The job of legal nurse consultants is never the same," says Denise Billingsley, an LNC and owner of Vital Signs-Legal Nurse Consultants. "Even if you are reviewing hundreds of cases, the facts are never the same, the issues are never the same. It is like putting together a puzzle and figuring out how all the pieces fit."

Above all, one of the most appealing aspects of being an LNC is that nurses can continue to do what they enjoy most: helping others.

"The most satisfying part of my job is helping an attorney find justice for those who are injured or harmed by medicine," says Ferrell. "Pointing out these errors that occur can ensure they never happen again. Sometimes policies and procedures are changed because of our cases."

LNC versus LNCC

Although they work within the legal system, LNCs are not required to have a

law degree. They rely on classroom and on-the-job training in addition to their RN degree. It is recommended (but not necessary) that LNCs pass an examination to become certified; upon passing the exam, they are granted the designation of LNCC (Legal Nurse Consultant Certified).

Certification is available through the American Legal Nurse Consultant Certification Board, a functionally autonomous board established in 1997 by the AALNC. According to the ALNCCB, it offers the only certification program that is accredited by the American Board of Nursing Specialties.

To be eligible to take the examination and become certified, the ALNCCB states that candidates must meet the following criteria at the time of application:

- Current licensure as a registered nurse in the United States or its territories, with a full and unrestricted license;
- Minimum five years of experience practicing as a registered nurse; and
- Evidence of 2,000 hours of legal nurse consulting experience within the past three years.

Although becoming certified is evi-

dence that an LNC has sufficient knowledge and skills to practice in their field, it could also have some drawbacks. In some cases, attorneys are looking for someone who is completely objective and whose knowledge of the law wouldn't compromise their case.

"Legal nurse consultants can fill many different roles. In some roles, certified legal nurse consultants are desired, such as in-house employees or full-time behind-the-scenes consultants," says Billingsley. "But in other roles, like testifying experts, it may not be beneficial and will sometimes prevent you from being hired. Several attorneys want nurse experts who know nothing of the law."

Becoming a legal nurse consultant can be an exciting change of pace for any nurse. It's a career that can challenge the mind while also changing policy, which could ensure patient safety and save lives.

To find out more information about legal nurse consulting, visit the Web site for the Tennessee Chapter of the AALNC at tennessee-aalnc.org. For further details, contact the AALNC by visiting aalnc.org or calling toll-free at 1-877-402-2562.

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