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Introduction to Legal Nurse Consulting/ Nurse Paralegal





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What Are Legal Nurse Consultants/Nurse Paralegals?

Legal nurse consultants, also known as nurse paralegals, are nurses who utilize their years of medical expertise in legal cases. They can assist in any legal case that involves medical records.

Legal nurse consulting may be defined as a specialty involving the knowledge and experience of nursing applied to the comprehensive review of medical-legal issues. Having received advanced education and tools required to perform their job, legal nurse consultants/nurse paralegals may work for plaintiffs as well as defense clients and offer services to organizations in need of medical records review, interpretation, or analysis.

Areas of Practice:

- Medical & Nursing Malpractice
- Product Liability
- Any case where health, illness, or injury is an issue
- Workers' Compensation
- Personal Injury
- Toxic Torts & Environment
- Negligence

Legal Nurse Consultants/Nurse Paralegals:

- Offer services to organizations in need of medical records review, interpretation, or analysis
- Offer services for plaintiff as well as defense clients
- Can locate testifying experts

Legal nurse consultants (LNCs) review and analyze medical records, detect tampering, and can recognize errors or omissions in these charts, offer assistance with demonstrative evidence, evaluate medical information, and provide professional nursing opinions regarding the causation of injuries and the assessment of damages to individuals. They interview witnesses under the direction of their attorney clients to help elicit the truth in cases. LNCs also conduct medical research and educate their attorney clients about their results and other findings. They provide reports and other presentations to the attorney to help in determining how to further find the truth in the case at hand.



Why Become an Independent LNC/Nurse Paralegal?

Legal nurse consulting/nursing paralegal is a way to use your knowledge and expertise in a new environment. The money is good, and the freedom experienced from taking control of when and where you work and the personal satisfaction that comes when you see the difference that you can make in a client's life are all part of the benefits.

By being self-employed as an independent LNC, you can make on average \$125-\$500 per hour, depending on which part of the country you live, how many years you have been working in the field, how many hours you can work, how good you are at marketing yourself, how well you follow through with client requests, and if you need to subcontract during busy times.

Money helps, but it isn't everything. Independence is what most nurses seek. Many nurses are finding that they "want to have their cake and eat it too." Being a nurse allows you a vast number of working environment options, but nothing like those allowed by being a legal nurse consultant. You can work when you choose, decide your own schedule, and even work around dance recitals and soccer games. It is hard work, but you can make the most of your time and get the job done. Independence is great, but it is not without hard work.



You chose nursing as a profession and eagerly embraced the rewards of job satisfaction. You are truly a nurse at heart. And although the rewards for legal nurse consultants are a little different, they are just as satisfying. Because your services are called upon usually because something went wrong, you may not be the ones to save the day, but you can help discover the truth—and that is a reward well worth pursuing.

What Do Legal Nurse Consultants/Nurse Paralegals Do?

Legal nurse consultants/nurse paralegals can participate in a case from the beginning to end. They can bridge the gap for non-medical parties, extract facts from medical records, and place them in an organized report. They may create graphics that demonstrate visually important points, help interview clients, locate experts, research important pertinent facts, identify Standards of Care, identify missing medical records, and more.

When first entering this field, the chronology data extraction will be the most requested service. Often, the paralegal with no medical background is doing these for the attorney or the attorney is doing these himself. Once the paralegal has long-standing experience, he

or she will often do a good job for the average case. As a result, legal nurses are not usually called for the average cases. Rather, they are called to review the cases with unusual circumstances or perhaps the cases involving large volumes of records that need a more experienced person with a medical background to review.

Legal nurse consultants are a great resource of information when reading medical records. They read every page and question inconsistencies. Chronologies are based on reviewing every page and extracting the facts in an unbiased fashion. Once the sequence of facts is determined, a list is made of missing records, important timing of certain events, relationships between one fact and another, and questions or details that need to be clarified.

After all of the information is collected, a summary letter with a brief description of the key points is prepared. This will incorporate the legal elements of duty, breach of duty, causation, and damages or injuries. With that in mind, a reliable source of written Standards of Care is located to support the impression. Visual aides to support the summary may also be used. Examples of these are calendars, timelines, or graphics that depict an accurate representation of the elements that most impact the case.

After having been in this field long enough to understand the process, new roles will emerge. The attorneys gain trust in the nurse's abilities and begin asking for their attendance at depositions, mediations, or court appearances. Legal nurses may even participate in the client interviewing process to improve overall understanding of the case and how the events unfolded. By asking a client questions, they may find relevant facts in a medical record or about the case that may have been missed otherwise.

Common Services Provided by LNCs/Nurse Paralegals:

- Assist with obtaining medical records
- Identify, interpret, and review medical records for merit
- Identify missing records
- Screen medical records for tampering
- Review hospital policies and procedures
- Define adherences to applicable Standards of Care

- Define deviations to applicable Standards of Care
- Consult with healthcare providers
- Develop brief or comprehensive written reports
- Develop outlines, timelines, calendars, or chronologies of events
- Conduct medical and nursing literature searches
- Analyze and compare expert witness reports
- Attend depositions, trials, review panels, arbitrations, and mediation hearings
- Help interview plaintiff and defense clients, witnesses, and experts
- Identify factors that caused or contributed to the alleged damages or injuries
- Identify and locate expert witnesses
- Assist in exhibit preparations
- Prepare interrogatories
- Review and analyze medical reports
- Conduct medical research
- Create demonstrative evidence
- Act as a testifying expert
- Locate a testifying expert
- Locate a consulting expert

Why Are Legal Nurse Consultants/Nurse Paralegals Needed?

There are many statistics and studies that have been reported involving injuries or deaths caused to patients through deliberate, reckless, or negligent actions of people in the healthcare field. *Medical and nursing malpractice* has been the term generally used to denote mistakes made in the medical field that cause injuries or death to patients.

Nurses have all seen practitioners who offer and perform substandard care. The majority of these types of incidents are the result of this smaller population of people who need to be held accountable for their actions and/or their omissions. Nurses are the best judge of what

should be contained in a medical record. They are experts within their own field and offer insight into the nursing process. If a nurse is to be held accountable for proper sterile technique or assessment of critical changes in a patient's condition, who best to ask but another nurse in that same field or level of care.



Legal nurse consultants can offer more hands-on assistance by way of writing reports in an organized manner to assist with depositions of medical experts or witnesses and to organize medical records. Assisting in live deposition or court situations enables the attorney-nurse team to catch discrepancies as they are being said, and allows the attorney to ask questions in direct response to the statements based on a medical professional's input. LNCs can help visually demonstrate the details to a jury by charts, graphs, or demonstration of how a procedure should be performed. They are accustomed to teaching in a way that bridges the gap for non-medical people. After all, how many hours of patient education have they performed during their careers? Because this is what their patients expect of them, most nurses find great satisfaction in teaching and helping others. That is why they became nurses!

What Types of Cases Can an LNC/Nurse Paralegal Expect?

Nurses can review any medical record. Medical records that need to be reviewed are primarily seen in cases involving personal injury, medical and nursing malpractice, and workers' compensation.



Legal nurse consultants/nurse paralegals are often called upon for medical and nursing malpractice cases because they know how the hospitals, doctor's offices, and nursing homes generally function. This allows the nurses to easily navigate through medical charts and find issues that many non-medical reviewers miss. They know what to expect when a patient is admitted with a diagnosis of chest pain, abdominal pain, or shortness of breath. There are universal standards that should be followed for these cases, and nurses can spot them when they are missing. Even if the LNC has never worked in a particular setting, they still have medical knowledge to be able to pull facts from a situation and organize it to provide an attorney with insight.

In personal injury and workers' compensation cases, they may find that they are reviewing many years of medical history plus the treatments for the injury. Usually, they will be asked to review those cases that are clouded with past medical issues that make it difficult to know causal relationship. An example would be someone who has a history of neck or back problems. If that person was in an auto accident and

had neck pain, how would they differentiate what was caused by the accident? They would list prior diagnostic findings and treatments and compare those to the post-injury list. Then, they would try to find a way to highlight the important differences with graphs, charts, or calendars.

What Are Your Career Options as an LNC/Nurse Paralegal?

If you are considering legal nurse consulting/nursing paralegal, you will have three options when it comes to deciding how you will work. Your first option is to find a full- or part-time job. This type of legal nurse is called an in-house or staff legal nurse consultant. In-house LNCs cannot be expert witnesses. This would be a conflict of interest because they cannot be unbiased in their opinion on the stand due to a possible fear of losing their job. It may not be a real fear, but the opposing attorney would certainly paint a lovely picture for the jurors. They may be able to assist in interviewing experts, but independent legal nurses more often network and can locate those experts. In this type of legal nurse consulting, you can typically expect an hourly pay of \$20-\$60 per hour. But, you may also expect extra benefits that are offered with the job. The pay and benefits for this option would likely be similar to comparable autonomous nursing positions in your region.

Your second career option is to start your own practice where you would work on a consulting basis. Most nurses prefer this route because they no longer want to work for someone else. The other main benefit is the difference in pay. While an in-house legal nurse can expect to earn \$20-\$60 per hour, an independent legal nurse can earn \$125-\$200 per hour. For example, the rate of pay for LNCs in Canada ranges from \$50 to \$250 per hour. As an independent LNC, you can choose whether or not to accept a case. After reviewing a record, you can take a side. If it happens to not be the side of the attorney who hired you to review the case for merit, you will discuss with them your thoughts. At that point it will be decided whether or not you should proceed with the case from a data extraction perspective. Independent LNCs can act as expert witnesses during a trial because they are not employed by their client. On average, you can earn \$300-\$500 per hour when acting as an expert witness.

Your third option is to subcontract for other LNCs. With this option, you will work with other legal nurse consultants or other types of nurses that have hired you to work their cases. You will probably make part of their

fee on the case when you do the work for them. Subcontractors can make more money than in-house legal nurse consultants but less than independently practicing legal nurse consultants who work directly with attorneys. You would have to rely on other legal nurses to secure work for you. Therefore, your work load will not be as regular as you may want.

You can choose one of these career options or any combination of the three. Many legal nurse consultants successfully work independently with attorneys and subcontract with other LNCs on the side.

Decide which direction you would like to pursue in your legal nurse consulting career. Do you feel that you have the drive and motivation to pursue new cases to work on, or would you rather work a job where they tell you what cases to do and how to do them? Most nurses choose to start their own practice and work independently. However, the choice is yours.

The idea of better income with freedom and flexibility is appealing to nurses, which is why most choose to start their own practice. But if being self-employed is not for you, then the process of finding a job as an in-house legal nurse is the same as finding any other job.

Who Can LNCs/Nurse Paralegals Work For?

Legal nurse consultants/nurse paralegals are found in places such as health management organizations, hospitals, independent practices, nursing homes, assisted living facilities, insurance companies, law firms, and government agencies. LNCs can work anywhere a nurse can review medical records.

Legal nurses in the hospital setting are usually working in or with the Risk Management department. They are the people telling other nurses how to complete the required documentation on their patients. Risk management nurses often review incident reports involving procedures and analyze how to remedy a situation. Usually, either the practitioner needs more education on a particular subject or procedure, or the process itself needs to be improved in order to prevent the mistake from being made again. For example, nurses have heard of surgery being performed on the wrong extremity due to the improper or lack of marking the correct body part. This usually has more to do with a failure



in the actual process. If the process for marking a surgical site is double or triple checking and marking the site in a manner that can be seen even when draped, it is unlikely that mistakes involving the wrong operative site will occur. If all nurses form the habit of asking about patients' allergies and checking allergy bracelets, it would be a rare instance that a patient is given a medication that they know they are allergic to. Risk managers have the often thankless and frustrating task of trying to make hospitals a safer place for the patient, employee, and visitor.

LNCs in the law firm and independent practice settings essentially do a lot of the same things. Legal nurse consultants work directly for the attorney client to review cases and organize the medical information regarding these cases. They can also prepare courtroom demonstrative evidence, deposition questions, and interrogatories.

Where can a nurse review medical records? Anywhere. The idea is that nurses are needed everywhere. Random chart audits for quality might be something a smaller office, nursing home, or assisted living facility hasn't thought of yet. Trying all of those places that come to mind, the nurse might find a new niche. However, they shouldn't spend a great deal of time on something that isn't proven to produce income. The idea is to produce income, not to lose their shirts chasing things that do not produce.



How Do You Become an LNC/Nurse Paralegal?

As a medical part of a legal team, legal nurse consultants are individuals who have not only received an R.N., B.S.N., or M.D. credential, but who have broadened their knowledge and received specialized training in the field of law-related matters.

Continuing education is therefore required to become a legal nurse consultant. There are brick-and-mortar colleges that offer LNC programs in a traditional classroom setting as well as online colleges that can prepare you with courses that will provide you with a certificate or associate degree in legal nurse consulting. The average time to complete a legal nurse consulting/nurse paralegal program is 10–15 months. By building on your medical education and experience, a legal nurse consultant program empowers you with the legal theory, terminology, and procedural insight needed to enhance your qualifications and become a successful LNC.

At Brighton College, our accredited online Legal Nurse Consultant/Nurse Paralegal Certificate program provides a foundation in legal research, legal writing, and litigation and trial practice, and examines the roles of legal nurse consultants in a variety of practice environments and legal areas.

And because many LNCs decide to start their own legal nurse consulting business, the program culminates with guidance on business principles, including how to start a consulting business, how to write a business and marketing plan, how to grow a consulting business, general business practices, and ethics. As the final project for the course, students write their own marketing plan and business plan.

With Brighton College's accredited Legal Nurse Consultant/Nurse Paralegal Certificate program choices, you will gain the skills and knowledge needed to:

- Identify primary and secondary sources of the law, standards of care, and liability issues
- Analyze research tools and techniques necessary to find the applicable case law
- Prepare written legal analysis identifying issues in a case, the rule of law, application, counterarguments, and conclusions
- Evaluate professional legal documents, establish case files, and interview expert witnesses
- Explain the legal nurse consultant's role in professional negligence, product liability, toxic tort, and criminal litigation
- Differentiate the legal nurse consultant's role in the insurance industry, risk management, and as a case manager
- Examine the legal nurse consultant's role as an expert witness, as well as their ethics, professionalism, and standards of practice
- Apply business methods to build, market, and brand a legal nurse consultant business

The role of legal nurse consultants/nurse paralegals is continuously growing as the medical field expands, and the need for this group of skilled and versatile legal staff is on the rise. If you'd like to become part of this talented group of professionals, request information or enroll in the Brighton College's Legal Nurse Consultant/Nurse Paralegal program today. Our Legal Nurse Consultant/Nurse Paralegal program will equip you with the skills and knowledge needed to become a successful part of this exciting field.

Request information or apply for the Legal Nurse Consultant/Nurse Paralegal program today!

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