



# Legal Nurse Consultants Keep the Healthcare System Healthy

By Vickie L. Milazzo

As a new nurse you are probably looking forward to serving as an advocate for your patients. You have their interest at heart not only while you administer nursing care, but also while you observe the care provided by other nurses, physicians, therapists, and a host

of other practitioners. Within the hospital setting you may have the opportunity to participate in a quality assurance program, credentialing committee, or in-service education program that will expand your influence on the quality of care patients receive.

**C**an you imagine being able to influence outcomes for individual patients in a wider arena while at the same time serving as an advocate both for patients and for the nursing profession? That's the opportunity available to a Certified Legal Nurse Consultant<sup>CM</sup> (CLNC<sup>®</sup>).

According to the American Bar Association Market Research Department, there were 1,116,967 attorneys in the United States in 2006. In a January 27, 2002 article, the Houston Chronicle stated, "Of the attorneys in practice, 25 percent deal with medical malpractice and personal injury cases." These attorneys rely on Certified Legal Nurse Consultants to help them win their cases.

A Certified Legal Nurse Consultant is a registered nurse who uses existing expertise as a healthcare professional plus specialized education as a CLNC to consult on medical-related cases. Few attorneys know how to read medical records or understand the terminology and subtleties of healthcare issues to achieve the best results for their clients. A CLNC bridges that gap in the attorney's knowledge. While the attorney is the expert on legal issues, the Certified Legal Nurse Consultant is the expert on nursing, the healthcare system, and its inner workings.

Graduates of the nationally recognized CLNC Certification Program have consulted on cases as simple as a neck injury caused by an auto accident, as high-profile as the Rodney King case, and as groundbreaking as Fen-Phen, Vioxx, silicone implants, and toxic mold litigation. Additionally, CLNC<sup>®</sup>s provide healthcare expertise to insurance companies, utilization review firms, government agencies, and private corporations. The nursing specialty of legal nurse consulting offers RNs many options for establishing a satisfying and a financially rewarding part-time or full-time career.

## What Is the Role of the Certified Legal Nurse Consultant?

As a registered nurse, the Certified Legal Nurse Consultant brings to bear all the knowledge, experience, and expertise of a nurse, along with the insider's firsthand knowledge of the healthcare system. This unique insight allows a CLNC to easily identify deviations from the standard of care and inconsistencies in or tampering with the medical record. Plus, the CLNC is taught to apply all this nursing know-how to the specific requirements of legal cases to save the attorney time and money. The CLNC makes the attorney's job easier, more efficient, and more effective, while helping the attorney win cases.

Your professional expertise as an RN, plus CLNC education and certification, qualify you to review and interpret relevant medical records, prepare chronologies, screen medical-related cases, and assist with discovery. The CLNC helps to create a fair and just outcome in health-related cases by providing the attorney with any of more than 30 CLNC services:

### Get control of the mountain of medical records and analyze the case with insider insight.

- Identify, review, and interpret relevant medical records, hospital policies and procedures, other documents, and tangible items to help the attorney get to the heart of the case quickly.
- Organize, tab, and paginate medical records for easy reference.
- Prepare chronologies of the medical events to give the attorney the facts in an easy, at-a-glance format.
- Summarize, translate, and interpret medical records to enhance the attorney's understanding of case issues.

- Identify issues of tampering within the medical records.
- Screen medical malpractice cases for merit.
- Identify, locate, summarize, and interpret applicable standards of care that underlie every health-related case.
- Identify adherences to and deviations from these standards.
- Identify causation issues, assess damages or injuries, and identify contributing factors.
- Identify and recommend potential defendants.
- Develop written reports for the attorney's use as study tools.

### Support the case with the most current healthcare research and literature.

- Search and summarize relevant medical and nursing literature, and integrate the results into the case analysis.
- Analyze the validity of research studies relied on by all parties.
- Help in developing life care plans for future healthcare needs.
- Expand the attorney's medical library by recommending timely, authoritative references.

### Serve as the attorney's liaison with clients, witnesses, experts, healthcare providers, and others.

- Interview clients, key witnesses, and experts to be sure all the important healthcare issues are identified and addressed.
- Consult with healthcare providers in a variety of medical and nursing specialties.
- Meet with other consultants and service providers on the attorney's behalf.
- Coordinate and attend independent medical examinations to make sure the examiner treats the patient professionally and provides an unbiased opinion.



## Make sure the attorney's experts and other witnesses are the best—and best prepared—to support the case.

- Identify specific types of testifying experts needed to address the issues of the case.
- Find and communicate with appropriate expert witnesses for deposition and trial.
- Analyze potential experts' reports and other work product to identify strengths and weaknesses and help the attorney prepare to question the experts effectively.
- Help prepare witnesses and experts for deposition and trial to assure they testify effectively.
- Serve as an expert witness and testify to the nursing standard of care.

## Assist with discovery and preparing for court.

- Prepare questions for deposition or trial examination (direct or cross) that will elicit key information needed for the case.
- Prepare interrogatories and requests for production to obtain vital healthcare information, documents, and tangible items to support the case.
- Review and draft responses to various legal documents and correspondence for the attorney's signature.
- Analyze and summarize depositions and past testimony to assist in identifying healthcare issues, as well as strengths, weaknesses, and inconsistencies.

- Assist with preparing exhibits and other demonstrative evidence that communicate complex healthcare issues and terminology effectively to the judge and jury.
- Attend courtroom proceedings when relevant.
- Coordinate and assist with facilitating focus groups and mock trials.
- Assist in resolving cases through alternative dispute resolution, such as arbitration and mediation. In providing these services, CLNCs are essential in educating everyone involved in the legal process regarding the healthcare facts, issues, and terminology involved in a case or claim. With your CLNC education and your nursing background and in-depth knowledge of the healthcare system, you can educate attorneys about standards of care, treatments, procedures, and their expected outcomes. In many cases, a CLNC can help the attorney better explain medical terms that might confuse judges or jurors. After researching a case, CLNCs provide support throughout the litigation process – discovery, deposition, trial, and other legal proceedings.

## In What Kinds of Cases Can Certified Legal Nurse Consultants<sup>CM</sup> Get Involved?

Attorneys need the help of CLNCs behind the scenes on a wide variety of medical-related cases, including:

- **Medical malpractice:** Cases involving the professional negligence of a healthcare provider or the negligence of a healthcare facility, such as a hospital or HMO. Every specialty of nursing and medicine are at risk for medical malpractice.
- **Personal injury:** Nonprofessional negligence cases, such as auto accidents and slips and falls in grocery stores.
- **Products liability:** Cases involving the liability of manufacturers and

- **Product liability:** Cases involving the liability of manufacturers and sellers of a product to buyers, users, and even bystanders who allege damages or injuries as a result of a defective product, including medical devices, pharmaceuticals, and nonmedical devices.
- **Toxic tort and environmental:** Cases involving alleged damages or injuries resulting from the release of toxins into the environment, such as toxins from waste management and disposal.
- **Workers' compensation:** Cases involving job-related injuries arising out of and in the course of employment, such as equipment- and machinery-related injuries.
- **Criminal:** Cases involving any act that society has deemed contrary to the public good because the act is injurious to all of society and violates the peace and tranquility of the community, such as driving while intoxicated (DWI).

## How Can I Prepare for a Role in Legal Nurse Consulting?

To practice as a Certified Legal Nurse Consultant<sup>CM</sup>, you must successfully complete the CLNC Certification Program. CLNC Certification is nationally recognized by attorneys and is the official certification of the National Alliance of Certified Legal Nurse Consultants (NACLNC<sup>®</sup>), the largest legal nurse consulting association.

You do not need a BSN or other advanced degree to become certified as a CLNC, nor do you need experience as a legal nurse consultant or training as a nurse-para-legal. You only need an active RN license in the U.S. or Canada to enroll in the CLNC Certification Program.

While no clinical nursing experience is required to become a CLNC, I recommend at least three years of nursing experience to optimize your potential for success in this growing and challenging field. Your RN experience is invaluable preparation for becoming a CLNC, regardless of your nursing specialty.

## Why Should I Consider a Career as a Certified Legal Nurse Consultant<sup>CM</sup>?

First of all, becoming a Certified Legal Nurse Consultant will make you a better nurse. You will become more observant of the potential legal issues that pervade the healthcare system and more aware of the legal implications of every nursing action.

Next, a CLNC has an immense amount of flexibility, particularly as an independent consultant. You can set your own hours, working part time or full time, and taking time off whenever you like to enjoy your family, vacations, hobbies, and other interests. You can work from home and your income potential is virtually unlimited. CLNCs charge \$100-\$150/hour for their services. Substantial six-figure incomes are possible for experienced CLNCs.

A CLNC has the privilege of contributing to the effectiveness of our legal system. An independent CLNC is an essential player on the litigation team, providing healthcare expertise that the attorney simply does not possess. Often the CLNC's nursing insights are more valuable than a doctor's because the nurse has more hands-on, day-to-day contact with the patient and is the expert

on medical record documentation.

With every case you take as a CLNC, you serve as a representative of the nursing profession, helping to promote higher standards of nursing care and ethics. CLNCs also contribute to fairer and more equitable resolution of cases. Whether consulting for the plaintiff or defense, the CLNC's role is to assess the case facts and the available evidence objectively. This commitment on the part of the CLNC<sup>®</sup> keeps non-meritorious cases from clogging the legal system, while helping to assure that meritorious cases receive an impartial hearing. As a result, the CLNC<sup>®</sup>'s contributions to the resolution of healthcare-related cases are significant and exceptionally satisfying.

As a CLNC, you can be invaluable both to the attorney and to the clients being represented. As Texas attorney Andrew L. Todesco asserts, "Any attorney is foolish not to take advantage of the skills and talent available from RNs who have become CLNCs. They make me a better lawyer and play a big role in my success."

This career path offers a broad platform on which to advocate for patients, the nursing profession, the healthcare system, and for the cause of justice. You can make a difference in the health of the healthcare system – and the legal system – as a CLNC. ©

### Additional Resources

*Legal Nurse Consulting Ezine*  
Available at **LNCEzine.com**.

*CLNC<sup>®</sup> Success Stories*. Vickie L. Milazzo, RN, MSN, JD, editor  
Available from **LegalNurse.com**.

"Preview Your New Life as a CLNC<sup>®</sup>"  
DVD Available from **LegalNurse.com**.

*National Alliance of Certified Legal Nurse Consultants*, **NACLNC.org**

*Core Curriculum for Legal Nurse Consulting<sup>®</sup>*. Vickie L. Milazzo, RN, MSN, JD

### references

Adams, A. (January 27, 2002) Nurse Consultants Tackle Medical-Legal Issues. *Houston Chronicle*.



**Vickie L. Milazzo, RN, MSN, JD**, is the pioneer of legal nurse consulting and owner of Vickie Milazzo Institute. An *Inc.* Top 10 Entrepreneur, Vickie created the first national legal nurse consulting

certification in 1994. She is the author of the bestselling business book, *Inside Every Woman: Using the 10 Strengths You Didn't Know You Had to Get the Career and Life You Want Now*, now in its fourth printing.

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**NSNA:** *website*

## A Wealth of Information

Take advantage of NSNA's online resources when you log on to **www.nsna.org**. The NSNA website allows you to access past issues of *Imprint*, *NSNA News*, the *Convention News*, and the last eleven years of Resolutions passed by the House of Delegates. Stay on top of important association news by clicking on What's New or accessing the Press Release list under Media/Advertising.

## Other highlights of the website:

**NSNA Alliance Partners.** Access discounts to books, insurance, and find out about new offers available to NSNA Members. Go to the NSNA homepage and check out the top navigation bar for a summary and links about the exclusive deals you can get through NSNA.

**Meetings.** Do you have questions about NSNA's upcoming MidYear Conference in Atlanta, GA? Go to the Meetings Page (left hand navigation bar) and find out about housing and registration.

**Member Services.** Stay on top of your membership: join NSNA or renew your membership; update your profile; register for NSNA's annual meetings. Member Services can be found right off the home page! (Look on the top navigation bar). ©