

Legal Nurse Consulting Standards of Practice and Professional Performance

A Legal Nurse Consultant (LNC) is a Registered Nurse, Nurse Practitioner, Licensed/Registered Practical Nurse, or Registered Psychiatric Nurse (hereby referred to as a “Registered Nurse”) who maintains current licensure as professional registered nurse. As defined in the LNCAC Standards of Practice and Guidelines, a legal nurse consultant (LNC):

- Does not provide legal advice under any circumstances
- Assists medical/legal professionals by:
 - Evaluating the strengths and weaknesses of a claim
 - Conducting relevant medical/nursing literature reviews and searches
 - Identifying the expected standards of care and the experts that would be beneficial to support the claim
 - Providing unbiased expertise related to Nursing Standard of Care; that is, what a reasonable and prudent nurse would be expected to do
 - Providing a critical analysis and or abstract of the health care record
 - Writing a chronological timeline of events
 - Serving as a Nurse expert witness for the Court
 - Conducting and presenting an analysis, as well as identifying best practice supportive evidence of the events that demonstrate identified gaps in expected standard of care outcomes
 - Reviewing client outcomes against the organization’s policies and procedures related to safety
 - Collaborating with the medical legal team
- Educates/Assists Lawyers and clients regarding:
 - Understanding Medical terminology
 - Explaining the Nursing standards of care and medical issues relevant to the case
 - Protocols, guidelines, procedures and processes that take place within health care organizations
 - Gaps or conflicting information, including missing records, that should be secured prior to discovery
 - Regulatory, accreditation, and certification matters

- Collaborates with lawyers by:
 - LNC working within an law office setting may assist with initial and subsequent interviews of clients and/or witnesses
 - Participates in strategic case management discussions
 - Identifying potential future needs of the claimant
 - Providing guidance regarding nursing facts and identifying appropriate resources
 - Assisting with review of opposing council's expert report
 - Identifying and developing potential discovery questions
 - Providing the legal team with an initial review of identified findings and proposing a suitable way to convey these findings
 - Educating legal members on the disease or injury process
 - Identifying medical experts for the legal team

- Acts as a liaison between the legal and health care community, and provides a neutral and informed voice for an organization or practice as an expert for the defense or plaintiff. Examples of settings in which the LNC may work includes:
 - Law firms
 - Insurance companies
 - Government offices
 - Independent practice
 - Business and industry legal departments
 - Health care organizations
 - Patient safety organizations
 - Workers' compensation injuries
 - Risk Management department

An LNC utilizes the standards of practice and code of ethics provided by the CNA as they relate to their practice as a Registered Nurse and within the medical/legal arena. The following professional standards include 9 broad standard statements, a description of each statement and indicators that illustrate how the standard may be demonstrated. These standards set out what is expected of a competent and ethical professional LNC.



STANDARD I: Quality of Practice

The LNC demonstrates level of professional competence by evaluating the quality and effectiveness of one's practice.

Key Indicators:

- 1. The LNC participates in quality of practice or continuing competency activities as appropriate to the individual's role, education, and practice environment. For example, attends and participates in ongoing legal nurse consulting education, nursing specialty education, health or legal education seminars, sessions or courses.*
- 2. The LNC uses the results of quality of practice activities to initiate changes in practice.*
- 3. The LNC complies with standards of practice set forth for nursing, legal nursing and specialty practice.*

STANDARD II: Performance Appraisal

The LNC evaluates his or her own performance in relation to professional practice standards and relevant statutes and regulations as outlined in the LNCAC Bylaws and provincial regulatory bodies. The legal nurse consultant performs as a consultant or an expert with the highest degree of integrity.

Key Indicators:

- 1. The LNC initiates changes in practice by utilizing feedback received from fellow legal nurse consultants and clients to enhance one's own assessment of meeting standard of practice expectations. When employed in an environment which generally is considered "legal nursing", one will utilize those client reviews of work product as demonstrative evidence of effective practice.*
- 2. The LNC utilizes evaluations and feedback completed by attendees of continuing education or training programs, WebEx presentations, article submissions, etc.*



STANDARD III: Accountability

The legal nurse consultant is accountable for responsibilities accepted and actions performed.

Key Indicators:

- 1. The LNC seeks out opportunities to maintain current knowledge related to the expertise of legal nurse consulting.*
- 2. The LNC uses critical thinking when collecting and interpreting data, planning, implementing and evaluating nursing care.*
- 3. The LNC uses informed judgement, objectivity and individual professional competence as criteria when accepting assignments.*
- 4. The LNC does not work outside of one's level of competency.*
- 5. The LNC acknowledges their duty to the Court to provide evidence that is fair, objective, and non-partisan within their area of expertise.*

STANDARD IV: Education

The LNC acquires and maintains current knowledge in nursing, health care and legal health care related issues.

Key Indicators:

- 1. The LNC participates in ongoing educational activities pertaining to the health sciences and the law relevant to his or her practice areas.*
- 2. The LNC seeks experiences necessary to maintain current licensure as a professional registered nurse.*
- 3. The LNC seeks the knowledge and the skills that are appropriate to the LNC's practice setting.*
- 4. The LNC contributes to an environment that is conducive to the education of healthcare professionals regarding legal issues applicable to the health sciences.*



STANDARD V: Professional Relationships

The LNC contributes to the professional development of peers, colleagues and others. Individual differences do not influence professional performance and practice.

Key Indicators:

- 1. The LNC shares knowledge and skills with colleagues and others.*
- 2. The LNC provides peers with constructive feedback regarding their practice when asked.*
- 3. The LNC has excellent communication skills that include both speaking and listening. He/she is able to follow directions without difficulty and communicate effectively with colleagues and clients in order to understand their needs.*
- 4. The LNC will demonstrate respect in all communication with colleagues.*

STANDARD VI: Ethics

The LNC's decisions and actions are determined in an ethical manner. *The LNC's practice is guided by LNCAC Code of Ethics, their respective Provincial Health Professions Acts for Registered Nurses, and the Canadian Nurses Association Code of Ethics.*

Key Indicators:

- 1. The LNC's practice affirms the values, standards, and practices of the profession of nursing.*
- 2. The LNC's work is free from bias and does not discriminate against any person based on race, creed, color, age, sex national origin, social status or disability and does not let personal attitudes interfere with professional performance.*
- 3. The LNC will disclose financial or other relationships that may give rise to appearance of or create a conflict of interest.*
- 4. The LNC seeks available resources to help formulate ethical decisions.*
- 5. The LNC who testifies as an expert witness confines testimony to his or her area of expertise.*



STANDARD VII: Collaboration

The LNC may collaborate with legal professionals, health care professionals and others involved in the legal process.

Key Indicators:

- 1. The LNC consults with legal professionals, healthcare professionals, and others as appropriate.*
- 2. The LNC makes referrals as needed when additional resources are required or when it has been determined the issues identified are beyond the scope of an individual's level of expertise.*
- 3. The LNC provides guidance to clients by participating in strategic discussions related to nursing facts of case issues.*
- 4. The LNC interprets health care terminology related to nursing and health care case issues.*

STANDARD VIII: Research

The LNC recognizes research as a methodology to further the LNC's practice.

Key Indicators:

- 1. The LNC takes action substantiated by research as appropriate to his or her role, education and practice environment.*
- 2. The LNC participates in research activities as appropriate to his or her role, education, and practice environment.*

STANDARD IX: Resource Management

The LNC considers factors related to ethics, effectiveness, and cost in planning and delivering client service.

Key Indicators:

- 1. The LNC selects expert assistance based on the needs of the case or the claim.*



2. *The LNC assigns tasks based on the knowledge and skill of the selected provider.*

3. *The LNC assists legal professionals and others in identifying and securing appropriate services available to address healthcare issues pertaining to the case of the claim.*

These standards have been adapted with permission from ***Legal Nurse Consulting, Principles and Practice, Second Edition*** authored and published by the American Association of Legal Nurse Consultants.

Other resources reviewed and relied upon include:

Professional Standards, College of Nurses of Ontario, 2009. Professional Standards, Revised 2002. Pub. No. 41006

Professional Standards, College of Registered Nurses of British Columbia (2012, November). Pub. No. 128

Code of Ethic for Registered Nurses, Canadian Nurses Association (2008) Centennial Edition

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