

Medico-forensis Consilium



Contents

President's Invitation...	1
AAPA-LM Objectives...	1
In the spotlight...	2, 3
Six Fun facts...	3
"Meeting the Grade"	4
Useful Websites	4

Board of Directors

2007-08

- ◆ James Hull, PA-C
President
- ◆ Jeff Nicholson, PA-C
President-Elect
- ◆ Will Mosier, PA-C
Past President
- ◆ Bob Potter, PA-C
Vice President
- ◆ James Cary, PA-C
Treasurer
- ◆ David Day, PA-C
Secretary

President's Invitation

Fellow & Prospective AAPA-LM members:

On behalf of the Board of Directors we would like to welcome you to AAPA-LM. As you may or may not know, our special interest group was created a few years back by a handful of visionary colleagues, seeking to provide a forum & a resource for fellow PA's interested in Legal-medicine.

Despite being in our early years, we are very excited about the synergy of this group. Plus, the unwavering vision & dedication shown over the past year by the current BODs-- nothing short of admiration. Each & one of them trying to unselfishly share their knowledge while serving our members in their professional growth & development.

Along with this energized outlook, we will strive to meet your needs in your day-to-day clinico-consulting practices.

Our (AAPA-LM) Objectives

Our Special Interest Group's objectives are, but not limited to the following collective goals:

- ✍ Define standards and best consulting practices for medico-legal PAs.
- ✍ Perform, review & publish unbiased pertinent results of medico-legal research.
- ✍ Provide and become the premier resource to the PA profession regarding best proactive Risk Management Practices in our litigious environment.

Also, we will strive to:

In the last 4 years, we have achieved some milestones that we are proud of; namely, AAPA-LM's recognition as a special interest group. Also last fall, we launched our electronic 4-page PDF newsletter. We are also, exploring CME options outside the annual conference.

Naturally, we still have many other milestones to achieve. Certainly, we are moving ahead thanks for your past & continued support.

Again, without supporters like yourself and our dedicated BODs--your peers-- we would not be thriving. So, we ask you to encourage other fellow PAs interested in legal-medicine to join & be part of an exciting special interest group.

I know I speak for the BODs when I say: "Welcome to AAPA-LM" & join us in this year's annual conference in San Antonio, Texas.

AAPA-LM President: James Hull, PA-C

✍ Continually maintain an updated repository of information & resources through our membership database. Plus, through our online listserve, & through our newsletter as well.

✍ To enhance the theoretical knowledge as well as applied skills of our members in their (our) consulting roles through different modes of educational activities.

✍ To disseminate equitably, information & requests for prospective consulting opportunities requiring PA expert opinions and/or expert testimonies.

AAPALM BODs in the Spotlight



psst...have you checked out our

NEW

Column?

Get to know your BODs members now!

“Is like I said, the breadth of cases are too fascinating to me”

Bob Potter, PA-C

“Tort Reform needs to happen & will happen”

J. Nicholson, PA-C

In our last issue of our newsletter, we introduced a new column entitled: “In the spotlight”. Here we took a closer look @ 2 of our BODs members on a one-to-one basis. I for one found, their insights, remarks and/or comments very resonant with my own set of past experiences in this field. Hope you did too, because in this issue we will be showcasing two other members simultaneously, as we did back then.

The same interviewing questions were posed to Bob Potter, PA-C(webmaster) & Jeff Nicholson, PA-C(president-elect).

1.MFC: Gentlemen, how did you both started as medico-legal consultants?

BP: “I was introduced by virtue of my position as a former Hospital Risk Manager. For five years, I dealt with all the liability issues that we were named or involved with.”

JN: “My first case dated back when I was the director of The University of Wisconsin PA program. At the time, I was approached by an insurance company to provide a radiographic review of a missed Navicular Fracture. Then, I was contacted to do case reviews for a Wisconsin law firm. Eventually, I came to find out that I was referred to them by the very same insurance company I consulted for initially.” He points out, that despite the simplicity of his role, this first case was his most memorable, since he was entrusted to determine @ first glance of the x-ray if their was a fracture or not.

2.MFC: What has motivated you to continue working in this field?

BP “For me, is the variety of cases that one sees with this type of work.”

JN: “The plethora of common pitfalls that get practitioners in trouble with enriches my own family practice & ER work. From the ‘rushed to the uncaring attitude’ to the minimizer or the cavalier type, these are the types of things I have seen in this business that propel patients to pursue litigation.” Nicholson, has many other similar stories that keeps his interest burning.

3.MFC:What do you like best of being a medico-legal consultant?

BP “Is like I said, the breadth of cases are just too fascinating to me.”

JN “What I enjoy most is ‘defending’ PA’s who really did a good job under trying circumstances. Clearing someone’s name & reputation is important for everyone & ultimately our very own profession.”

By the same token, he believes is just as important to identify mediocre providers, who compromise the integrity and reputation of the PA profession by engaging in risky clinical behaviors as he stated.

4. MFC:What do you like least of being a medico-legal consultant?

JN: “ I must say depositions, they can be very stressful. Particularly, if you have to deal with manipulative or cunning lawyers like I did in one of my depositions. Having ‘knots’ in your stomach due to stress, during the entire time of a deposition is not a pleasant experience—trust me.”

Mr. Nicholson also conceded that this was one of his biggest challenges when he began consulting. “At first, I needed and education on what exactly was my role. Looking back, I had a tendency to say too much during depositions. It became very clear to me after a few of these, that *The Rule of Thumb* is not to ad-lib. Certainly, not in these pivotal situations.”

BP: “Undoubtedly, opposing counsel.”

5.MFC: Any bizarre cases you two have been involved with that you can recall?

BP: Mr. Potter shared a case involving an elderly patient who demanded to be admitted to the hospital after a storm knocked out the power in his home. Oddly enough, he was admitted to the hospital by his PCP. Unfortunately, the patient’s leg brace got caught on the bedrail causing a hip fracture on the next day that he was supposed to have been discharged home. A bit of a nightmare from a Risk Management point of view as he recalled from this particular strange case. Obviously, the potential legal repercussions in odd cases such as that one can be numerous.

Six San Antonio & Texas Fun Facts



Aside from The Alamo (a national landmark), The River Walk or San Antonio's great cuisine what other facts can you name about this vibrant city?

Well, here are some interesting facts that you may not know about San Antonio that may come in handy if you are planning to attend the XXXVI annual AAPA conference to be held there this upcoming May. Here they are:

👉 Saint Anthony of Padua is the namesake of San Antonio, when in 1691 Spanish explorers camped in this area on his feast day(July 13th). Thus, naming the river & the settlement after him.

👉 San Antonio was the seventh-most populated city in the US according to the 2005 census estimate. The city in itself had 1.2 million residents, while the metropolitan area had an estimated 1.8 million residents.

👉 San Antonio is headquarters for many Fortune 500 companies in the US. Among these are: HEB Grocery, SBC Communications & Valero Energy, Southwest Research Institute.

👉 Contrary to popular belief, there were survivors from the 1836 Battle of the Alamo. Twenty women & children survived the siege & were allowed to return to their families.

👉 The State of Texas was a republic from 1836 to 1845 & is the only state to join the United States by treaty rather than territorial annexation.

👉 Central Texas is referred to as the "Silicon Valley of the South" since it is home to Dell & Compac computer companies. There you have it, six fun facts to jumpstart your conversations when networking with other fellow colleagues.



AAPALM BODs in the Spotlight



6.MFC: Any bizarre cases you two have been involved with that you can recall?

Mr. Nicholson admits he would be the first one to refuse to consult for cases that the deceased plaintiff suffered the demise secondary to multi-medication overdose (ie, Opiates and or benzodiazepines) at the expense of the provider's care. Especially, when the plaintiff had a long-standing history of polysubstance abuse or dependence. He feels that many of these allegations attempt to transfer the individual's level of self-responsibility to the caretaker. Therefore making the provider the scapegoat or sacrificial lamb for these often times tragic events.

He quickly asserted these are not necessarily bizarre in the sense of the word, but certainly where he quickly draws the line of his consulting services. Particularly, if there was no gross negligent medical care rendered by the provider @ the time of alleged incidence.

7.Do you have any consulting case type preferences (plaintiff vs defense)? If so why?

BP: Potter said he enjoys both type of cases equally.

JN: Nicholson candidly admits that he prefers to defend fellow PA's. He feels that most PA's are really hard working clinicians, dedicated to their patients and profession. He concedes the fact of most of them trying to keep abreast of new technologies, treatment modalities, etc. despite the fact of seeing some bad outcomes and mistakes committed by very few in our community.

8.MFC: Has anyone in particular been helpful to you in your growth or professional development in this field?

BP: Without hesitation, he quickly & gratefully acknowledges the mentorship of our specialty interest group founding member:Roy Monty Cary, M.Ed., PA-C.

JN: Mr. Nicholson acknowledged the fact that a few attorneys that he worked with have given him valuable insights and advice throughout the years.

In closing, we wanted to now how they felt about a controversial topic: Tort Reform Initiatives. So I posed the question and captured their personal views.

9.MFC: Where do you think the liability spectrum regarding PAs or the so called "Tort Reform Initiative" is headed in the future?

BP: "I feel the liability spectrum for PA's is bound to increase as there are more PA's graduating and entering the work force."

JN: "Tort Reform needs to happen & it will happen. The cost of malpractice insurance is becoming 'prohibitive' in certain specialties. There needs to be a better way of balancing patient responsibility with provider responsibility. PA's should be able to practice quality medicine, not defensive medicine, which drives the costs of healthcare up for everyone as we all know too well in this business."

Brief Recognition & Errata clarification

We gratefully acknowledge both, Mr. Jeff Nicholson,PA-C our President-elect & Mr. Bob Potter, PA-C for their time & contribution to this column given their very busy schedules. Plus, I apologize for misspelling Bob's last name in the previous edition in the table of contents.

“Meeting the Grade”



Ever wonder if you are meeting your attorney-clients needs?

Especially, if you have just completed a handful of consulting engagements or just starting out.

A sure way to answer this question is to objectively look at yourself from their perspective. Much like you would do, when rating any services provided to you by any vendor or subcontractor in your private life. Thus, when reflecting on your performance, consider these questions:

Was I flexible enough to meet his or her heavily booked schedule?

Or, did I presented complex (medicalese) information in understandable terms?

Another question, you should pose yourself is, did I cover all pertinent legal issues thoroughly as well as logically?

Also, ask yourself if you offered definitive opinions or recommendations based on the latest evidence-based practices?

Obviously, not only good communication and critical thinking skills are a prerequisite for any successful consultant. But certainly, your timeliness in providing effective and very efficient expert services will be highly regarded and appreciated amongst other prior less effective consultants.

On the other hand, if you are fortunate to obtain “*feedback*” from your client, then listen attentively, to see what areas may need improvement...chances are if you did not meet the grade, its because you may have failed to ask yourself any of the outlined questions as discussed. So, try to be aware of these pointers.

Incorporate these recommendations in your consulting dealings and rest assured you will be meeting the grade, by enjoying better attorney-client relations.

With time, this deliberate business practice will set you apart from others.

Practically, I can not think of any better marketing strategy than this one—do you?



*“Efficiency is doing things right.
Effectiveness is doing the right things.”*
--Thomas K. Connellan

Useful Websites (column)



Looking for that helpful website? Then check these Law-related websites:

- ☞ ABA Journal:
www.abanet.org/journal
- ☞ American Association for Justice:
www.atla.org
- ☞ American Bar Association:
www.lawtechnology.org/lawlink/hom
- ☞ Federal Bar Association:
www.fedbar.org
- ☞ Findlaw:
www.findlaw.com
- ☞ ABA Journal:
www.abanet.org/journal
- ☞ Law.Com:
www.law.com
- ☞ The American Lawyer:
www.americanlawyer.com
- ☞ National Rankings of Law Firms:
www.law.com/special/professionals
- ☞ The National Law Journal:
www.nlj.com



If you have any questions regarding the contents of this publication or would like to submit tips, cases and or suggestions for articles related to medico-legal consulting, please contact the editor @

maravarpac@hotmail.com

Marcos A. Vargas, MSA, PA-C