

<p><u>In this Issue</u></p> <p>Letter from the President</p> <p>Your officers</p> <p>Note from your Editor</p> <p>Continuing Education Highlights</p> <p>Interesting Article</p> <p>New Guidelines</p> <p>Cartoon</p> <p>Important Websites</p> <p>National Spotlight form</p>	<p><i>Letter from the President...</i></p> <p>As the Morristown, New Jersey chapter of the American Association for Legal Nurse Consultants begins another year, I would like to take this opportunity to thank the board of directors for all their hard work. In the past year or so the board has worked hard to bring this organization into the twenty first century and utilize the technology that is available to us. The organization now has a Pay Pal account and Pay Pal is the preferred way to register and pay for meetings. This has saved the organization money and has streamlined the book keeping. We also adopted a September – August membership in place of the rolling membership. This has also streamlined the book keeping necessary to keep tract of memberships. The web site directory is updated at least twice yearly and this year the area of practice and expertise were alphabetized, making it easier to read and use. While some of these changes were met with resistance at first, I think overall the membership has come to realize that we all need to use technology to make our lives easier. The next step we would like to make is to develop a Yahoo group just for our chapter. This group will be open only to members in good standing of NJAALNC. This can be an open forum to share information with one another, to look for both sub contractors and sub contracting work, ask for advice, share information on upcoming meetings and seminars, etc. In addition there is a mechanism to upload files that can be viewed by other members. This could be used for resumes or for resources such as a list of helpful web sites, or a list of LNC courses, etc. These groups are free to join. I belong to two and have had no problems with spam, etc. So if you want to join, go to www.yahoo.com and click on groups. Once on the groups page type NJAALNC into the search box and that will bring you to a page with the NJAALNC group listed. Click on NJAALNC and on the next page click on Join This Group. It's that easy. I hope to have everyone join!!</p> <p>- Sally Sytko, President</p>	<p><i>Your Officers:</i></p> <p><u>Executive Board</u></p> <p>President: Sally Sytko: Saksrn@aol.com President Elect: Jane Heron: Heronlnc@optonline.net Director At Large #1: Louanne Nicotra: Ljnicotra@aol.com Director At Large #2: Teri Cox: Teri.Cox@tckconsulting.com Corresponding Secretary/Membership: Carol Scott: Cscott@nac.net Treasurer: Christine Trifiro: Ttrifiro@comcast.net Recording Secretary: Moira Gutbrod: Lluna174@aol.com Past President: Shirley White-Walker: Swhitewalk@aol.com</p> <p><u>Committee Chairpersons/Members</u></p> <p>Education: Louanne Nicotra: Ljnicotra@aol.com Membership: Carol Scott: cscott@nac.net Jane Heron: heronlnc@optonline.net Library: Moira Gutbrod: Lluna174@aol.com Newsletter Editor: Teri Cox: Teri.cox@tckconsulting.com Public Relations/Marketing: Shirley White-Walker: Swhitewalk@aol.com Fliers Sally Sytko: SAKSRN@aol.com Web Site: Sally Sytko: SAKSRN@aol.com New Members Carol Scott: cscott@nac.net</p>
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Note from the Editor:

This is **YOUR** newsletter. I will try and get it out every other month, but I need your help! During the month of April, I will be resending our "Member Spotlight form". Please fill it out and send back. In addition, please send ideas – articles, information, websites, cartoons – anything you feel would enhance our newsletter. Please send your ideas to me at teri.cox@tckconsulting.com. –Regards, Teri

Continuing Education Highlights:

Please put these dates in your calendar – Don't miss the upcoming Educational Seminars!

AALNC – It is not TOO late to Register!!!



AALNC 2009 National Educational Conference
Set for Success: Celebrating 20 Years
 April 22-25, 2009
 Renaissance Glendale Hotel & Spa
 Phoenix, AZ
<http://www.aalnc.org/conf/2009/>



For those with interest in Workers Compensation:

NJ Self Insurers' Association
 Workers Compensation Excellence
 Two-Day Workers' Compensation Seminar and Vendor Fair
 Date: May 14th and May 15th, 2009
 Place: Harrah's Resort, Atlantic City, NJ

FEE FOR TWO-DAY SEMINAR
 Registration Fee per NJSIA Member \$225.00
 Registration Fee per Non-Member \$275.00
 CHECK ENCLOSED

\$ _____
 Registration form online at:
<http://www.njsselfinsurers.com>
 Payment: Checks only, payable to:
 New Jersey Self Insurers' Association
 1 Joseph Drive, Lincroft, NJ 07738-1354
 Registration and Refund Deadline: May 8, 2009
 Inquiries: Phone: 732-219-0319
 Fax: 732-219-9248
 E-mail— mbala@njsselfinsurers.com

Educational Seminars will be held at the Rutgers Club (199 College Ave, New Brunswick, NJ 08901). Please contact Louanne Nicotra: Ljnicotra@aol.com for more details.

Date	Speaker	Topic
January 20, 2009	Kathleen Gialanella, Esq	HIPPA
March 17, 2009	Mary Ellen Garofalo RN, BA, CRRN, SPHR	Scopes of Practice in Home Care
May 19, 2009	Georgette Bieber RNC, LNCC	Dissecting a Medical Record
September 15, 2009	Lisa Glickstein BS, MSN/ED, RN, CRRN	Rehab Nurse Educator CVA / brain injury
November 17, 2009	Caryn Leifer BA, RN, LNC, CALA	LTC and AL Regulations

If you missed the January & March sessions, you missed some great lectures, Please be sure to come to the next session in May!!

Interesting Article from Lawyers, USA.... →



Medical experts face ethics complaints

By Sylvia Hsieh, Staff Writer
Published: March 30, 2009

UPDATES:

New Guidelines for Work Place Injuries

www.guideline.gov

Hip and Pelvis (acute and chronic)

http://www.guideline.gov/summary/summary.aspx?view_id=1&doc_id=12672

Knee and leg (acute and chronic)

http://www.guideline.gov/summary/summary.aspx?view_id=1&doc_id=12673

Low back- lumbar & thoracic (acute and chronic)

http://www.guideline.gov/summary/summary.aspx?view_id=1&doc_id=12674

Mental Illness

http://www.guideline.gov/summary/summary.aspx?view_id=1&doc_id=12677

Neck and upper back (acute and chronic)

http://www.guideline.gov/summary/summary.aspx?view_id=1&doc_id=12675

Pain (chronic)

http://www.guideline.gov/summary/summary.aspx?view_id=1&doc_id=12676

Shoulder (acute and chronic)

http://www.guideline.gov/summary/summary.aspx?view_id=1&doc_id=12678

Do you have any ideas for the newsletter?

Please send to Teri at Teri.Cox@tkconsulting.com

Medical experts who testify on behalf of plaintiffs say they are being increasingly intimidated through the use of ethics complaints over their testimony in med-mal cases.

In a growing trend, many national medical associations are creating ethics complaint procedures that include that scrutiny of expert testimony, often contending that it is false, deceptive or misleading.

The American Medical Association has taken the position that expert testimony is the "practice of medicine" – and some states have followed suit.

The medical societies say that the ethics procedures are a way to maintain professional conduct standards and ensure unbiased expert testimony.

"The concept that medical associations have some responsibility to enforce a code of ethics is gaining momentum. They don't want either side going off and testifying as rogues," said Russell Pelton, an attorney at McGuire Woods in Chicago who set up one of the first such committees for the American Association of Neurological Surgeons in 1983.

But plaintiffs' experts say that they are being singled out because defense experts are rarely subjected to similar complaints, and the organizations have a built-in bias against plaintiffs.

"There's been a big increase in these ethical complaints. These are not fair tribunals because they are held before a panel of self-interested parties, who are all interested in there being less med-mal litigation," charged John Vail, vice-president of the Center for Constitutional Litigation in Washington D.C., a plaintiffs' law firm.

"It's a hot issue," said Mark Whitmore, a partner at Bassford Remele in Minneapolis, who represents the American Academy of Ophthalmology.

In response, some medical experts are filing lawsuits against the associations and the complaining members for witness intimidation, defamation and interference with business contracts.

Recent verdict

In a recent case illustrating this trend, an ophthalmologist won a defamation verdict against two doctors who brought an ethics complaint against him.

The ophthalmologist, Dr. Charles Yancey, originally testified for a plaintiff in a med-mal suit over botched Lasik surgery. The jury awarded the plaintiff \$3 million. However, the judge remitted the award and ordered a second trial on the issue of damages.

Meanwhile, the defense expert filed a complaint with the American Academy of Ophthalmology alleging that Yancey's testimony was false, deceptive and misleading.

The academy, in violation of its rules, faxed the complaint to Yancey so that he would receive it the day before he was scheduled to testify in a deposition for the second trial, according to Vail, who represents Yancey.

Yancey sued. The trial judge dismissed his claims against the academy, as well as claims of witness intimidation and unlawful interference with business relations, but allowed a defamation claim to go forward.

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Are there websites you use all the time? Help out your fellow LNC's. Send your list to Teri at Teri.Cox @tckconsulting.com



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After a six-day trial, on Feb. 12, a jury awarded Yancey \$350,000, including \$200,000 for "future harm to his reputation, mental distress, humiliation and embarrassment."

Pelton said that medical associations should never bring an ethics complaint against a member over testimony in a pending case.

"In the associations I work with, we will not touch a complaint about a case that is still going on. We don't want to be criticized for intimidating a witness and it sure looks like that is what happened [in the Yancey case]," Pelton said.

Chilling effect on experts?

Plaintiffs' attorneys complain that ethics complaints may create a chilling effect and make it more difficult to find medical experts willing to testify on behalf of their clients.

"Plaintiffs' attorneys are reporting that it's harder to find experts. I have had experts say, 'Why bother? If I testify for a plaintiff, I have people at the medical societies going after my credentials,'" said Drew Britcher, a partner at Britcher, Leone & Roth in Glen Rock, N.J., who represents plaintiffs in med-mal cases.

For example, Britcher recently found that an orthopedic surgeon he hired as an expert was subjected to ethics procedures over testimony in a prior unrelated case.

The American Academy of Orthopaedic Surgeons suspended his membership for a year after finding that his testimony against another member of the academy was "unfair and not impartial."

Britcher successfully moved to have any reference to the earlier disciplinary activity barred from his case.

Many states require an affidavit from a medical expert asserting there is a colorable claim before a med-mal suit can be filed.

"Lawyers are complaining it's becoming very difficult to get doctors to do that. There is so little money for them and so much potential expenditure of time and money if they receive one of these complaints," said Vail, who said it can cost \$20,000-\$50,000 to defend an ethics complaint before a medical association.

But some expert witnesses may start to fight back.

Under New Jersey law, anyone who threatens the license or credentials of a doctor for participating as a witness can be fined up to \$10,000.

Although no one has used this provision yet, Britcher predicts that some witnesses will start to do so.

Questions or comments may be directed to the writer at: sylvia.hsieh@lawversusaonline.com

How do your patients score you? Speed or Quality?



Member Spotlight:

Name: Eva Russell
 Title: RN, BS, CWS, FACCWS, CHPN, CNLC
 Company Name: Russell & Associates



Years as a Legal Nurse Consultant: < 1 year

Specialty Area/Setting:

Wound care, home/hospice care, nursing management

1. How long have you worked as a LNC?
 < 1 year
2. What types of cases do you work on?
 So far- wound care –home care for the plaintiff – referral from a member and TE for plaintiff wound care against hospital
3. What do you like best about being an LNC?
 Autonomy, working in areas I am passionate about.
 Financial rewards.
4. What do you like least?
 Trying to read illegible records
5. What is your major goal for this year?
 To continue developing a LNC business with subcontractors as I continue my full time job as DON of a hospice with census >400
6. What would you like our group to know about you/or your practice?
 I love to educate people about wound care and standards for nursing practice.
7. How could our group help and support you as a LNC?

Offer tips as suggested in the newsletter, sample newsletters for marketing my business

If you would like to be in the Spotlight, please contact Teri Cox at teri.cox@tckconsulting.com