Over the past 20 years, there has been an explosion of online and other digital resources available to LNCs for doing medical literature searches and obtaining full text information and audio-visual resources relevant to the medical issues in the cases we work on. LNCs must learn to identify resources that are reliable and authoritative, and to manage the costs associated with them.

AALNC sent out a questionnaire asking LNCs and nurse experts about their sources for obtaining full text medical literature and other types of medical information, the costs associated with obtaining this medical information and whether these costs are passed along to attorney clients. Among the 25 respondents, 12 are independent LNCs, 10 LNCs are employed in-house, 2 LNCs do both independent and in-house work, and one LNC does medical case management.

JLNC: Do you obtain full text journal articles or other medical literature as part of your LNC or nurse expert practice?

Almost all responding LNCs (22/25) affirmed that they obtain medical literature during the regular course of their work. Only 4 LNCs were equivocal, responding respectively “try to,” “sometimes if needed,” “rarely” and “not often.”

JLNC: What fee-based online resources or data bases do you use to obtain full text journal articles?

Respondents cited the following fee based resources for obtaining full text articles:

- Professional clinical associations (6 LNCs)
- US National Library of Medicine, including MEDLARS, MEDLINE, PubMed & Healthgate (4)
- UpToDate (5)
- Journal/text publishers (5)
LNCs must learn to identify resources that are reliable and authoritative, and to manage the costs associated with them.

- LoansomeDoc (2)
- JSTOR (1)
- Research Solutions.com (1)
- Lexis Nexis Med Mal Navigator (1)
- CINAHL (EBSCO) (1)

Six LNCs responded that they don’t use fee based resources to obtain full text articles due to the cost. Five LNCs responded that they obtain article copies from local university or public libraries, for a small per-page fee or small flat rate via interlibrary loan.

JLNC: What free online resources or databases do you use to do literature searches and/or obtain full text journal articles?

By far, the most frequently cited free resources are those associated with the National Library of Medicine:

- US National Library of Medicine, including MEDLARS, MEDLINE, PubMed & Healthgate (16)
- Google/Google Scholar (9)
- National Institutes of Health (6)
- Journal Publishers (peer reviewed) (5)
- Medscape (4)
- Centers of Excellence (eg, Mayo Clinic) (3)
- Medical libraries associated with medical schools (3)
- National authoritative agencies (eg, CDC) (3)
- Google Books (3)
- FDA (2)
- Web MD (2)
- Clinical guidelines promulgated by professional associations (2)

- eMedicine (2)
- Free access to journal databases based upon alumni status (2)
- State Health Department (1)
- Hospital resources (1)
- Freemedicaljournals.com (1)
- Medmaster.net (1)
- Amedeo.com (1)

JLNC: What resources do you use to obtain textbook literature?

- Purchase text (new or used) (11) – including Amazon, directly via the publisher or professional association, or used textbook vendors such as Half.com or Fetchbook.com
- Borrow from library (5)
- Borrow from colleague (2)
- Google books (2)
- Alumni access to library or online resources (1)
- Medical mobile Apps (1)
- Scribd.com (1)

JLNC: Do you rent or borrow textbooks?

Most (16) LNCs replied that they neither rent nor borrow texts. Six LNCs rent or borrow texts occasionally. One LNC responded “the firm has a contract with New York Academy of Medicine Library and New York University Library to obtain and loan books and articles. The fee is charged back to the case it is being used for.”

JLNC: Do you obtain medical literature at a medical library?

Over half (15) of the LNCs replied that they do obtain literature by visiting a medical library. The feasibility of doing this likely depends in part upon the availability of a medical library in the LNCs geographical area.

Comments by respondents included:

- With the advent of the internet, I haven’t been to a medical library in many years
- I only go to a medical library if it’s not cost effective to use online literature retrieval services
- The firm passes the cost to the client in the form of administrative costs
- Have in the past – not as much now

JLNC: Do you obtain medical literature via interlibrary loan at a public library?

Only 4 LNCs responded that they use the interlibrary loan services at a public library to obtain journal articles. 3 additional LNCs responded that they do “rarely.”

JLNC: If you work independently and there is a charge to obtain the literature online or at a library, do you pass this cost along to the attorney?

Among the independents who responded, five LNCs said they pass along the charges associated with obtaining medical literature and one LNC does not. Several LNCs qualified their answers:

- Depends, have done both
- I would include it in my charges after confirming the attorney wants me to purchase the article
- Yes, it’s a cost of doing business
- Depends upon how much research; if only obtain a few articles, this is included in my base rate. If doing a lot of research and obtaining a large number of articles, I would charge for this.
- It depends upon the cost; I do not pass along minor charges but rather, use this as a marketing tool promot-
ing client service. I do pass along major charges
• I will ask my attorney-client if (s) he is willing to pay for acquisition of the article. I also check to make sure they don’t already have access to a subscription/membership to some entity that would allow access to the literature at no additional cost.

In-house LNCs have access to paid subscriptions/data bases approved by the firm’s partnership. One (presumably) in-house LNC responded “if the firm feels compelled to obtain a particular article/book sometimes they will spend money to obtain it. Funds for research are very limited. Would like to see this expanded within our firm.”

JLNC: Do you pay copyright charges for literature you obtain? If so, do you pass these charges along to the attorney?

7 LNCs responded “yes” to both questions and 7 LNCs responded “no” to both questions. Six LNCs responded that the questions were “not applicable” to their practice. Qualifying comments included:

• Copyright charges are included in the fees for articles obtained via PubMed and LexisNexis.
• This is the reason I don’t use that many articles; I am not sufficiently familiar with copyright laws.
• Yes, sometimes we have copyright charges and they are charged back to the client case
• Yes, we pay copyright fees but do not consistently pass the charge on to the attorney
• Copyright charges are part of the cost of purchasing the article directly from the journal. However, if I paid the copyright charges then of course I would pass them on to the attorney as a cost of doing business.
• The attorney must obtain the copyrighted material if used in exhibits.

Otherwise, there is no copyright charge.
• All copyright charges are covered by the attorney-client.

JLNC: Do you utilize instructional videos on You Tube when researching medical topics?

8 LNCs responded “yes,” 8 LNCs responded “occasionally” or “sometimes,” and 8 LNCs responded “no” or “rarely.” Commentary included:

• Sometimes, if it shows a procedure that is at issue.
• Instructional videos - not often, but yes when a case involves a surgical or procedural technique
• Very rarely – if so usually for own education.
• Yes, just did it this morning for ne-"o-tate PICC line insertions.
• Occasionally for unfamiliar procedures, but I check out the source! As an OR nurse for many years, I sometimes see information that I know is not accurate.
• We use instructional videos and You Tube videos for researching topics
• Sometimes I have used instructional videos on You Tube when researching medical topics. I will put a link from a video in my report for the attorney to watch and understand a particular medical topic.
• Rarely for instructional videos; do not consider You Tube reliable
• Rarely, but I have used that type of video to instruct attorneys.
• Yes, especially when I find demonstrations to help attorneys understand.
• I do view You Tube videos for my own learning purposes, and may on occasion refer an attorney to one. I do not typically include them in my work product.

Many thanks to all who took the time to share your experiences and opinions.

We will continue to solicit feedback from legal nurses on a range of issues pertinent to our practice. Thank you to Julianna Clifton at AALNC for compiling the data.

REFERENCES


Elizabeth Zorn, RN, BSN, LNCC joined the Faraci Lange law firm (Rochester, NY) in 1995, providing medical expertise and research in defense of medical malpractice and other personal injury cases.

A board certified legal nurse consultant with more than 30 years’ experience in the legal field, Elizabeth is an active member of the American Association of Legal Nurse Consultants (AALNC), The American Association for Justice and the Monroe County Bar Association. In April of 2013, Elizabeth was named President of the American Association of Legal Nurse Consultants and represented the AALNC at a discussion about health care at the White House in 2012.

She wrote a chapter for AALNC’s LNC Principles and Practice, 2nd (2003) and 3rd (2010) editions, several modules in AALNC’s LNC Online Course, several JLNC articles, and edited AALNC’s “Getting Started in Legal Nurse Consulting.” She has served on many national AALNC committees and presented at professional and educational programs and webinars for attorneys and nurses. She has mentored multiple LNC interns at her law firm over the past 12 years. She is also currently serving on AALNC’s Scope & Standards and Revised Online LNC Course Committees. From 2010 to 2014, Beth served on the AALNC board of directors. She can be contacted at elzorn@faraci.com.