



Engineering Sciences Section – 2005

C49 Performing Medical Review and Analysis of Plaintiff Records in an Environmental Exposure Class Action Litigation

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The goal of this presentation is to focus on the value of utilizing a legal nurse in analysis of plaintiff medical records as a method for assisting toxicological and medical experts in the causation analysis for each litigant. Work product examples will be provided and several specific environmental cases will be highlighted.

This presentation will impact the forensic community and/or humanity by utilizing a legal nurse to review and analyze medical records in a large class action suit who can provide invaluable expertise and support in the case analysis and reduce medical record review time required for medical and toxicological experts.

Utilizing a legal nurse to review and analyze medical records in a large class action suit can provide invaluable expertise and support in the case analysis and reduce medical record review time required for medical and toxicological experts. In addition, the legal nurse serves as a liaison between the designated experts and the litigation team, identifying when additional medical records are needed, coordinating Independent Medical Evaluations when indicated (license requirements, facility, supplies, staffing), and assisting in development of potential deposition questions of opposing experts and plaintiffs.

The legal nurse begins the medical review process with obtaining and preparing litigant medical records for abstracting. Medical records are then reviewed and a detailed, factual abstract is developed for each plaintiff. Upon completion of the plaintiff medical record abstract, the legal nurse works with the team of experts and attorneys to develop specific work products to support the case needs. Work products will vary depending on the case elements and health claims reported but may include items that outline plaintiff demographics, diagnoses found in medical records review, medication summary, potential other causes for exposure health claims, and identification of potential confounders.

A legal nurse is well suited to read, understand, and interpret the volumes of medical records often provided for each plaintiff. As the records are reviewed the legal nurse develops a detailed, factual medical record abstract in ascending date order that has the actual medical records pages identified. This allows the reviewing expert to identify and access specific medical records of interest in his/her analysis. This detailed review and abstract preparation provides the experts and the litigation team a foundation necessary for the critical analysis of health care facts and issues pertinent to the case. Once the records are reviewed and the abstract completed, the legal nurse works closely with the litigation team and/or testifying experts to develop work products that are valuable and supportive as the experts analyze the case and formulate their opinions. Examples of some of the ways the legal nurse supports the litigation team and testifying experts are:

- Interpretation of medical records
- Significance of disease states and how the disease may affect the toxicological/medical issue
- Significance and interpretation of laboratory tests
- Compile tables of medical events pertinent to the case
- Compile tables of laboratory tests pertinent to the case
- Research medical issues pertinent to the case
- Prepare summary of medical records
- Provide assessment of case from a nursing point of view
- Prepare timelines of medical events

Presentation will review the nursing analysis, methods utilized, and products developed in litigation support for two large toxic tort cases: a class action suit filed by numerous residents following a train derailment where xylene was released and a large class action suit involving hundreds of plaintiff residents against a former aluminum plant.

Toxic Tort, Litigation Support, Records Analysis