**ESSEX COUNTY COLLEGE**

**Social Sciences Division**

**PLS 108 *–* Introduction to Nurse Paralegalism**

**Course Outline**

**Course Number & Name:**  PLS 108Introduction to Nurse Paralegalism

**Credit Hours:**  3.0 **Contact Hours:**  3.0 **Lecture:**  3.0 **Lab:** N/A **Other:**  N/A

**Prerequisites**:  The program is open to registered nurses with an Associate’s Degree who have at least two years of nursing experience.

**Co-requisites:** None **Concurrent Courses:** None

**Course Outline Revision Date:**  Spring 2011

**Course Description**: This course provides a realistic introduction to the legal nurse profession. Emphasis is placed on history, evolution, and role of the legal nurse practitioner in the areas of medical/legal ethics, legal analysis, research and writing, review and analysis of medical records, litigation procedures, and personal injury law. The course is especially designed to provide the student with both a rich didactic and a robust practical learning experience. Opportunities for the student to translate legally pertinent medical facts into reports such as timelines, calendars, and chronologies and to produce powerful visual presentations using current medical and legal illustration software such CaseSoft, Time Map, Microsoft Visio, and Smartdraw are at the heart of this course. The business and marketing plan of an independent legal nurse practitioner is also examined.

**Course Goals:** Upon successful completion of this course, students should be able to do the following:

1. discuss and examine the codes of professional conduct;
2. describe tort law;
3. identify, define, and describe intentional torts;
4. identify and explain defenses to intentional torts;
5. identify, describe, and explain the tort of negligence;
6. identify and describe the element of duty;
7. identify and describe the element of breach of duty under negligence law;
8. identify and describe the concept of proximate cause;
9. identify, define, and describe the concept of damages;
10. identify, define, and describe the defenses to negligence;
11. discuss and examine the tort of strict liability and products liability;

1. identify, define, and describe defamation;
2. define, discuss, and examine malpractice; and
3. identify, define, and describe fraud, misrepresentation, and business torts.

**Measurable Course Performance Objectives (MPOs)**: Upon successful completion of this course, students should specifically be able to do the following:

1. Discuss and examine the codes of professional conduct:

1.1 *discuss and examine judicial conduct;*

1.2 *discuss and examine attorney ethical standards;* and

1.3 *discuss and examine paralegal professionalism*

2. Describe tort law:

2.1 *compare tort law to other forms/areas of law;*

2.2 *explain the process of bringing a tort case;*

2.3 *describe the discovery process in a civil case;*

2.4 *describe the trial of a civil case;* and

2.5 *describe alternative dispute resolution*

3. Identify, define, and describe intentional torts:

3.1 *identify and describe the problem with intentional torts;*

3.2 *identify, define, and describe the torts of assault and battery*;

3.3 *identify, define, and describe the tort of false imprisonment;*

3.4 *identify, define, and describe the tort of intentional infliction of emotional distress;*

3.5 *identify, define, and describe the tort of malicious prosecution;*

3.6 *identify, define, and describe intentional torts involving property, particularly trespass;*

3.7 *identify, define, and describe nuisance actions;* and

3.8 *identify, define, and describe trespass to chattels*

4. Identify and explain defenses to intentional torts:

4.1 *identify, define, and describe self defense*;

4.2 *identify and describe the defense of consent*;

4.3 *identify, define, and describe the defenses of duress, necessity, compulsion, and coercion;*

4.4 *identify, define, and describe the defense of intoxication;*

4.5 *identify, define, and describe the defense of mistake;*

4.6 *identify and describe the defense of age*;

4.7 *identify, define, and describe the defense of insanity*;

4.8 *identify, define, and describe the defense of immunity*;

4.9 *identify, define, and describe the defense of privilege*;

4.10 *identify, define, and describe the defense of statutes of limitation*; and

4.11 *identify, define, and describe defenses available to codefendants*

5. Identify, describe, and explain the tort of negligence:

5.1 *identify, define, describe, and explain the tort of negligence*;

5.2 *define, describe, and explain the history of negligence*;

5.3 *identify, define, describe, and examine the four elements of negligence;*

5.4 *describe the lawyers who represent plaintiffs and defendants;* and

5.5 *describe how to obtain information from a client*

**Measurable Course Performance Objectives (MPOs)** (continued):

6. Identify and describe the element of duty:

6.1 *identify and define the element of duty*;

6.2 *explain how the courts determine duty*;

6.3 *identify, define, and describe the element of duty derived from a social relationship;*

6.4 *identify, define, and describe premises liability;* and

6.5 *describe and explain duty to third parties*

7. Identify and describe the element of breach of duty under negligence law:

7.1 *identify and describe breach of duty;*

7.2 *identify and describe professionals’ standard of care;*

7.3 *explain court doctrines that help to determine the element of breach of duty;* and

7.4 *describe evidence relationship to breach of duty*

8. Identify and describe the concept of proximate cause:

8.1 *describe the concept of proximate cause;*

8.2 *describe court-created tests for proximate cause;*

8.3 *describe the requirements for the plaintiff to plead proximate cause;*

8.4 *describe the application of the concept of proximate cause to multiple defendants;* and

8.5 *identify and describe intervening causes*

9. Identify, define, and describe the concept of damages:

9.1 *identify, define, and describe damages;* and

9.2 *evaluate a case for potential damages*

10. Identify, define, and describe the defenses to negligence:

10.1 *identify, define, and describe the concept of contributory negligence*;

10.2 *identify, define, and describe the concept of comparative negligence*; and

10.3 *compare and contrast contributory negligence and comparative negligence*

11. Discuss and examine the tort of strict liability and products liability:

11.1 *identify, define, and describe the tort of strict liability;* and

11.2 *identify, define, and describe the tort of products liability*

12. Identify, define, and describe defamation:

12.1 *identify, define, and describe the tort of defamation*

13. Define, discuss, and examine malpractice:

13.1 *identify, define, and describe malpractice;* and

13.2 *identify, define, and describe medical malpractice*

**Measurable Course Performance Objectives (MPOs)** (continued):

14. Identify, define, and describe fraud, misrepresentation, and business torts:

14.1 *identify, define, and describe the tort of fraud;*

14.2 *identify, define, and describe the tort of negligent misrepresentation;*

14.3 *identify, define, and describe the tort of interference with contract;*

14.4 *identify, define, and describe the tort of deceptive trade practices;*

14.5 *identify, define, and describe consumer protection laws;*

14.6 *identify, define, and describe sexual harassment;* and

14.7 *identify, define, and describe worker’s compensation*

**Methods of Instruction**: Instruction will consist of a combination of any of the following instructional methods: legal case reviews, lectures, group activities, role play, oral presentations, document drafting, charts, essays, research assignments, films, cable, news and television programs, field trips, and community outreach projects.

**Outcomes Assessment:** Checklist rubrics are used to evaluate non-test type assessment instruments (e.g., debates, exercises, and projects) for the presence of course objectives. Data collected will be analyzed to provide direction for the improvement of program instruction, viability of class assignments, relevancy of assigned course materials, and evaluation of instructional time spent on specific topics.

**Course Requirements:** All students are required to:

1. Maintain regular and prompt attendance to all class sessions.
2. Complete homework assignments (if applicable).
3. Complete all written and oral exercises (scored grading) inside and outside of class as assigned.
4. Complete the Final Project as assigned.
5. Voluntarily participate in class discussions and class exercises.
6. Complete all assessment activities as scheduled.
7. Follow any specific class requirements mandated by the instructor.

**Methods of Evaluation:** Final course grades will be computed as follows:

**% of**

**Grading Components final course grade**

* Attendance/Class Participation  **5 – 10%**

Attendance points will be computed based on the ratio of the number of days attending the course during a regular semester (i.e., 28 contact days). A similar procedure will be used to determine participation points.

* **Medical Record Organization**  30%

The medical record organization, which requires students to identify, analyze, and organize medical records based on the medical fact pattern and legal issues, is a practical exercise designed to assess students’ abilities to organize large volumes of information.

* **Debate: Plaintiff v Defendant with Software Presentation**  20%

Debates are oral arguments designed to provide students with an opportunity to enhance their oral communication and software (e.g., Smartdraw, Microsoft Visio, and LexisNexis CaseSoft Suite) utilization skills while engaging in legal analysis of a given set of medical facts related to course objectives.

* **New Jersey Law Diary Exercise**  10%

The law diary exercise is designed to demonstrate the use of the NJ Law Diary and Manual as a marketing tool.

* **Final Project**   30%

The final project consists of the analysis of a medical record, preparation of reports of the medical facts using appropriate computer software, preparation of reports of the medical facts analyzing ethical and legal issues, recommendations of a case based on merit, visual productions of medical facts, and a final report for the attorney with tabs and pagination.

* **Extra Credit Opportunities**  5 – 10%
  + Voter registration – The student should provide written evidence of participation in the electoral process.
  + Notary Public – Students are encouraged to research, process, and complete a notary public application for approval to include on their resumes to enhance their marketability.
  + Membership in Paralegal Association of New Jersey (PANJ) – Students are encouraged to join the Paralegal Association of New Jersey to include on their resume to enhance their marketability.

**Note**: The instructor will determine (as appropriate) the specific component(s) appropriate for the course and provide specific weights which lie in the above-given ranges at the beginning of the semester.

**Academic Integrity:** Dishonesty disrupts the search for truth that is inherent in the learning process and so devalues the purpose and the mission of the College. Academic dishonesty includes, but is not limited to, the following:

* plagiarism – the failure to acknowledge another writer’s words or ideas or to give proper credit to sources of information;
* cheating – knowingly obtaining or giving unauthorized information on any test/exam or any other academic assignment;
* interference – any interruption of the academic process that prevents others from the proper engagement in learning or teaching; and
* fraud – any act or instance of willful deceit or trickery.

Violations of academic integrity will be dealt with by imposing appropriate sanctions. Sanctions for acts of academic dishonesty could include the resubmission of an assignment, failure of the test/exam, failure in the course, probation, suspension from the College, and even expulsion from the College.

**Student Code of Conduct:** All students are expected to conduct themselves as responsible and considerate adults who respect the rights of others. Disruptive behavior will not be tolerated. All students are also expected to attend and be on time for all class meetings. No cell phones or similar electronic devices are permitted in class. Please refer to the Essex County College student handbook, *Lifeline*, for more specific information about the College’s Code of Conduct and attendance requirements.

Note: Students shall conduct themselves in a professional manner at all times. See National Federation of Paralegals Associations, Inc. Model Code of Ethics and Professional Responsibility and Guidelines for Enforcement.

**Course Content Outline:** based on the text **Legal and Ethical Issues in Nursing**, 5th edition, by C Wacker Guido; published by Pearson/Prentice Hall.

**Unit Topics to be Covered**

1 Course Introduction – history of legal nursing; standards of care and deviations of standards of care; hospital policies and procedures; reference section: federal acts; accreditation and credentialing; medical-legal research

2 Legal & Ethical Aspects of the Legal Nurse Consultant – Torts; personal injury; product liability; medical malpractice; medical record tampering

3 Preparation for Discovery – Depositions; interrogations

4 Selection, Review & Preparation of Testifying – Expert witness; preparation of exhibits; demonstrative evidence; trial preparation; trial

5 How to Use the Computer to Write Reports – The computer and report writing; Microsoft Word; Microsoft Excel; Microsoft Visio; treatment calendar

6 Software: LexisNexis CaseSoft Suite – LexisNexis CaseMap; Lexis Nexis TimeMap; LexisNexis TextMap; LexisNexis NoteMap; LexisNexis DepMap

7 Medical Record Organization – Medical records review; report presentation

8 Types of Reports – Report writing; narrative report; chronology; verbal report; fee schedule and retainer

9 Review Case for Merit – How to review a case for merit

10 Tab, Paginate, Reference and Index – Organize, tab, and paginate a medical record; referencing and indexing; how to create an outline

11 Demonstrative Evidence – Timeline and chronology; how to write a timeline; how to write a chronology; event calendar; treatment calendar; medical records of interest

Note**:** In PLS 108, the instructor must cover the 11 units listed above minimally in any reasonable order throughout the duration of the semester/term. In addition, the instructor must provide economic, historic, political, and social context for the relevant aspects of the legal process.

Note: Guidelines for the **Final Project** are as follows: The student will analyze and report on medical legal ethics in a Capstone project requiring the preparation of two written reports and two visual presentations from the same fact pattern. One report and visual presentation is for the attorney of the plaintiff and the other is for the defendant. As the professional legal nurse consultant and nurse paralegal the student must submit a memorandum and a brief based on documented professional opinion. A professional report in the standard format including pagination and tabs is required. The visual presentations must use Microsoft PowerPoint, Microsoft Visio, Smartdraw, and LexisNexis CaseSoft Suite for graphics and illustrations.