

The Physician Assistant Expert Witness & Medico-legal Consultant: A Guide for Attorneys & Experts Jeffrey G. Nicholson, PA-C, PhD

The Physician Assistant Expert Witness Defined

The physician assistant ("PA") expert witness is a board certified and state licensed health care professional who by experience or training is qualified to give an opinion on the standard of care provided by fellow physician assistants. Although formal training is not required, some PA expert witnesses have completed seminars conducted by and for legal nurse consultants. Frequently, as in my own experience, PA expert witnesses are faculty or former faculty at physician assistant training programs. The majority of PA Experts get into the practice of providing opinions on malpractice cases because they are asked, not because they set out to become experts.

Physician Assistant Practice Requirements

Physician assistants are health care professionals now licensed in all fifty states to provide medical care under the general direction of a doctor of medicine or osteopathy. In order to become licensed, PAs must graduate from a program accredited by the Accreditation Review Commission on Education for the Physician Assistants (ARC-PA) (see www.arc-pa.org) and pass a national comprehensive board examination conducted by the National Commission on Certification of Physician Assistants (NCCPA) (see www.nccpa.net). In order to maintain the certification designation, the "C" in PA-C, PAs must complete 100 hours of continuing medical education every two years and receive a passing score on a national comprehensive board exam (similar to the initial certification exam) every six years.

Legal Scope of Practice

By definition and scope of practice, physician assistants must provide medical care under the general supervision of physicians. Physicians share in the clinical responsibility and liability of their supervised PA's clinical decisions and actions. While the role of PA and physician is similar, each has a separate scope of practice defined by training and credential. PAs are not allowed legally to comment on the standard of care of physicians. Likewise, physicians are not allowed to provide testimony on the standard of care of physician assistants, but they may comment on their role and requirements as PA supervisors. Most states now require PA expert witness testimony in

malpractices cases where physician assistants are involved. The most appropriate PA expert witness to engage is one who is currently practicing in the medical specialty of the PA involved in the litigation.

Physician Assistant Expert Ethical Guidelines

The American Academy of Physician Assistants (AAPA), the national professional association of PAs (see www.aapa.org), has recognized the PA expert witness and has adopted ethical guidelines on the use of PAs as expert witnesses in malpractice cases.

Finding Physician Assistant Experts

Physician Assistant expert witnesses may be found by contacting the AAPA, the American Academy of PAs in Legal Medicine (AAPALM), a special interest group endorsed by the AAPA (www.aapalm.org). AAPALM provides continuing medico-legal education for physician assistants and resources for PAs who are interested in becoming physician assistant expert witnesses.

Other Information Resources

Another valuable resource for attorneys and anyone interested in PA practice is the Physician Assistant Employment Guide. This free and comprehensive manual, which I co-authored and annually edit, overviews PA education, certification, licensing, scope of practice, and compensation. Finally, a recent published study by Dr. *Nicholson* (*Journal of Medical Licensure and Discipline, Vol. 95, Num. 2, 2009*) found that PA malpractice incidence and average payment amount were significantly less than that of physicians and advanced practice nurses between 1991-2007. The study examined the first 17 years of data in the National Practitioner Data Bank (see www.npdb-hipdb.hrsa.gov). A summary of the dissertation findings and much additional information about PAs may be found at www.PAexperts.com.

Jeffrey G. Nicholson is a nationally recognized leader in the PA profession and authority on the standard of care and other legal aspects of PA clinical practice. He has been an actively practicing PA for 17 years and has been in PA academia for over 12 years serving as Assistant Professor, Director of Clinical Education and PA Program Director, most recently at the University of Wisconsin-Madison. He is a distinguished fellow of the American Academy of Physician Assistants, President of the American Academy of PAs in Legal Medicine and a board member of the Wisconsin Academy of Physician Assistants. He has completed degrees at Boston College, Harvard University and the University of Wisconsin. He has published articles on PA education, PA malpractice, and PA employment. He leads a consulting firm to support the work of attorneys and insurance companies providing case merit review and expert testimony on the standard of care of physician assistants and nurse practitioners in all

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