

The Physician Assistant Expert Witness: A Guide for Attorneys and Experts

by Jeffrey G. Nicholson, PA-C, PhD *

PA Expert Witness Definition

The physician assistant expert witness is a board certified and state licensed PA 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, 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 providers who are 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 \(ARC-PA\)](#) and pass a national comprehensive board examination conducted by the [National Commission on Certification Physician Assistants \(NCCPA\)](#). 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

Although physician assistants, by definition and scope of practice, must provide medical care under the general supervision of physicians, they may practice autonomously and at remote distances from their supervising physician. Even so, 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 may have a separate scope of practice defined by training, credential and personal experience. However, it may be quite appropriate for PAs to comment on the standard of care of physicians depending upon the circumstance. The standard of care for the evaluation and treatment of medical illness may be exactly the same for a PA and a physician. For example, the evaluation and treatment of a sinus infection may be the same for a PA and a primary care physician, but may differ between the PA or primary physician and an otolaryngologist specialist.

Physicians are typically disallowed from providing testimony on the standard of care of physician assistants, but they may comment on their supervisory role and requirements. Most states now require PA expert witness testimony in malpractices cases where physician assistants are involved. It may be wise to choose a PA expert witness who has current practice experience in the medical specialty of the PA involved in the civil action.

But this does not preclude a PA of any specialty to comment on medical care that is expected knowledge of all PAs no matter what their area of employment or experience.

PA Expert Ethical Guidelines

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

Finding PA 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, or the [PA Experts Network](#), an attorney resource for PA experts in all medical specialties that is managed by the President of AAPALM. AAPALM provides continuing medico-legal education for physician assistants and resources for PAs who are interested in becoming PA expert witnesses.

Other Information Resources

Another valuable resource for attorneys and anyone interested in PA practice is the [Physician Assistant Employment Guide](#). This is a free comprehensive manual that overviews PA education, certification, licensing, scope of practice, and compensation. Finally, recent doctoral research, A [Retrospective Study of Malpractice Incidence and Other Measures of Safety Comparing Physician Assistants to Physicians and Advanced Practice Nurses](#), found that PA malpractice incidence and average payment amount was significantly less than that of physicians and advanced practice nurses between 1991-2007, examining the first 17 years of data in the [National Practitioner Data Bank](#). This research is published in the [Journal of Medical Licensure and Discipline](#), Vol. 95, Number 2, 2009. The article may be found directly at www.PAexperts.com.

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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 18 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 medical specialties. Further information on Dr. Nicholson's services and his complete CV may be found at www.PAexperts.com.