Application of Critical Thinking Skills to the Role of the Legal Nurse Consultant?

Laurie C. Blondy, JD MSN RN

The understanding and application of critical thinking can help people to change attitudes and behaviors that can improve their own lives and the lives of others. Critical thinking is applicable to all areas of life, including one's personal, political, and work life. The importance of teaching critical thinking skills to students is well recognized in many curricula, including nursing. Nurses work in a variety of specialties, including legal nurse consulting. Critical thinking skills are essential in this newly recognized and growing field. These skills allow the legal nurse consultant to better serve clients and foster outcomes that ultimately serve both patients and the healthcare field.

Utilization of the process of critical thinking in nursing is well recognized as an essential component necessary for advancement of the profession and positive patient care outcomes. As the importance of critical thinking has come into focus, it has become a requirement in nursing education programs throughout the United States. Nurses are expected and encouraged to apply critical thinking skills to their work in all areas of specialty and expertise. Legal nurse consulting is no exception. As this segment of the nursing profession grows and gains recognition, the ability to think critically and demonstrate the components of this process in decision making serves to advance this role and validate the services that legal nurse consultants can provide.

There is a dearth of information published about the utilization of critical thinking skills by the legal nurse consultant, even though these skills comprise an essential component of almost every service that these consultants provide. It is the hope that this article will raise awareness and appreciation of the necessity of these skills in the legal nurse consulting role, as well as encourage consultants to hone their critical thinking skills so that they may better serve their clients while promoting the integrity and unique services this nursing specialty can provide.

Definitions of Critical Thinking

Brookfield (1987) defined critical thinking as the process of questioning one's assumptions and then being prepared to change one's behavior as a result of this questioning. He indicated that to think critically, a person often experienced a major event, albeit positive or negative, that triggered one to appraise or question assumptions and the usual way of doing things, thereby exploring alternative approaches and developing different perspectives. Integration of these new perspectives and approaches could then result in changed behavior and different outcomes (Brookfield, 1987).

Brookfield (1987) has identified four different components of critical thinking. First is to purposefully identify and challenge the assumptions that underlie our values, beliefs, and actions. This component also involves identification and challenge of the actions and beliefs of others, and leads to analysis of what we formerly took for granted. Another component is realizing that our assumptions, beliefs, and values have been shaped and molded over time by our culture and life experiences. Consciously thinking about our assumptions separately from our culture and experiences helps us to view our assumptions in a different light. By casting aside the usual way in which we perceive things, we can begin to experience greater understanding of the behaviors, opinions, and cultures of others. A third component involves the process of imagining and exploring alternatives. This step flows naturally from the previous two. Once we start to question our current beliefs and actions within our current environment, we can consider other possible ways of thinking and doing things. The final concept is that imagining and exploring alternatives leads to reflective skepticism. This component helps us to realize that there is more than one way to do things, and we begin to realize that things may not always be what they seem.

By comparison, Facione (1990) conducted a Delphi research project that developed a consensus statement defining critical thinking as being "...purposeful, self-regulatory judgment which results in interpretation, analysis, evaluation, conceptual, methodological, criteriological, or contextual considerations upon which that judgment is based..." Facione (1990) explained that the process of explanation and self-regulation involved critical thinkers' abilities to explain what they think and how they arrived at a particular judgment. This means that the critical thinker can apply the power of critical thinking to himself or herself, as well as others, to improve on his or her previous opinions and ideas.

The American Philosophical Association also developed a consensus definition of critical thinking through a Delphi project. This definition defined the ideal critical thinker as follows:
...habitually inquisitive, well informed, trustful of reason, open minded, flexible, fair-minded in evaluation, honest in facing personal biases, prudent in making judgments, willing to reconsider, clear about issues, orderly in complex matters, diligent in seeking relevant information, reasonable in the selection of criteria, focused in inquiry, and persistent in seeking results as precise as the subject and the circumstances of the inquiry permit.

There are a multitude of critical thinking definitions found in both educational and nursing literature beyond those previously discussed. Difficulty in defining critical thinking compounds the problems of both teaching and evaluating critical thinking strategies. Upon review of definitions available, however, it becomes clear that there are similar concepts recognized as primary components of critical thinking. These definitions share general agreement that critical thinking involves purposeful, self-regulated thinking that is open to questioning how things are done, seeking out and incorporating new information and alternative ideas, and developing new solutions or approaches to problems. Lemire (2002) reviewed definitions of critical thinking from the literature and formed a common definition as the “acquisition of knowledge, reasoning and rational appraisal skills, analytic problem-solving behaviors, and reflective thinking.”

Recognition of Critical Thinking Behaviors

Critical thinking is a self-regulated behavior. To become automatic, one must practice and consciously exercise the components of critical thinking (Brookfield, 1987). Doing so can help broaden perspectives, develop open-mindedness, increase analytical skills, and modify actions. People who have learned to think critically and incorporate it into their daily lives exhibit certain behaviors. In other words, there are specific, identifiable actions by which the process of critical thinking can be recognized. When people think critically, they realize that they are directly responsible for creating and recreating their environments (Brookfield, 1987). Critical thinkers understand that they are not powerless to change things, and that their future is not hopeless. They recognize their ability to help shape the future for themselves and those around them. Such people are keenly aware of the many multiple factors that influence their world and are adept at giving consideration to those factors when working to bring about change.

Critical thinking is a process rather than an outcome. We do not “arrive” at a place where all critical thinking has been accomplished and is no longer needed. Our lives are in constant flux, and the world around us is constantly changing. The ability to adapt and cope with such change is directly related to the ability to utilize the very concepts that comprise critical thinking (Bridges, 1980; Brookfield, 1987). Often, changes that are forced on people cause them to think critically and begin the process of exploring and thinking about other options that might be available to them. Critical thinking is thus emotive at times, as much as it is rational (Brookfield, 1987).

Brookfield (1993) defines four types of questions, or perspectives that indicate a person is thinking critically – epistemological, experiential, communicative, and political. The questions that must be asked in each of these categories are as follows: Epistemological questions examine the extent to which information is founded in empirical research, the cultural influences present in information being presented, as well as the intellectual framework surrounding the applicability of information to day to day life. Experiential questions identify what information seems to be missing or left out that is needed to make informed decisions, the ethical implications of solutions or information presented, and the application of information or solutions presented to the situation at hand. Communicative questions examine whose voices are heard when information is presented or gathered, how informed is the source of information to the real life situation being addressed, and how practical is the information to real life. The political perspective of critical thinking asks whether solutions or information presented is a product of teamwork or an individual opinion, the degree of democracy involved in the situation proposed, and whose interests are being served by the information or solution being presented.

Critical thinking can be beneficial to all areas of a person’s life, whether it be personal, professional, or political. Utilizing critical thinking skills in personal relationships helps us to seek that which we want versus what we were taught we should want. It helps us to understand the people with whom we share our lives. Critical thinking helps us understand the cultural melting pot in which we live. Politically, critical thinking helps us to question the views presented to us and evaluate whose voice is being heard (Brookfield, 1993). Critical thinking in one’s work life can help a person reach, grow, and develop professionally. Critical thinkers in the workplace recognize the need for continual learning and questioning, as well as openness to information. They constantly look for ways to improve existing practice and are motivated by the possibility of future influence on policy and hopes of promotion (Lowy, Lelleher, and Finestone, 1986 as cited in Brookfield, 1987). The discipline of nursing is no exception to this.

Critical Thinking Skills in Nursing Education

During the past few decades, nursing has evolved from an occupation of physician helpers who were task-oriented to a profession of highly educated professionals who are expected to be capable of making independent judgments and decisions directly influencing patient care (Martin, 2002). This progression has been accompanied by a demand for greater responsibility and decision making skills, such as those that comprise critical thinking. Most nurses work in
hospital settings. These organizations are highly complex, involving not only patients and their families, but also health care providers from many disciplines comprising an interdisciplinary team (Cody, 2003). These disciplines include but are not limited to medicine, respiratory therapy, physical therapy, occupational therapy, speech therapy, pharmacy, laboratory, imaging (such as X-Ray, CT, & MRI), social services, and home health care. Nurses evaluate data from all these sources at various times, along with patient data to determine if what is being done for the patient is effective, and whether an alternative approach might result in better patient outcomes. Good critical thinking skills result in increased accuracy and competence of clinical judgments and nursing diagnoses (Daly, 1988; Lunney, 2003).

As the demand on nurses to work both independently and interdependently has increased, the need for critical thinking skills has been well recognized. Critical thinking in the nursing profession is necessary in order for nurses to develop true autonomy (Girot, 2000). Nursing literature describes critical thinking as encompassing a cognitive process that requires a higher order of thinking and decision making ability (Jones and Brown, 1991 as cited in Girot, 2000). This ability allows nurses to become proficient at gathering and analyzing data, problem solving, logical reasoning and developing conclusions (Bandman and Bandman, 1995 as cited in Girot, 2000). As nurses become more proficient in their exercise of critical thinking skills, they become more competent in identification of discrepancies between the goals of nursing and the organization for which they work and what actually is occurring in nursing practice that affects patient outcomes (Seymour, Kinn, and Sutherland, 2003).

The requirement that nurses think critically has resulted in implementation of strategies to teach critical thinking skills in nursing education curriculums (Martin, 2002). The National League for Nursing Accrediting Commission (NLNAC) and the Commission on Collegiate Nursing Education (CCNE) now mandate that nursing education programs incorporate significant content and activities committed to the development of critical thinking skills in students within their curriculum (AACN, 1998; NLN, 2003). Studies indicate that nurses learn critical thinking skills through both academic study and clinical experience (Girot, 2000; Martin, 2002).

Teaching critical thinking skills in nursing education is no easy task. There is criticism in literature that the term “critical thinking” in many cases is no more than a buzzword and that textbooks and educational programs often fail miserably in their ability to teach these skills (Cody, 2003). According to Thayer-Bacon (2000), critical thinking must be viewed as being relational and constructive in its nature (as cited in Cody, 2003). This means that nurses must be taught the importance of a constant dialogue and exchange of ideas with others, self-reflection of information gathered in relation to one’s own beliefs, values and life’s experiences, and the mutual development of a reality that is functional between and among the people involved (Cody, 2003). This description helps envision ways in which nurses can be taught critical thinking skills. Instead of studying case scenarios presented with options that suggest one correct answer, nursing students should be provided with information that allows the development of numerous possible outcomes based on nursing frameworks and nursing theory (Cody, 2003).

Girot (2000) has emphasized the importance of teaching critical thinking skills in graduate nursing programs. Nurses in graduate academic programs exhibited significantly better decision making skills than non-academic nurses in practice using the Jenkins’ Clinical Decision-Making in Nursing Scale (Girot, 2000). This study suggests that advanced academic study was a more significant factor in a nurse’s clinical decision making ability than experience in the workforce. Martin (2002) conducted a study that indicated undergraduate and non-licensed nurses who had completed an undergraduate nursing program had poorer ability to make accurate patient nursing diagnoses than did licensed nurses in the workforce. These studies together indicate that advanced academic study and work experience foster development of critical thinking skills. As nurses continue to advance their practice in all areas of patient care, they also become more independent and valued as part of the health care team. Nurses must continue to expand their educational and professional work experiences in order to cultivate their critical thinking skills.

Critical Thinking in Legal Nurse Consulting

The process of legal nurse consulting is both relational and constructive in nature, similar to decision making in the clinical setting. The primary difference is twofold: clinical nurses work prospectively with a patient and family, along with the health care team, to influence patient outcomes in a positive manner. The legal nurse consultant works from a medical chart retrospectively to determine if patient outcomes could or should have been different, based on the care that was (or was not) provided. A legal nurse consultant’s co-workers includes the patient and family, the client (who is usually an attorney), and the medical experts.

There is no shortage of information regarding the importance of critical thinking skills in nursing education and the clinical setting; however, there is very little published on the importance of critical thinking skills specifically for the legal nurse consultant (LNC). The cognitive components of the legal nurse consultant’s role correlate very closely with the process of critical thinking. When examining the services an LNC performs against Brookfield’s (1993) discussion of the four types of questions asked that provide evidence of the process of critical thinking, it becomes very clear that critical thinking is both necessary and invaluable when providing legal nurse consulting services.
From an epistemological perspective, it is important to evaluate if treatments and interventions employed were up-to-date and practical, in light of the patient's condition and needs. If the treating hospital or clinic did not have appropriate equipment, did they transfer the patient appropriately so that the needed treatment could be obtained? Was the patient's cultural background considered when evaluating treatment measures? For example, if someone is a Jehovah's Witness and blood products were not given per the patient's choice, and this contributed to the patient's demise, this would not equal negligence or malpractice. From an experiential perspective, were optional treatments that might have benefited the patient weighed against the practicality of implementing such treatments? Were there omissions in the care that was provided? Were all appropriate tests done to gather the information needed to make informed decisions? Were the treatment decisions ethical? From a communicative perspective, were the patient and family needs properly heard and addressed? Did the patient understand the choices presented, in a language he could understand, when he made so-called "informed decisions" about his health care? From a political perspective, were the patient's best interests served? Were decisions made with the input from an interdisciplinary team, or were they made solely by the primary treating doctor? This brief discussion easily demonstrates the applicability and essential need for critical thinking skills by the LNC. Like any other subspecialty of nursing, use of critical thinking skills by the LNC are developed and honed through education and experience.

Education, credentials, and experience are all important to the development of a successful career in legal nurse consulting (Dougherty, 2002). Years of clinical expertise in a variety of areas, coupled with a background in nursing education, helps prepare a nurse for the role of LNC. An educational background in basic nursing theory provides frameworks that help the LNC approach various medical situations and work through them examining a myriad of possible outcomes. This correlates with the critical thinking approach described by Cody (2003) of having nursing students work through nursing scenarios with the realization that there is not one best answer to a problem, and that their own experiences will play a part in the clinical judgments they make. Courses and certificate programs are now available to teach nurses how to be LNCs, and how to package their educational and clinical expertise and skills into services an LNC can provide (Milazzo, 2002). Programs vary from one-day seminars to courses that run several days or weeks. Certification as an LNC is also available to signify basic competencies in this profession.

Clinical work experience provides knowledge useful to the LNC when reviewing medical injuries and procedures as described in client records. Work experience also helps the nurse gain confidence in working with various members of the healthcare team (Milazzo, 2002). Nurses working clinically as part of an interdisciplinary team must learn when and how to implement their critical thinking skills (Cody, 2003). The LNC must know not only how to think critically, but how to tactfully apply these skills when working within a diverse group of highly educated people. Gaining these skills in the clinical setting will help the nurse to successfully apply them while working in the LNC role.

The role of the LNC is widely varied and highly complex. The skills of critical thinking are both necessary and expected in order to perform in this role successfully. It is crucial that LNCs both understand and utilize critical thinking skills in their jobs to foster further development of this emerging nursing specialty. Doing so will add prestige and respect to this valuable and unique profession. Nurses are encouraged to reflect upon and appreciate their critical thinking skills, and improve these skills in ways that will benefit both patients and the nursing profession.

References


continued on page 8