



AMERICAN ACADEMY OF ALLERGY
ASTHMA & IMMUNOLOGY

Guidelines for Allergy/Immunology Medical/Expert Opinion Services

*Approved by the AAAAI Executive Committee
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The American Academy of Allergy Asthma & Immunology (AAAAI) recognizes that no organization should attempt to interfere with or seek to influence any member's legal right to testify or provide an opinion regarding a legal case or question. However, in some jurisdictions, criteria for medical witnesses may be inadequate and as a result unqualified physicians may testify concerning issues related to allergy and immunology and the practice of the specialty.

A professional organization, such as a medical or surgical society, may establish guidelines or standards for expert witness qualifications, and many organizations have done so. Two broad categories of guidelines for physicians providing expert opinion services are qualifications and behavior. In addition, select specialty societies have developed disciplinary measures for members who provide false or misleading testimony as expert witnesses. The American College of Surgeons and the Council of Medical Specialty Societies have specified guidelines in response to the need. These provide useful information to assess potential expert witnesses by lawyers, plaintiffs and defendants. Furthermore, these guidelines help define appropriate educators for attorneys, jurors and courts. This is a service to the members of the organization as well as the public at large.

The American Academy of Allergy Asthma & Immunology is a professional organization recognized as the leader in the specialty of allergy and clinical immunology. As a service to our membership and the public, the AAAAI offers the following Guidelines for Allergy/Immunology Medical/Expert Opinion Services.

The American legal system often calls for expert medical testimony. Proper functioning of this system requires that when such testimony is needed, it be truly expert, impartial, and available to all litigants. To that end, the following guidelines have been adopted by the American Academy of Allergy Asthma & Immunology and apply to all members of this organization who provide expert opinion services to attorneys, litigants or the judiciary in the context of civil or criminal matters including written expert opinions as well as sworn testimony. These principles are a standard by which physicians, who are not members of the American Academy of Allergy Asthma & Immunology, may be assessed if they are providing information related to the practice of allergy and clinical immunology.

Qualifications for individuals testifying in medical malpractice are:

1. current experience and knowledge of the applicable standards of care in the areas about which an opinion is requested;
2. board certification in Allergy and Immunology and maintenance of certification if applicable;
3. current licensure, ideally in the state or in proximity to the state in which the event occurred.

Behavior for medical malpractice and expert opinion should:

1. be an impartial educator of attorneys, jurors and the court on the subject of allergy practice, clinical immunology and clinical management of subjects with asthma, immunodeficiency, urticaria, upper airway disease, drug allergy, food allergy, anaphylaxis, allergic skin diseases, mastocytosis, insect hypersensitivity, immunologic lung diseases, and indoor and outdoor environmental issues related to allergy, including mold or fungal concerns.
2. balance opinion without evasion and provide differing viewpoints if such exist and are supported by evidenced-based medicine;
3. distinguish between negligence (substandard medical care that results in harm) and unfortunate medical outcome (recognized complications as a result of medical uncertainty);
4. refuse to link compensation for services with outcome of the case;
5. charge reasonable fee commensurate with the time and effort given to preparing and providing expert witness or review services;
6. provide the basis of testimony and indicate if opinion is a personal view, if the opinion differs from current commonly-accepted, evidence-based practice and if differing opinions exist based upon the medical literature;
7. avoid advocacy or partisan positions;
8. include review of all pertinent, available medical information about a particular patient prior to rendering an opinion about the appropriateness of medical management of the patient.