

American College of Rheumatology

Policy and Guidelines for Expert Witness Testimony in Medical Malpractice Litigation

Policy

The interests of the public and the medical profession are best served when scientifically sound and unbiased expert witness testimony is readily available to plaintiffs and defendants in medical malpractice litigation. As members of the physician community and as patient advocates, rheumatologists may be asked to testify as expert witnesses in matters concerning potential medical malpractice. It is in the public interest that medical expert testimony be readily available, objective and unbiased. The American College of Rheumatology believes that the adoption of these guidelines will help further that objective.

Expert witnesses are called upon to assess the standard of care for rheumatologists in matters of alleged medical malpractice. Because medical expert witness testimony has the potential to set standards of medical care, the American College of Rheumatology considers expert testimony to fall within the practice of medicine and to be subject to review by appropriate licensing authorities. Rheumatologists whose testimony is false, deceptive or misleading or otherwise violates the following guidelines may be subject to disciplinary action by the College.

Expert Witness Guidelines

I. Relevant Qualifications

- A. The rheumatologist serving as an expert witness must have a current, valid and unrestricted license to practice medicine duly issued by any state in the United States.
- B. The rheumatologist serving as an expert witness should be board certified in Rheumatology by the American Board of Internal Medicine, the American Osteopathic Board of Internal Medicine, or the American Board of Pediatrics.
- C. A rheumatologist serving as an expert witness should have knowledge and experience about the range of the standard of care and the available scientific evidence for the condition in question during the time of occurrence.
- D. A rheumatologist serving as an expert witness should have been engaged in the practice of Rheumatology for a period of not less than three years.
- E. The rheumatologist serving as an expert witness must not accept compensation that is contingent upon the outcome of the litigation.

Compensation should be reasonable and commensurate with the time and effort in his or her service as an expert witness.

II. **Guidelines**

- A. Before offering testimony, the rheumatologist must thoroughly review the medical facts of the case and all relevant information and testify as to the content fairly and honestly.
- B. The rheumatologist serving as an expert witness must not provide testimony that is false, misleading or without medical foundation and must not knowingly misrepresent his or her credentials.
- C. The rheumatologist serving as an expert witness should distinguish between an unfortunate medical outcome and actual negligence and not testify that a maloccurrence is malpractice nor that malpractice is a maloccurrence.
- D. The rheumatologist serving as an expert witness should be prepared to state the basis of his or her testimony or opinion and whether it is based, for example, on personal experience, specific clinical references, evidence-based guidelines or a generally accepted opinion in the field.
- E. The rheumatologist who is seeking to serve as an expert witness must not provide representations about their qualifications, experience or background that are false or deceptive.