

# Elliott Oppenheim

91-03-0068

## UNPROFESSIONAL CONDUCT

Activities as a Witness

RCW 18.130.180(1)

Where respondent may have made dishonest statements when testifying as a witness, such conduct may indicate an unfitness to practice medicine if it raises a reasonable apprehension that the physician may abuse the trust inherent in the professional status of the profession. RCW 18.130.180(1) does not require that the improper conduct occur within the practice of medicine, but only that it relate to the practice of medicine. . . . **Elliott Oppenheim**, 91-03-0068 (Medical; October 9, 1992).

## EXPERT WITNESSES

Immunity from Disciplinary Action

Although the respondent is immune from subsequent legal proceedings arising from any testimony or statements made by him preliminary to or in the course of judicial proceedings, the immunity afforded expert witnesses does not protect an expert from disciplinary action for dishonest statements or misrepresentations concerning the status of the expert's professional license or credentials. The chilling effect of subjecting experts to threatened litigation and liability for their expert opinions does not exist if a physician is not rendering an expert opinion but is merely testifying as to facts personal to the expert. . . . **Elliott Oppenheim**, 91-03-0068 (Medical; October 9, 1992).