**SAMPLE MEDICAL EXPERT AFFIDAVIT ON HIV TRANSMISSION**

STATE OF \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

COUNTY OF \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ personally came and appeared before me, the undersigned Notary, the within named \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, who is a resident of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ County, State of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, and makes this his/her statement and Medical Expert Affidavit upon oath and affirmation of belief and personal knowledge that the following matters, facts and things set forth are true and correct to the best of his/her knowledge.

Affidavit of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

1. HIV is spread by sexual contact with an infected person, by sharing needles and/or syringes (primarily for drug injection) with someone who is infected, or, less commonly (and now very rarely in countries where blood is screened for HIV antibodies), through transfusions of infected blood or blood clotting factors. Babies born to HIV-infected women may become infected before or during birth or through breast-feeding after birth.
2. The HIV virus is fragile and transmission is extremely difficult and occurs only through limited paths: through sexual intercourse, most typically male to female vaginal intercourse or through anal intercourse; through transmission from a woman with HIV to her fetus; or through intravenous drug use. A relatively small number of health care workers also have been infected in the workplace through significant exposure to the blood of HIV-positive patients, most typically through needlestick injuries.
3. Some people fear that HIV might be transmitted in other ways; however, no scientific evidence to support any of these fears has been found. If HIV were being transmitted through other routes (such as through simple touching, air, water, insects), the pattern of reported AIDS cases would be much different from what has been observed. For example, if mosquitoes could transmit HIV infection, or if parents and children could easily transmit HIV to other family members, many more young children and preadolescents would have been diagnosed with HIV. Instead, the number of young children with HIV has dramatically dropped in recent years as the use of drugs to prevent transmission during pregnancy and childbirth has become routine.
4. All reported cases suggesting new or potentially unknown routes of transmission are thoroughly investigated by state and local health departments with the assistance, guidance, and laboratory support from CDC. *No additional routes of transmission have been recorded,* despite a national sentinel system designed to detect just such an occurrence.
5. The HIV virus cannot be transmitted through casual contact or day-to-day interactions at home, work, or school. One cannot contract HIV through touching, hugging, kissing, or sharing food, eating utensils, towels, bedding, swimming pools, telephones, or toilet seats.
6. A large number of families in the United States have been affected by the HIV epidemic. Many people living with HIV are raising minor children. Hundreds of thousands of children in the United States have at least one HIV-positive parent, and these families are found in all regions of the country.
7. HIV cannot be transmitted between family members in the normal household setting unless there is contact between an open wound or the mucous membranes of one person and the HIV-infected blood of another. Taking simple precautions in the home can eliminate even this extraordinarily low risk of transmission.
8. A parent with HIV poses no real risk of transmission to children in his or her care. HIV transmission simply is not associated with casual household contact. No one has ever transmitted HIV to a child by changing the child’s diaper or clothes, feeding or caring for the child, kissing or hugging the child, or through any of the other typical interaction between a parent and a child.
9. There is no medical or public health need to separate otherwise healthy HIV-positive children from those who are not infected in the home, in schools, or in other activities.
10. Patients often ask their clinicians about the degree of HIV transmission risk associated with specific sexual activities. Numerous studies have examined the risk for HIV transmission associated with various sex acts. These studies indicate that HIV is not easily transmitted, and that even in unprotected anal sex, the per-act risk of transmission is 2% or less.
11. Oral sex has an even lower per-act risk of HIV transmission than penile-vaginal or penile to anal sexual activity. Oral sex is definitely not a primary means of HIV transmission. Engaging in lower-risk behavior such as oral sex reduces or eliminates the risk that HIV transmission will occur.
12. In the United States, the risk of HIV transmission from an HIV-positive woman to a man is much lower than the risk of transmission from an HIV-positive man to a woman. HIV transmission from women to men is not a major cause of the HIV epidemic in the United States.
13. The risk that a person with HIV will transmit the virus to another individual also is affected by numerous biological factors, such as the person’s overall health and the amount of HIV virus in each person’s system.
14. People with HIV who are taking antiretroviral medication reduce the likelihood of transmitting HIV to another person. The clinical goal of antiretroviral therapy is to reduce the amount of HIV virus in a person’s system to levels approaching commercial laboratory undetectability. These undetectable HIV levels achieved by standard antiretroviral therapy further reduces the risk for HIV transmission to near-zero.

DATED this the \_\_\_\_\_\_day of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, 20\_\_\_\_\_

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 Signature of Affiant

 SWORN to subscribe before me, this \_\_\_\_\_\_\_day of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, 20\_\_\_\_

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My Commission Expires:

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