

EXPERT WITNESS QUALIFICATIONS

STATE	Providing Expert Witness Testimony is the Practice of Medicine	Providing false or fraudulent testimony can result in disciplinary action	State Licensure Requirement	Qualifications for medical experts	Pending Legislation/other information
AL					
AK			Must be licensed in state or in another state or country	In an action based on professional negligence an individual may not testify as an expert unless the witness is a professional who is licensed in this state or in another state or country; trained and experienced in the same discipline or school of practice as the defendant or in an area directly related to the matter at issue; and certified by a board recognized by the state as having acknowledged expertise and training directly related to the particular field or matter at issue.	
AZ-M				To qualify as an expert in a medical liability cause of action an expert must be licensed in the same profession as the defendant, maintain board certification in the same specialty as the defendant if applicable, and devote a majority of his or her professional time to the active clinical practice or instruction of students in the same health profession as the defendant for the year immediately preceding the occurrence giving rise to the lawsuit.	
AZ-O					
AR				In any action for medical negligence, the plaintiff must establish negligence through expert testimony provided by a medical care provider in the same specialty	

EXPERT WITNESS QUALIFICATIONS

STATE	Providing Expert Witness Testimony is the Practice of Medicine	Providing false or fraudulent testimony can result in disciplinary action	State Licensure Requirement	Qualifications for medical experts	Pending Legislation/other information
				as the defendant.	
CA-M		Yes		To qualify as an expert, the witness must have the professional knowledge, learning and skill of the subject under inquiry sufficient to qualify him to speak with authority on the subject, and must be familiar with the standards required of physicians under similar circumstances.	
CA-O					
CO				No person shall be qualified to testify as an expert witness concerning issues of negligence in any medical malpractice action or proceeding against a physician unless he not only is a licensed physician, but can demonstrate by competent evidence that, as a result of training, education, knowledge, and expertise in the evaluation, diagnosis, and treatment of the disease or injury which is the subject matter of the action or proceeding against the physician defendant, he was substantially familiar with applicable standards of care and practice as they relate to the act or omission which is the subject of the claim on the date of the incident. The court shall not permit an expert in one medical subspecialty to testify against a physician in another medical subspecialty unless, in addition to such a showing of	

EXPERT WITNESS QUALIFICATIONS

STATE	Providing Expert Witness Testimony is the Practice of Medicine	Providing false or fraudulent testimony can result in disciplinary action	State Licensure Requirement	Qualifications for medical experts	Pending Legislation/other information
				substantial familiarity, there is a showing that the standards of care and practice in the two fields are similar.	
CT			If the defendant is not board-certified, the expert must be licensed by Connecticut or another state that has the same or greater qualifications	Any health care provider may testify as an expert in any action if he: (1) Is a "similar health care provider;" (2) is not a similar health care provider, but to the satisfaction of the court, posses sufficient training, experience and knowledge as a result of practice or teaching in a related field of medicine, so as to be able to provide such expert testimony as to the prevailing professional standard of care in a given field of medicine. Such training, experience or knowledge shall be as a result of the active involvement in the practice or teaching of medicine within the five-year period before the incident giving rise to the claim.	
DE				No person shall be competent to give expert medical testimony as to applicable standards of skill and care unless such person is familiar with the degree of skill ordinarily employed in the field of medicine on which he or she will testify.	
DC					
FL-M				Expert testimony must be provided by a licensed health care provider who practices in the same or similar specialty as the defendant.	

EXPERT WITNESS QUALIFICATIONS

STATE	Providing Expert Witness Testimony is the Practice of Medicine	Providing false or fraudulent testimony can result in disciplinary action	State Licensure Requirement	Qualifications for medical experts	Pending Legislation/other information
				<p>If the defendant is a specialist, the expert must have practiced in the same or similar specialty as the defendant for the past three years in active clinical practice, teaching, or in a clinical research program.</p> <p>If the health care provider is a general practitioner, the expert must have practiced in the same or a similar specialty for the past five years in an active clinical practice, teaching, or a clinical research program.</p>	
FL - O					
GA			<p>To testify as an expert, the witness must be licensed in the state of Georgia in the same profession as the defendant, as an M.D., or as a D.O.</p>	<p>To testify as an expert, the witness must be licensed in the state of Georgia in the same profession as the defendant, as an M.D., or as a D.O. The expert must also have been licensed at the time the alleged act occurred and have knowledge and experience in the area of specialty in which his/her expert opinion is based. A witness is deemed to have this expertise if he/she has been in active practice in such area or specialty or taught in his or her profession for at least three of the last five years with sufficient frequency to establish an appropriate level of knowledge to perform the procedure, diagnose the condition or render the treatment which is alleged to have been</p>	

EXPERT WITNESS QUALIFICATIONS

STATE	Providing Expert Witness Testimony is the Practice of Medicine	Providing false or fraudulent testimony can result in disciplinary action	State Licensure Requirement	Qualifications for medical experts	Pending Legislation/other information
				performed negligently.	
GU					
HI					
ID				The expert must possess professional knowledge and expertise coupled with actual knowledge of the applicable community standard to which his or her expert opinion testimony addresses.	
IL				In determining if a witness is competent to testify on the appropriate standard of care, the court must look at whether the witness is board certified, board eligible, or completed a residency in the same or substantially similar medical specialty as the defendant and has significant experience with the standard of care, methods, procedures, and treatments relevant to the allegations against the defendant, the amount of time spent by the witness on practicing, teaching, or researching medicine as it relates to the treatment at issue, whether the witness is licensed in the same class of license as the defendant; and whether, in the case against a nonspecialist, the witness can demonstrate a sufficient familiarity with the standard of care practiced in Illinois. A witness may not qualify as an expert if the witness cannot provide evidence that	

EXPERT WITNESS QUALIFICATIONS

STATE	Providing Expert Witness Testimony is the Practice of Medicine	Providing false or fraudulent testimony can result in disciplinary action	State Licensure Requirement	Qualifications for medical experts	Pending Legislation/other information
				he or she has actively practiced medicine, taught, or done research in a university setting for the past five years. If retired, the witness must provide evidence that he or she completed continuing education courses for three years prior to testifying.	
IN					
IA				If the standard of care given by a licensed physician and surgeon is at issue, the court shall only allow a person to qualify as an expert witness and to testify on the issue of the appropriate standards of care if the person's medical qualifications relate directly to the medical problem(s) at issue and the type of treatment administered in the case.	
KS				In any medical malpractice liability action in which the standard of care given by a practitioner of healing arts is at issue, no person shall qualify as an expert witness on such issue unless at least 50% of such person's professional time within the two-year period preceding the incident is devoted to actual clinical practice in the same profession in which the defendant is licensed.	
KY					
LA				In a medical malpractice action against a physician, licensed to practice medicine by the Louisiana State Board of Medical Examiners	2008 HB 215 - Amends requirements for a person to qualify as an expert witness in a medical malpractice action to include holding a current and unrestricted license to

EXPERT WITNESS QUALIFICATIONS

STATE	Providing Expert Witness Testimony is the Practice of Medicine	Providing false or fraudulent testimony can result in disciplinary action	State Licensure Requirement	Qualifications for medical experts	Pending Legislation/other information
				<p>for injury to or death of a patient, a person may qualify as an expert witness on the issue of whether the physician departed from accepted standards of medical care only if the person is a physician who meets all of the following criteria:</p> <p>(a) He is practicing medicine at the time such testimony is given or was practicing medicine at the time the claim arose.</p> <p>(b) He has knowledge of accepted standards of medical care for the diagnosis, care, or treatment of the illness, injury, or condition involved in the claim.</p> <p>(c) He is qualified on the basis of training or experience to offer an expert opinion regarding those accepted standards of care.</p> <p>(d) He is licensed to practice medicine by the Louisiana State Board of Medical Examiners under R.S. 37:1261 et seq., is licensed to practice medicine by any other jurisdiction in the United States, or is a graduate of a medical school accredited by the American Medical Association's Liaison Committee on Medical Education or the American Osteopathic Association.</p> <p>In determining whether a witness is qualified on the basis of training or experience, the court shall consider whether, at the time the claim arose</p>	<p>practice medicine or having previously held a license to practice medicine issued by the Board of Medical Examiners or holding a license or having previously held a license to practice medicine in Canada instead of simply being licensed to practice medicine. FAILED</p> <p>2008 HB 640 - Amends standards for a person to qualify as an expert witness in a medical malpractice action against a physician to require the expert witness to be a board-certified or board-eligible physician, specialist, or subspecialist at the time testimony is given. FAILED</p> <p>2008 HB 658 - States that any expert witness in a medical malpractice action based on the negligence of a health care provider for injury to or death of a patient arising out of emergency medical care or services in a hospital, emergency room or department, obstetrical unit, diagnostic unit or surgical suite, shall be permitted to testify against the health care provider who rendered the emergency medical care or services only if the education, specialty, training, and certification of the expert is equal to or greater than the health care providers. FAILED</p> <p>2008 HB 881 - States that with respect to opinion testimony regarding the applicable standard of care and whether a physician departed from such a standard of care, a</p>

EXPERT WITNESS QUALIFICATIONS

STATE	Providing Expert Witness Testimony is the Practice of Medicine	Providing false or fraudulent testimony can result in disciplinary action	State Licensure Requirement	Qualifications for medical experts	Pending Legislation/other information
				<p>or at the time the testimony is given, the witness is board certified or has other substantial training or experience in an area of medical practice relevant to the claim and is actively practicing in that area.</p>	<p>physician who is actively practicing in the field, specialty, or subspecialty which ever is applicable to the defendant physician and otherwise qualified to testify regarding the burden of proof and expert witness qualification in a medical malpractice action. Requires the Department of Health and Hospitals to publish a form authorization for the request of medical records in a malpractice claim. FAILED</p> <p>2008 SB 79 - Amends requirements for a person to qualify as an expert witness in a medical malpractice action to include holding a current and unrestricted license to practice medicine instead of simply being licensed to practice medicine. FAILED</p> <p>2008 SB 217 - States that any expert witness in a medical malpractice action based on the negligence of a health care provider for injury to or death of a patient arising out of emergency medical care or services in a hospital, emergency room or department, obstetrical unit, diagnostic unit or surgical suite, shall be qualified based on the health care provider's specific profession, education, specialty, training, licensure and knowledge, relative to the emergency medical care or services rendered by the healthcare provider. FAILED</p> <p>2008 SB 664 - Establishes standards for an expert witness in a medical malpractice</p>

EXPERT WITNESS QUALIFICATIONS

STATE	Providing Expert Witness Testimony is the Practice of Medicine	Providing false or fraudulent testimony can result in disciplinary action	State Licensure Requirement	Qualifications for medical experts	Pending Legislation/other information
					action. FAILED 2008 SB 668 - Establishes standards for an expert witness in a medical malpractice action and proposes a cap on noneconomic damages in medical malpractice actions. FAILED
ME-M					
ME-O					
MD				A certificate of merit must be filed by a qualified expert, which is defined as “an individual who is a licensed professional, or comparably licensed or certified professional under the laws of another jurisdiction, knowledgeable in the accepted standard of care in the same discipline as the licensed professional against whom a claim is filed.” It does not include “(i) A party to the claim; (ii) An employee or partner of party; (iii) An employee or stockholder of a professional corporation of which a party is a stockholder; or (iv) A person having a financial interest in the outcome of the claim.”	
MA					2007 HB 1445 (SB 988) - States that in any action for malpractice, negligence, error, omission, mistake or the unauthorized rendering of professional services against a provider of health an expert witness shall be board certified in the same specialty as the defendant physician. PENDING

EXPERT WITNESS QUALIFICATIONS

STATE	Providing Expert Witness Testimony is the Practice of Medicine	Providing false or fraudulent testimony can result in disciplinary action	State Licensure Requirement	Qualifications for medical experts	Pending Legislation/other information
					<p>2007 HB 1446 (SB 1316) - States that the offering of expert witness testimony in an action of malpractice constitutes the practice of medicine. PENDING</p>
MI-M				<p>In an action alleging medical malpractice, a person shall not give expert testimony on the appropriate standard of care unless the person is licensed as a health professional in this state or another state and meets specific criteria.</p>	<p>2007 HB 4723 - Establishes a limited license that allows a person to testify as an expert witness in an action alleging medical malpractice if an applicant meets certain criteria. PENDING</p> <p>2007 HB 4724 - Establishes a limited license that allows a person to testify as an expert witness in an action alleging medical malpractice if an applicant meets certain criteria. The holder of a limited license is not authorized to engage in the practice of a health profession and is only authorized to provide expert witness testimony. The limited license is not valid for not more than one year and is renewable. The definition of unprofessional conduct is amended to include providing false or misleading testimony as an expert witness in an action alleging medical malpractice. Further, the definitions of the practice of medicine and the definition of the practice of osteopathic medicine and surgery are amended to include providing expert witness testimony on the appropriate standard of practice or care in an action alleging medical malpractice. PENDING</p> <p>2008 HB 6277 - Revises expert witness standards for medical malpractice cases. States that an expert witness who is paid on</p>

EXPERT WITNESS QUALIFICATIONS

STATE	Providing Expert Witness Testimony is the Practice of Medicine	Providing false or fraudulent testimony can result in disciplinary action	State Licensure Requirement	Qualifications for medical experts	Pending Legislation/other information
					a contingency fee basis is guilty of a misdemeanor punishable by imprisonment for not more than 1 year or a fine of not more than \$10,000, or both. PENDING
MI-O					
MN					
MS		<p>Any physician who performs medical expert activities, whether or not licensed to practice medicine in Mississippi, may be disciplined or otherwise held professionally accountable by the Board, upon a finding by the Board that the physician is unqualified as evidenced by behavior including, but not limited to, (i) incompetent professional practice, (ii) unprofessional conduct, or (iii) any other dishonorable or unethical conduct likely to deceive, defraud, or harm the public.</p> <p>2. Any violation of these regulations as enumerated above shall constitute unprofessional conduct</p>	<p>Any medical expert activity by a physician regarding a legal matter pending in a state or federal court or administrative agency in Mississippi must be performed by a physician who holds a current unrestricted medical license in Mississippi, another State or foreign jurisdiction</p>	<p>Any medical expert activity by a physician regarding a legal matter pending in a state or federal court or administrative agency in Mississippi must be performed by a physician who holds a current unrestricted medical license in Mississippi, another State or foreign jurisdiction, and who has the qualifications to serve as a medical expert on the issue(s) in question by virtue of knowledge, skill, experience, training, or education.</p>	

EXPERT WITNESS QUALIFICATIONS

STATE	Providing Expert Witness Testimony is the Practice of Medicine	Providing false or fraudulent testimony can result in disciplinary action	State Licensure Requirement	Qualifications for medical experts	Pending Legislation/other information
MO					
MT				<p>Experts must be licensed in at least one state, and have within the past five years routinely treated the diagnosis or condition or provided the type of treatment at issue. The expert may also qualify if within the past five years he/she has instructed students in an accredited health professional school or accredited residency or clinical research program relating to the diagnosis or condition or the type of treatment that is the subject matter of the claim. The expert must also demonstrate that he or she is thoroughly familiar with the standards of care and practice on the date of the incident upon which the malpractice claim is based. The expert must be in the same specialty as the defendant unless the standards of care and practice are substantially similar.</p>	
NE					
NV-M				<p>Expert testimony is required from a physician licensed to practice medicine in any state who devotes three-fourths of his or her time to the active clinical practice of medicine or its instruction at an accredited university. The expert must practice in the same or substantially similar area to the type of practice engaged in at the time of</p>	

EXPERT WITNESS QUALIFICATIONS

STATE	Providing Expert Witness Testimony is the Practice of Medicine	Providing false or fraudulent testimony can result in disciplinary action	State Licensure Requirement	Qualifications for medical experts	Pending Legislation/other information
				the alleged negligence.	
NV-O					
NH				An expert must have been competent and duly qualified to have rendered care at the time the defendant did.	
NJ				To qualify as an expert in a medical liability case or execute an affidavit of merit, the provider must be licensed as a physician or other health care professional. If the defendant is a board certified and the standard of care at issue involves his or her specialty, the expert must be board certified in the same specialty or credentialed by a hospital to treat patients for the medical condition or perform the procedure at issue. During the year immediately preceding the date of the occurrence, the expert must have also devoted a majority of his professional time to the active clinical practice of medicine or teaching. Upon motion by either party, the court can waive these requirements.	2008 AB 1369 - Revises standards for expert witnesses in medical malpractice actions. States that an expert witness under this section must be both hospital-credentialed and board certified, where previously the expert had to be either hospital-credentialed or board certified. Requires the expert to devote a majority of his professional time to the active clinical practice of the same health care profession in which the defendant is licensed. Further, clarifies the court's option to waive the same specialty or subspecialty requirement for an expert witness. PENDING
NM-M					
NM-O					
NY					2007 AB 3139 (SB 2144) - Relates to expert witness testimony in a medical malpractice case. Requires each party to disclose to the other parties the identities of

EXPERT WITNESS QUALIFICATIONS

STATE	Providing Expert Witness Testimony is the Practice of Medicine	Providing false or fraudulent testimony can result in disciplinary action	State Licensure Requirement	Qualifications for medical experts	Pending Legislation/other information
					<p>each expert witness and for the expert witness to file a report of all opinions to be expressed and the basis and reasons therefore. PENDING</p> <p>2007 AB 8066 - Relates to expert witness testimony in medical malpractice cases. Requires each party to identify each person expected to be called as an expert witness and shall disclose in reasonable detail the subject matter on which each expert is expected to testify, the substance of the facts and opinions, the qualifications of each expert witness and a summary of the grounds for each expert's opinions. Additionally, each court appointed medical expert must meet the following requirements: (1) is licensed to practice in at least one state in the same profession as the defendant; (2) is trained and experienced in the same discipline or school of practice as the defendant and can demonstrate by competent evidence that, as a result of training, education, knowledge, and experience in the evaluation, diagnosis, and treatment of the disease or injury which is the subject of the lawsuit; (3) if the defendant is certified, the expert must be certified in the same specialty; and (4) within five years of the date of the alleged occurrence giving rise to the claim, was in active medical practice in the same discipline or school of practice as the defendant. PENDING</p>

EXPERT WITNESS QUALIFICATIONS

STATE	Providing Expert Witness Testimony is the Practice of Medicine	Providing false or fraudulent testimony can result in disciplinary action	State Licensure Requirement	Qualifications for medical experts	Pending Legislation/other information
					<p>2007 SB 4149 - Relates to expert witness testimony in a medical malpractice case. Requires each party to identify each person expected to be called as an expert witness and to disclose in reasonable detail the subject matter on which each expert is expected to testify, the substance of the facts and opinions, the qualifications of each expert witness and a summary of the grounds for each expert's opinions. Additionally, each court appointed medical expert must meet the following requirements: (1) is licensed to practice in at least one state in the same profession as the defendant; (2) is trained and experienced in the same discipline or school of practice as the defendant; (3) if the defendant is certified, the expert must be certified in the same specialty; and (4) within five years of the date of the alleged occurrence giving rise to the claim, was in active medical practice in the same discipline or school of practice as the defendant. PENDING</p>
NC	Yes	<p>Yes</p> <p>It is the NC Medical Board's position that the NC Court of Appeals' decision in <u>In re Lustgarten</u>, left undisturbed the Medical Board's authority to sanction false or misleading expert witness</p>	No	<p>Experts must generally be licensed providers who were practicing or teaching in the same/similar specialty as the defendant within a year of the alleged negligence.</p>	

EXPERT WITNESS QUALIFICATIONS

STATE	Providing Expert Witness Testimony is the Practice of Medicine	Providing false or fraudulent testimony can result in disciplinary action	State Licensure Requirement	Qualifications for medical experts	Pending Legislation/other information
		testimony.			
ND					
NMI					
OH				Experts must be licensed in any state to practice medicine and surgery, osteopathic medicine and surgery, or podiatric medicine and surgery and devote three-fourths of his or her professional time to the active clinical practice of medicine or surgery, osteopathic medicine and surgery, or podiatric medicine and surgery, or to its instruction in an accredited university. The expert must practice in the same or substantially similar specialty as the defendant and if the defendant is certified in a specialty, the expert must also be certified by a board recognized by the American Board of Medical Specialties. An out of state expert will be deemed to have a temporary license to practice in the state.	
OK-M				To qualify as an expert in a medical liability cause of action, the expert must be licensed to practice medicine or have other substantial training or experience in any area of health care relevant to the claim, and must be actively practicing or retired from health care in any area of health care services relevant to the claim. The judge may allow experts who do not meet these qualifications	

EXPERT WITNESS QUALIFICATIONS

STATE	Providing Expert Witness Testimony is the Practice of Medicine	Providing false or fraudulent testimony can result in disciplinary action	State Licensure Requirement	Qualifications for medical experts	Pending Legislation/other information
				to testify if the judge finds there is good reason to admit the expert's testimony and this reason is stated on the record.	
OK-O					
OR					
PA-M				Experts must be a physician who is actively engaged in clinical practice or teaching and experienced in the care at issue. Experts on the standard of care must be the same or similar specialty and board certified, if applicable, as the defendant. The court can waive this requirement if the expert has sufficient training, experience, or knowledge as a result of active practice or teaching within five-years prior to the incident.	
PA-O					
PR					
RI				In any legal action for personal injury or death filed against a physician based on professional negligence, only those persons who by knowledge, skill, experience, training, or education qualify as experts in the field of the alleged malpractice shall be permitted to give expert testimony as to the alleged malpractice.	
SC	Section 40-47-20 (36) 'Practice of Medicine' means: (h) testifying as a	Section 40-47-110. 'Misconduct' that constitutes grounds for disciplinary action is a	Section 40-47-35. (A) The board may issue a license to a physician licensed in good	An expert who signs an affidavit of merit must hold a license in the state in which he or she practices, and maintain board certification, or have	On August 24, 2006 the South Carolina Supreme Court suspended the law requiring out of state physicians to get a temporary SC license to testify. The justices noted that

EXPERT WITNESS QUALIFICATIONS

STATE	Providing Expert Witness Testimony is the Practice of Medicine	Providing false or fraudulent testimony can result in disciplinary action	State Licensure Requirement	Qualifications for medical experts	Pending Legislation/other information
	<p>physician in an administrative, civil, or criminal proceeding in this State by expressing an expert medical opinion.</p>	<p>showing to the board by the preponderance of evidence that a licensee has: (25) provided false, deceptive, or misleading testimony as an expert witness in an administrative, civil, or criminal proceeding in this State.</p>	<p>standing in another state, who has been engaged to testify as an expert medical witness in an administrative, civil, or criminal proceeding in this State. The license only shall authorize practice in this State as an expert medical witness in a particular proceeding in this State. This license must be valid for the duration of the particular proceeding for which it is issued. This license must authorize only practice in this State that is related directly to the particular proceeding for which it is issued. A separate license must be obtained for each proceeding in which the applicant is engaged to testify as an expert medical witness in this State. The applicant shall submit the following items: (1) a completed application and</p>	<p>actual professional knowledge and experience in, the area of practice or specialty on which the opinion of the standard of care is based. An expert is considered to have actual professional knowledge if he or she has actively practiced or taught in the area of specialty for three of the last five years immediately preceding the opinion. An expert who is not licensed or board certified may still sign an affidavit if the expert has scientific, technical, or other specialized knowledge which may assist the trier of fact in understanding the evidence and determining a fact or issue in the case. In this case, however, the affidavit must contain an explanation of the expert's credentials.</p>	<p>courts have always had the power to determine whether experts are allowed to testify. The suspension is temporary and the justices expect lawmakers to provide "further clarity" when the General Assembly resumes in January.</p> <p>2007 SB 693 - Rather than the Board of Medical Examiners licensing a physician as an expert witness, a physician who testifies in a proceeding in North Carolina is deemed to have submitted to the jurisdiction of the board. Also see Resident Licensure/Postgraduate Training and Miscellaneous. PENDING</p>

EXPERT WITNESS QUALIFICATIONS

STATE	Providing Expert Witness Testimony is the Practice of Medicine	Providing false or fraudulent testimony can result in disciplinary action	State Licensure Requirement	Qualifications for medical experts	Pending Legislation/other information
			payment of applicable fees; and (2) satisfactory documentation of the applicant's engagement as an expert witness in a particular proceeding in this State. (B) The board may waive any part or all of a fee for this license for a physician to testify as an expert witness on behalf of a state, county, or municipal agency or office.		
SD					
TN-M			Expert witnesses must be licensed in Tennessee or a contiguous bordering state	No person in a health care profession requiring licensure under the laws of TN shall be competent to testify in any court of law to establish the facts required to be established (a) unless he was licensed to practice in the state or a contiguous bordering state a profession or specialty which would make his expert testimony relevant to the issues in the case and had practiced this profession or specialty in one of these states during the year preceding the date that the alleged injury or wrongful act occurred.	2007 HB 1993 (SB 2001) - Establishes expert witness qualifications for medical malpractice cases. HB 1993 FAILED, SB 2001 Signed by Governor 5-15-08
TN-O					
TX				An expert witness must be a physician who is practicing	

EXPERT WITNESS QUALIFICATIONS

STATE	Providing Expert Witness Testimony is the Practice of Medicine	Providing false or fraudulent testimony can result in disciplinary action	State Licensure Requirement	Qualifications for medical experts	Pending Legislation/other information
				<p>medicine at the time such testimony is given or was practicing medicine at the time the claim arose; has knowledge of accepted standards of medical care for the diagnosis, care, or treatment of the illness, injury, or condition involved in the claim; and is qualified on the basis of training or experience to offer an expert opinion regarding the accepted standard of medical care. The physician will be considered qualified on the basis of training if he or she is board certified or has other substantial training or experience in an area of medical practice relevant to the claim; and is actively practicing medicine in rendering medical care services relevant to the claim.</p> <p>A member of the board may not serve as an expert witness in a suit involving a health care liability claim against a physician for injury or death of a patient.</p>	
UT-M					
UT-O					
VT-M					<p>2007 HB 221 - Requires physician expert witnesses in medical malpractice cases to have a current, valid and unrestricted license to practice medicine in the state in which he or she practices, to be qualified by experience or demonstrated competence in the area of medical practice involved in the</p>

EXPERT WITNESS QUALIFICATIONS

STATE	Providing Expert Witness Testimony is the Practice of Medicine	Providing false or fraudulent testimony can result in disciplinary action	State Licensure Requirement	Qualifications for medical experts	Pending Legislation/other information
					<p>case, and to be familiar with the standard of care provided at the time of the alleged occurrence. The physician expert witness shall state the basis of his or her testimony or opinion, and whether it is based on personal experience, specific clinical references, evidence-based guidelines, or a generally accepted opinion in the specialty field. Limits damages for pain and suffering or other noneconomic loss for actions based on medical malpractice to \$250,000. PENDING</p> <p>2008 HB 814 - Proposes to set standards for the qualification of physician expert witnesses, provide limited immunity to health care practitioners providing volunteer or public health services, establishes a mandatory arbitration process for medical malpractice actions, and limits damages for pain and suffering in medical malpractice actions to \$250,000. PENDING</p>
VT-O					
VA				<p>§ 8.01-581.20. Standard of care in proceeding before medical malpractice review panel; expert testimony; determination of standard in action for damages.</p> <p>A. In any proceeding before a medical malpractice review panel or in any action against a physician, clinical psychologist, podiatrist, dentist, nurse, hospital or other health care provider to recover damages alleged to have been</p>	

EXPERT WITNESS QUALIFICATIONS

STATE	Providing Expert Witness Testimony is the Practice of Medicine	Providing false or fraudulent testimony can result in disciplinary action	State Licensure Requirement	Qualifications for medical experts	Pending Legislation/other information
				<p>caused by medical malpractice where the acts or omissions so complained of are alleged to have occurred in this Commonwealth, the standard of care by which the acts or omissions are to be judged shall be that degree of skill and diligence practiced by a reasonably prudent practitioner in the field of practice or specialty in this Commonwealth and the testimony of an expert witness, otherwise qualified, as to such standard of care, shall be admitted; provided, however, that the standard of care in the locality or in similar localities in which the alleged act or omission occurred shall be applied if any party shall prove by a preponderance of the evidence that the health care services and health care facilities available in the locality and the customary practices in such locality or similar localities give rise to a standard of care which is more appropriate than a statewide standard. Any physician who is licensed to practice in Virginia shall be presumed to know the statewide standard of care in the specialty or field of medicine in which he is qualified and certified. This presumption shall also apply to any physician who is licensed in some other state of the United States and meets the educational and</p>	

EXPERT WITNESS QUALIFICATIONS

STATE	Providing Expert Witness Testimony is the Practice of Medicine	Providing false or fraudulent testimony can result in disciplinary action	State Licensure Requirement	Qualifications for medical experts	Pending Legislation/other information
				<p>examination requirements for licensure in Virginia. An expert witness who is familiar with the statewide standard of care shall not have his testimony excluded on the ground that he does not practice in this Commonwealth. A witness shall be qualified to testify as an expert on the standard of care if he demonstrates expert knowledge of the standards of the defendant's specialty and of what conduct conforms or fails to conform to those standards and if he has had active clinical practice in either the defendant's specialty or a related field of medicine within one year of the date of the alleged act or omission forming the basis of the action.</p> <p>B. In any action for damages resulting from medical malpractice, any issue as to the standard of care to be applied shall be determined by the jury, or the court trying the case without a jury.</p> <p>C. In any action described in this section, each party may designate, identify or call to testify at trial no more than two expert witnesses per medical discipline on any issue presented. The court may permit a party, for good cause shown, to designate, identify, or call to testify at trial additional expert witnesses.</p>	

EXPERT WITNESS QUALIFICATIONS

STATE	Providing Expert Witness Testimony is the Practice of Medicine	Providing false or fraudulent testimony can result in disciplinary action	State Licensure Requirement	Qualifications for medical experts	Pending Legislation/other information
				<p>The number of treating health care providers who may serve as expert witnesses pursuant to § 8.01-399 shall not be limited pursuant to this subsection, except for good cause shown. If the court permits a party to designate, identify, or call additional experts, the court may order that party to pay all costs incurred in the discovery of such additional experts. For good cause shown, pursuant to the Rules of Supreme Court of Virginia, the court may limit the number of expert witnesses other than those identified in this subsection whom a party may designate, identify, or call to testify at trial.</p>	
VI					
WA-M					
WA-O					
WV-M				<p>In an action relating to professional liability actions, expert witnesses must have, at the time of the medical injury, devoted sixty percent of their professional time annually to active clinical practice in their medical field or specialty, or to teaching in their medical field or specialty in an accredited university. The expert witness must be engaged or qualified in a medical field in which they have experience and/or training in diagnosing or treating injuries or conditions similar to those of the</p>	

EXPERT WITNESS QUALIFICATIONS

STATE	Providing Expert Witness Testimony is the Practice of Medicine	Providing false or fraudulent testimony can result in disciplinary action	State Licensure Requirement	Qualifications for medical experts	Pending Legislation/other information
				<p>patient, and possess professional knowledge and expertise coupled with knowledge of the applicable standard of care to which his or her expert opinion testimony is addressed. Additionally the witness must be licensed in good standing by the licensing authority of any state and not have had a professional license revoked or suspended in the past year in any state. If the witness has the above qualifications at the time of trial, there is a rebuttable presumption that the witness qualifies as an expert. The parties have the opportunity to impeach any witness' qualifications as an expert.</p>	
WV-O					
WI					
WY					