

HOUSE No. 01302

The Commonwealth of Massachusetts

PRESENTED BY:

William C. Galvin and

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the passage of the accompanying bill:

An Act relative to expert witnesses in actions for medical malpractice.

PETITION OF:

NAME:

William C. Galvin

DISTRICT/ADDRESS:

6th Norfolk

HOUSE No. 01302

By Mr. William C. Galvin of Canton, petition (accompanied by bill, House, No. 01302) of William C. Galvin for legislation to regulate the testimony of expert witnesses in medical malpractice court cases.. Joint Committee on the Judiciary.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE
□ HOUSE
□ , NO. 1388 OF 2009-2010.]

The Commonwealth of Massachusetts

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In the Year Two Thousand Eleven
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An Act relative to expert witnesses in actions for medical malpractice.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 Section 1. Chapter 231 of the General Laws is hereby amended by adding after section 60J, the
2 following new section:

3 Section 60K. In any action for malpractice, negligence, error, omission, mistake or the
4 unauthorized rendering of professional services against a provider of health licensed pursuant to
5 section 2 of Chapter 112, including actions pursuant to section 60B of this Chapter, any expert
6 witness shall be board certified in the same specialty as the defendant physician as licensed
7 pursuant to section 2 of Chapter 112.

8 Section 2. Section 5 of Chapter 112 as appearing in the 2006 official edition is hereby amended
9 on line 140 after the word “occasions”, the following: For purposes of this subsection, the
10 offering of expert testimony in any action for malpractice, negligence, error, omission, mistake
11 or unauthorized rendering of professional services against a physician licensed pursuant to
12 section 2 of Chapter 112 of the general laws, shall constitute the practice of medicine.