

**HOUSE . . . . . No. 1388**

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**The Commonwealth of Massachusetts**

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**In the Year Two Thousand Nine**  
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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  
2 60J, the 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  
9 amended on line 140 after the word “occasions”, the following: For purposes of this subsection,  
10 the offering of expert testimony in any action for malpractice, negligence, error, omission,  
11 mistake or unauthorized rendering of professional services against a physician licensed pursuant  
12 to section 2 of Chapter 112 of the general laws, shall constitute the practice of medicine.