

# HOUSE . . . . . No. 1340

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## The Commonwealth of Massachusetts

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PRESENTED BY:

*William C. Galvin*

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*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 adoption of the accompanying bill:

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

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PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>William C. Galvin</i>	<i>6th Norfolk</i>	
<i>Louis L. Kafka</i>	<i>8th Norfolk</i>	<i>1/17/2013</i>

# HOUSE . . . . . No. 1340

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By Mr. Galvin of Canton, a petition (accompanied by bill, House, No. 1340) of William C. Galvin and Louis L. Kafka for legislation to regulate the testimony of expert witnesses in medical malpractice court cases. The Judiciary.

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[SIMILAR MATTER FILED IN PREVIOUS SESSION  
SEE HOUSE, NO. 1302 OF 2011-2012.]

## The Commonwealth of Massachusetts

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In the Year Two Thousand Thirteen  
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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, as most recently amended by Chapter 224  
2 of the Acts of 2012, is hereby amended by adding after section 60L, the following new section:

3           Section 60M. 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, an 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 most recently amended by Chapter 224 of the  
9 Acts of 2012 is hereby amended after the word “occasions”, the following: For purposes of this  
10 subsection, the offering of expert testimony in any action for malpractice, negligence, error,  
11 omission, mistake or unauthorized rendering of professional services against a physician licensed  
12 pursuant to section 2 of Chapter 112 of the general laws, shall constitute the practice of  
13 medicine.