

HOUSE No. 1307

The Commonwealth of Massachusetts

PRESENTED BY:

William C. Galvin

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.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>William C. Galvin</i>	<i>6th Norfolk</i>	<i>1/15/2015</i>
<i>Louis L. Kafka</i>	<i>8th Norfolk</i>	<i>1/20/2015</i>

HOUSE No. 1307

By Mr. Galvin of Canton, a petition (accompanied by bill, House, No. 1307) of William C. Galvin and Louis L. Kafka for legislation to regulate the testimony of expert witnesses in medical malpractice court cases. The Judiciary.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE HOUSE, NO. 1340 OF 2013-2014.]

The Commonwealth of Massachusetts

In the One Hundred and Eighty-Ninth General Court
(2015-2016)

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.