HOUSE DOCKET, NO. 1027 FILED ON: 1/19/2011

HOUSE . . . . . No. 1302

The Commonwealth of Massachusetts

PRESENTED BY:

William C. Galvin and Louis L. Kafka

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:

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

PETITION OF:

NAME:	DISTRICT/ADDRESS:
William C. Galvin	*6th Norfolk*
Louis L. Kafka	*8th Norfolk*

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HOUSE . . . . . No. 1302

By Messrs. Galvin of Canton and Kafka of Stoughton, a petition (accompanied by bill, House, No. 1302) 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. *1388* OF 2009-2010.]

The Commonwealth of Massachusetts

In the Year Two Thousand Eleven

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:

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

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

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