



## Expert Witness Qualifications

### *Board-by-Board Overview*

SMB	State Licensure Requirement	Qualifications for Medical Experts
AL	<p>(b)...a “similarly situated health care provider” is one who meets all of the following qualifications:</p> <p>(1) Is licensed by the appropriate regulatory board or agency of this or some other state.</p> <p>(2) Is trained and experienced in the same discipline or school of practice.</p> <p>(3) Has practiced in the same discipline or school of practice during the year preceding the date that the alleged breach of the standard of care occurred.</p> <p>Ala.Code 1975 § 6-5-548.</p>	<p>(b)...a “similarly situated health care provider” is one who meets all of the following qualifications:</p> <p>(1) Is licensed by the appropriate regulatory board or agency of this or some other state.</p> <p>(2) Is trained and experienced in the same discipline or school of practice.</p> <p>(3) Has practiced in the same discipline or school of practice during the year preceding the date that the alleged breach of the standard of care occurred.</p> <p>(e) The purpose of this section is to establish a relative standard of care for health care providers. A health care provider may testify as an expert witness in any action for injury or damages against another health care provider based on a breach of the standard of care only if he or she is a “similarly situated health care provider” as defined above. It is the intent of the Legislature that in the event the defendant health care provider is certified by an appropriate American board or in a particular specialty and is practicing that specialty at the time of the alleged breach of the standard of care, a health care provider may testify as an expert witness with respect to an alleged breach of the standard of care in any action for injury, damages, or wrongful death against another health care provider only if he or she is certified by the same American board in the same specialty.</p> <p>Ala.Code 1975 § 6-5-548.</p>
AK	<p>Expert witness qualification</p> <p>(a) In an action based on professional negligence, a person may not testify as an expert witness on the issue of the appropriate standard of care unless the witness is</p> <p>(1) a professional who is licensed in this state or in another state or country;</p> <p>(2) trained and experienced in the same discipline or school of practice as the defendant or in an area directly related to a matter at issue; and</p> <p>(3) certified by a board recognized by the state as having acknowledged expertise and training directly related to the particular field or matter at issue.</p> <p>(b) The provisions of (a) of this section do not apply if the state has not recognized a board that has certified the witness in the particular field or matter at issue.</p> <p>§ 09.20.185.</p>	<p>Expert witness qualification</p> <p>(a) In an action based on professional negligence, a person may not testify as an expert witness on the issue of the appropriate standard of care unless the witness is</p> <p>(1) a professional who is licensed in this state or in another state or country;</p> <p>(2) trained and experienced in the same discipline or school of practice as the defendant or in an area directly related to a matter at issue; and</p> <p>(3) certified by a board recognized by the state as having acknowledged expertise and training directly related to the particular field or matter at issue.</p> <p>(b) The provisions of (a) of this section do not apply if the state has not recognized a board that has certified the witness in the particular field or matter at issue.</p> <p>§ 09.20.185.</p>

SMB	State Licensure Requirement	Qualifications for Medical Experts
AZ-M	<p>In an action alleging medical malpractice, a person shall not give expert testimony on the appropriate standard of practice or care unless the person is licensed as a health professional in this state or another state A.R.S. § 12-2604.</p>	<p>A. In an action alleging medical malpractice, a person shall not give expert testimony on the appropriate standard of practice or care unless the person is licensed as a health professional in this state or another state and the person meets the following criteria:</p> <ol style="list-style-type: none"> <li>1. If the party against whom or on whose behalf the testimony is offered is or claims to be a specialist, specializes at the time of the occurrence that is the basis for the action in the same specialty or claimed specialty as the party against whom or on whose behalf the testimony is offered. If the party against whom or on whose behalf the testimony is offered is or claims to be a specialist who is board certified, the expert witness shall be a specialist who is board certified in that specialty or claimed specialty.</li> <li>2. During the year immediately preceding the occurrence giving rise to the lawsuit, devoted a majority of the person's professional time to either or both of the following: <ol style="list-style-type: none"> <li>(a) The active clinical practice of the same health profession as the defendant and, if the defendant is or claims to be a specialist, in the same specialty or claimed specialty.</li> <li>(b) The instruction of students in an accredited health professional school or accredited residency or clinical research program in the same health profession as the defendant and, if the defendant is or claims to be a specialist, in an accredited health professional school or accredited residency or clinical research program in the same specialty or claimed specialty.</li> </ol> </li> <li>3. If the defendant is a general practitioner, the witness has devoted a majority of the witness's professional time in the year preceding the occurrence giving rise to the lawsuit to either or both of the following: <ol style="list-style-type: none"> <li>(a) Active clinical practice as a general practitioner.</li> <li>(b) Instruction of students in an accredited health professional school or accredited residency or clinical research program in the same health profession as the defendant.</li> </ol> </li> </ol> <p>B. If the defendant is a health care institution that employs a health professional against whom or on whose behalf the testimony is offered, the provisions of subsection A apply as if the health professional were the party or defendant against whom or on whose behalf the testimony is offered.</p> <p>C. This section does not limit the power of the trial court to disqualify an expert witness on grounds other than the qualifications set forth under this section.</p> <p>D. An expert witness in a medical malpractice case shall not be permitted to testify if the fee of the witness is in any way contingent on the outcome of the case. A.R.S. § 12-2604.</p>
AZ-O	See AZ-M	See AZ-M
AR		<p>In any action for medical injury:</p> <ol style="list-style-type: none"> <li>(1) Rule 702 of the Uniform Rules of Evidence shall govern the qualifications of expert witnesses;</li> <li>(2) No witness whose compensation for his services is in any way dependent on the outcome of the case shall be permitted to give expert testimony;</li> <li>(3) No medical care provider shall be required to give expert opinion testimony against</li> </ol>

SMB	State Licensure Requirement	Qualifications for Medical Experts
		<p>himself or herself as to any of the matters set forth in § 16-114-206 at a trial. However, this shall not apply to discovery. Discovery information can be used at a trial as in other lawsuits. A.C.A. § 16-114-207.</p>
CA-M		<p>If a witness is testifying as an expert, his testimony in the form of an opinion is limited to such an opinion as is: (a) Related to a subject that is sufficiently beyond common experience that the opinion of an expert would assist the trier of fact; and (b) Based on matter (including his special knowledge, skill, experience, training, and education) perceived by or personally known to the witness or made known to him at or before the hearing, whether or not admissible, that is of a type that reasonably may be relied upon by an expert in forming an opinion upon the subject to which his testimony relates, unless an expert is precluded by law from using such matter as a basis for his opinion. West's Ann.Cal.Evid.Code § 801.</p>
CA-O	See CA-M	See CA-M
CO		<p>No person shall be qualified to testify as an expert witness concerning issues of negligence in any medical malpractice action or proceeding against a physician unless he not only is a licensed physician but can demonstrate by competent evidence that, as a result of training, education, knowledge, and experience in the evaluation, diagnosis, and treatment of the disease or injury which is the subject matter of the action or proceeding against the physician defendant, he was substantially familiar with applicable standards of care and practice as they relate to the act or omission which is the subject of the claim on the date of the incident. The court shall not permit an expert in one medical subspecialty to testify against a physician in another medical subspecialty unless, in addition to such a showing of substantial familiarity, there is a showing that the standards of care and practice in the two fields are similar. The limitations in this section shall not apply to expert witnesses testifying as to the degree or permanency of medical or physical impairment. C.R.S.A. § 13-64-401.</p>
CT	<p>If the defendant is not board certified, the expert must be licensed by Connecticut or another state that has the same or greater qualifications and has been actively practicing for at least five years prior to the incident giving rise to the claim. Conn. Gen. Stat. Ann. § 52-184c.</p>	<p>(d) Any health care provider may testify as an expert in any action if he: (1) Is a “similar health care provider” pursuant to subsection (b) or (c) of this section; or (2) is not a similar health care provider pursuant to subsection (b) or (c) of this section but, to the satisfaction of the court, possesses sufficient training, experience and knowledge as a result of practice or teaching in a related field of medicine, so as to be able to provide such expert testimony as to the prevailing professional standard of care in a given field of medicine. Such training, experience or knowledge shall be as a result of the active involvement in the practice or teaching of medicine within the five-year period before the incident giving rise to the claim. Conn. Gen. Stat. Ann. § 52-184c.</p>

SMB	State Licensure Requirement	Qualifications for Medical Experts
		<p>(2) If the witness to be disclosed hereunder is a health care provider who rendered care or treatment to the plaintiff, and the opinions to be offered hereunder are based upon that provider's care or treatment, then the disclosure obligations under this section may be satisfied by disclosure to the parties of the medical records and reports of such care or treatment. A witness disclosed under this subsection shall be permitted to offer expert opinion testimony at trial as to any opinion as to which fair notice is given in the disclosed medical records or reports. Expert testimony regarding any opinion as to which fair notice is not given in the disclosed medical records or reports must be disclosed in accordance with subdivision (1) of subsection (b) of this section. The parties shall not file the disclosed medical records or disclosed medical reports with the court. Practice Book 1998, § 13-4.</p>
DE		<p>(c) Qualifications of expert and contents of affidavit. --The affidavit or affidavits of merit shall set forth the expert's opinion that there are reasonable grounds to believe that the applicable standard of care was breached by the named defendant or defendants and that the breach was a proximate cause of injury or injuries claimed in the complaint. An expert signing an affidavit of merit shall be licensed to practice medicine as of the date of the affidavit; and in the 3 years immediately preceding the alleged negligent act has been engaged in the treatment of patients and/or in the teaching/academic side of medicine in the same or similar field of medicine as the defendant or defendants, and the expert shall be Board certified in the same or similar field of medicine if the defendant or defendants is Board certified. The Board Certification requirement shall not apply to an expert that began the practice of medicine prior to the existence of Board certification in the applicable specialty. 18 Del.C. § 6853.</p> <p>No person shall be competent to give expert medical testimony as to applicable standards of skill and care unless such person is familiar with the degree of skill ordinarily employed in the field of medicine on which he or she will testify. 18 Del.C. § 6854.</p>
DC	--	--
FL		<p>(5) A person may not give expert testimony concerning the prevailing professional standard of care unless the person is a health care provider who holds an active and valid license and conducts a complete review of the pertinent medical records and meets the following criteria:</p> <p>(a) If the health care provider against whom or on whose behalf the testimony is offered is a specialist, the expert witness must:</p> <ol style="list-style-type: none"> <li>1. Specialize in the same specialty as the health care provider against whom or on whose behalf the testimony is offered; or specialize in a similar specialty that includes the evaluation, diagnosis, or treatment of the medical condition that is the subject of the claim</li> </ol>

SMB	State Licensure Requirement	Qualifications for Medical Experts
		<p>and have prior experience treating similar patients; and</p> <p>2. Have devoted professional time during the 3 years immediately preceding the date of the occurrence that is the basis for the action to:</p> <p>a. The active clinical practice of, or consulting with respect to, the same or similar specialty that includes the evaluation, diagnosis, or treatment of the medical condition that is the subject of the claim and have prior experience treating similar patients;</p> <p>b. Instruction of students in an accredited health professional school or accredited residency or clinical research program in the same or similar specialty; or</p> <p>c. A clinical research program that is affiliated with an accredited health professional school or accredited residency or clinical research program in the same or similar specialty.</p> <p>(b) If the health care provider against whom or on whose behalf the testimony is offered is a general practitioner, the expert witness must have devoted professional time during the 5 years immediately preceding the date of the occurrence that is the basis for the action to:</p> <p>1. The active clinical practice or consultation as a general practitioner;</p> <p>2. The instruction of students in an accredited health professional school or accredited residency program in the general practice of medicine; or</p> <p>3. A clinical research program that is affiliated with an accredited medical school or teaching hospital and that is in the general practice of medicine.</p> <p>(c) If the health care provider against whom or on whose behalf the testimony is offered is a health care provider other than a specialist or a general practitioner, the expert witness must have devoted professional time during the 3 years immediately preceding the date of the occurrence that is the basis for the action to:</p> <p>1. The active clinical practice of, or consulting with respect to, the same or similar health profession as the health care provider against whom or on whose behalf the testimony is offered;</p> <p>2. The instruction of students in an accredited health professional school or accredited residency program in the same or similar health profession in which the health care provider against whom or on whose behalf the testimony is offered; or</p> <p>3. A clinical research program that is affiliated with an accredited medical school or teaching hospital and that is in the same or similar health profession as the health care provider against whom or on whose behalf the testimony is offered.</p> <p>West's F.S.A. § 766.102.</p> <p>FL SB 1792 was passed and requires that expert witnesses have the same specialties as the physicians who are defendants in medical-negligence cases.</p>
FL-O		See FL-M
GA	(c) Notwithstanding the provisions of subsection (b) of this Code section and any other provision of law which might be construed to the contrary, in professional malpractice actions, the opinions of an expert, who is otherwise qualified as to the acceptable standard of conduct of the professional whose conduct is at issue, shall be admissible only if, at the time the act or omission is alleged to have occurred,	(b) If scientific, technical, or other specialized knowledge will assist the trier of fact to understand the evidence or to determine a fact in issue, a witness qualified as an expert by knowledge, skill, experience, training, or education may testify thereto in the form of an opinion or otherwise, if: (1) The testimony is based upon sufficient facts or data;

SMB	State Licensure Requirement	Qualifications for Medical Experts
	<p>such expert:            (1) Was licensed by an appropriate regulatory agency to practice his or her profession in the state in which such expert was practicing or teaching in the profession at such time;            Ga. Code Ann., § 24-7-702</p> <p>To testify as an expert, the witness must be licensed in the state of Georgia in the same profession as the defendant, as an M.D., or as a D.O. Ga. Code Ann., § 24-7-702</p>	<p>(2) The testimony is the product of reliable principles and methods; and            (3) The witness has applied the principles and methods reliably to the facts of the case which have been or will be admitted into evidence before the trier of fact.            (c) Notwithstanding the provisions of subsection (b) of this Code section and any other provision of law which might be construed to the contrary, in professional malpractice actions, the opinions of an expert, who is otherwise qualified as to the acceptable standard of conduct of the professional whose conduct is at issue, shall be admissible only if, at the time the act or omission is alleged to have occurred, such expert:            (1) Was licensed by an appropriate regulatory agency to practice his or her profession in the state in which such expert was practicing or teaching in the profession at such time; and            (2) In the case of a medical malpractice action, had actual professional knowledge and experience in the area of practice or specialty in which the opinion is to be given as the result of having been regularly engaged in:            (A) The active practice of such area of specialty of his or her profession for at least three of the last five years, with sufficient frequency to establish an appropriate level of knowledge, as determined by the judge, in performing the procedure, diagnosing the condition, or rendering the treatment which is alleged to have been performed or rendered negligently by the defendant whose conduct is at issue; or            (B) The teaching of his or her profession for at least three of the last five years as an employed member of the faculty of an educational institution accredited in the teaching of such profession, with sufficient frequency to establish an appropriate level of knowledge, as determined by the judge, in teaching others how to perform the procedure, diagnose the condition, or render the treatment which is alleged to have been performed or rendered negligently by the defendant whose conduct is at issue; and            (C) Except as provided in subparagraph (D) of this paragraph:            (i) Is a member of the same profession;            (ii) Is a medical doctor testifying as to the standard of care of a defendant who is a doctor of osteopathy; or            (iii) Is a doctor of osteopathy testifying as to the standard of care of a defendant who is a medical doctor; and            (D) Notwithstanding any other provision of this Code section, an expert who is a physician and, as a result of having, during at least three of the last five years immediately preceding the time the act or omission is alleged to have occurred, supervised, taught, or instructed nurses, nurse practitioners, certified registered nurse anesthetists, nurse midwives, physician assistants, physical therapists, occupational therapists, or medical support staff, has knowledge of the standard of care of that health care provider under the circumstances at issue shall be competent to testify as to the standard of that health care provider. However, a nurse, nurse practitioner, certified registered nurse anesthetist, nurse midwife, physician assistant, physical therapist, occupational therapist, or medical support staff shall not be competent to testify as to the standard of care of a physician.            Ga. Code Ann., § 24-7-702.</p>

SMB	State Licensure Requirement	Qualifications for Medical Experts
GU		<p>(c) Expert testimony shall not be required but where expert testimony is used, it shall be admitted under the same circumstances as in a civil trial and be subject to cross-examination.</p> <p>(d) The party with the burden of establishing a standard of care and breach thereof shall establish such standards whether by the introduction of expert testimony, or by other competent proof of the standard and the breach thereof, which may include the use of published works as provided in subsection (e).</p> <p>(e) Authoritative, published works on the general and specific subjects in issue may be admitted and argued from, upon prior notice to all other parties.</p> <p>(f) The panel shall accord such weight and probative worth to expert evidence as it deems appropriate. The panel may call a neutral expert on its own motion, which expert witness shall be subject to cross-examination by the parties. The costs of the expert will be deemed a cost of the proceeding.</p> <p>10 G.C.A. § 10118.</p>
HI		<p>If scientific, technical, or other specialized knowledge will assist the trier of fact to understand the evidence or to determine a fact in issue, a witness qualified as an expert by knowledge, skill, experience, training, or education may testify thereto in the form of an opinion or otherwise. In determining the issue of assistance to the trier of fact, the court may consider the trustworthiness and validity of the scientific technique or mode of analysis employed by the proffered expert.</p> <p>HRS § 626-1, Rule 702.</p>
ID		<p>The applicable standard of practice and such a defendant's failure to meet said standard must be established in such cases by such a plaintiff by testimony of one (1) or more knowledgeable, competent expert witnesses, and such expert testimony may only be admitted in evidence if the foundation therefor is first laid, establishing (a) that such an opinion is actually held by the expert witness, (b) that the said opinion can be testified to with reasonable medical certainty, and (c) that such expert witness possesses professional knowledge and expertise coupled with actual knowledge of the applicable said community standard to which his or her expert opinion testimony is addressed; provided, this section shall not be construed to prohibit or otherwise preclude a competent expert witness who resides elsewhere from adequately familiarizing himself with the standards and practices of (a particular) such area and thereafter giving opinion testimony in such a trial.</p> <p>I.C. § 6-1013.</p>
IL		<p>(f) Identity and Testimony of Witnesses. Upon written interrogatory, a party must furnish the identities and addresses of witnesses who will testify at trial and must provide the following information:</p> <p>(1) <i>Lay Witnesses.</i> A “lay witness” is a person giving only fact or lay opinion testimony. For each lay witness, the party must identify the subjects on which the witness will testify. An answer is sufficient if it gives reasonable notice of the testimony, taking into account the</p>

SMB	State Licensure Requirement	Qualifications for Medical Experts
		<p>limitations on the party's knowledge of the facts known by and opinions held by the witness.</p> <p>(2) <i>Independent Expert Witnesses.</i> An “independent expert witness” is a person giving expert testimony who is not the party, the party's current employee, or the party's retained expert. For each independent expert witness, the party must identify the subjects on which the witness will testify and the opinions the party expects to elicit. An answer is sufficient if it gives reasonable notice of the testimony, taking into account the limitations on the party's knowledge of the facts known by and opinions held by the witness.</p> <p>(3) <i>Controlled Expert Witnesses.</i> A “controlled expert witness” is a person giving expert testimony who is the party, the party's current employee, or the party's retained expert. For each controlled expert witness, the party must identify: (i) the subject matter on which the witness will testify; (ii) the conclusions and opinions of the witness and the bases therefor; (iii) the qualifications of the witness; and (iv) any reports prepared by the witness about the case.</p> <p>ILCS S. Ct. Rule 213.</p>
IN		<p>(a) If scientific, technical, or other specialized knowledge will assist the trier of fact to understand the evidence or to determine a fact in issue, a witness qualified as an expert by knowledge, skill, experience, training, or education, may testify thereto in the form of an opinion or otherwise.</p> <p>(b) Expert scientific testimony is admissible only if the court is satisfied that the scientific principles upon which the expert testimony rests are reliable. IN Rules of Evid., Rule 702.</p>
IA		<p>If scientific, technical, or other specialized knowledge will assist the trier of fact to understand the evidence or to determine a fact in issue, a witness qualified as an expert by knowledge, skill, experience, training, or education may testify thereto in the form of an opinion or otherwise. I.C.A. Rule 5.702.</p> <p>If the standard of care given by a licensed physician and surgeon is at issue, the court shall only allow a person to qualify as an expert witness and to testify on the issue of the appropriate standards of care if the person's medical qualifications relate directly to the medical problem(s) at issue and the type of treatment administered in the case. Iowa Code Ann. § 147.139.</p>
KS		<p>In any medical malpractice liability action, as defined in K.S.A. 60-3401 and amendments thereto, in which the standard of care given by a practitioner of the healing arts is at issue, no person shall qualify as an expert witness on such issue unless at least 50% of such person's professional time within the two-year period preceding the incident giving rise to the action is devoted to actual clinical practice in the same profession in which the defendant is licensed.</p> <p>K.S.A. 60-3412.</p>
KY		<p>If scientific, technical, or other specialized knowledge will assist the trier of fact to</p>



SMB	State Licensure Requirement	Qualifications for Medical Experts
		<p>understand the evidence or to determine a fact in issue, a witness qualified as an expert by knowledge, skill, experience, training, or education, may testify thereto in the form of an opinion or otherwise, if:</p> <ol style="list-style-type: none"> <li>(1) The testimony is based upon sufficient facts or data;</li> <li>(2) The testimony is the product of reliable principles and methods; and</li> <li>(3) The witness has applied the principles and methods reliably to the facts of the case.</li> </ol> <p>KRE Rule 702.</p>
LA	<p>D. (1) In a medical malpractice action against a physician, licensed to practice medicine by the Louisiana State Board of Medical Examiners under <u>R.S. 37:1261 et seq.</u>, for injury to or death of a patient, a person may qualify as an expert witness on the issue of whether the physician departed from accepted standards of medical care only if the person is a physician who meets all of the following criteria:</p> <ol style="list-style-type: none"> <li>(a) He is practicing medicine at the time such testimony is given or was practicing medicine at the time the claim arose.</li> <li>(b) He has knowledge of accepted standards of medical care for the diagnosis, care, or treatment of the illness, injury, or condition involved in the claim.</li> <li>(c) He is qualified on the basis of training or experience to offer an expert opinion regarding those accepted standards of care.</li> <li>(d) He is licensed to practice medicine by the Louisiana State Board of Medical Examiners under <u>R.S. 37:1261 et seq.</u>, is licensed to practice medicine by any other jurisdiction in the United States, or is a graduate of a medical school accredited by the American Medical Association's Liaison Committee on Medical Education or the American Osteopathic Association.</li> </ol> <p>LSA-R.S. 9:2794.</p>	<p>A. In a malpractice action based on the negligence of a physician licensed under <u>R.S. 37:1261 et seq.</u>, a dentist licensed under <u>R.S. 37:751 et seq.</u>, an optometrist licensed under <u>R.S. 37:1041 et seq.</u>, or a chiropractic physician licensed under <u>R.S. 37:2801 et seq.</u>, the plaintiff shall have the burden of proving:</p> <ol style="list-style-type: none"> <li>(1) The degree of knowledge or skill possessed or the degree of care ordinarily exercised by physicians, dentists, optometrists, or chiropractic physicians licensed to practice in the state of Louisiana and actively practicing in a similar community or locale and under similar circumstances; and where the defendant practices in a particular specialty and where the alleged acts of medical negligence raise issues peculiar to the particular medical specialty involved, then the plaintiff has the burden of proving the degree of care ordinarily practiced by physicians, dentists, optometrists, or chiropractic physicians within the involved medical specialty.</li> <li>(2) That the defendant either lacked this degree of knowledge or skill or failed to use reasonable care and diligence, along with his best judgment in the application of that skill.</li> <li>(3) That as a proximate result of this lack of knowledge or skill or the failure to exercise this degree of care the plaintiff suffered injuries that would not otherwise have been incurred.</li> </ol> <p>B. Any party to an action shall have the right to subpoena any physician, dentist, optometrist, or chiropractor for a deposition or testimony for trial, or both, to establish the degree of knowledge or skill possessed or degree of care ordinarily exercised as described in Subsection A of this Section without obtaining the consent of the physician, dentist, optometrist, or chiropractor who is going to be subpoenaed only if that physician, dentist, optometrist, or chiropractor has or possesses special knowledge or experience in the specific medical procedure or process that forms the basis of the action. The fee of the physician, dentist, optometrist, or chiropractor called for deposition or testimony, or both, under this Subsection shall be set by the court.</p> <p>C. In medical malpractice actions the jury shall be instructed that the plaintiff has the burden of proving, by a preponderance of the evidence, the negligence of the physician, dentist, optometrist, or chiropractic physician. The jury shall be further instructed that injury alone does not raise a presumption of the physician's, dentist's, optometrist's, or chiropractic physician's negligence. The provisions of this Section shall not apply to situations where the doctrine of res ipsa loquitur is found by the court to be applicable.</p> <p>D. (1) In a medical malpractice action against a physician, licensed to practice medicine by the Louisiana State Board of Medical Examiners under <u>R.S. 37:1261 et seq.</u>, for injury to or death of a patient, a person may qualify as an expert witness on the issue of whether the</p>

SMB	State Licensure Requirement	Qualifications for Medical Experts
		<p>physician departed from accepted standards of medical care only if the person is a physician who meets all of the following criteria:</p> <p>(a) He is practicing medicine at the time such testimony is given or was practicing medicine at the time the claim arose.</p> <p>(b) He has knowledge of accepted standards of medical care for the diagnosis, care, or treatment of the illness, injury, or condition involved in the claim.</p> <p>(c) He is qualified on the basis of training or experience to offer an expert opinion regarding those accepted standards of care.</p> <p>(d) He is licensed to practice medicine by the Louisiana State Board of Medical Examiners under <u>R.S. 37:1261 et seq.</u>, is licensed to practice medicine by any other jurisdiction in the United States, or is a graduate of a medical school accredited by the American Medical Association's Liaison Committee on Medical Education or the American Osteopathic Association.</p> <p>(2) For the purposes of this Subsection, "practicing medicine" or "medical practice" includes but is not limited to training residents or students at an accredited school of medicine or osteopathy or serving as a consulting physician to other physicians who provide direct patient care, upon the request of such other physicians.</p> <p>(3) In determining whether a witness is qualified on the basis of training or experience, the court shall consider whether, at the time the claim arose or at the time the testimony is given, the witness is board certified or has other substantial training or experience in an area of medical practice relevant to the claim and is actively practicing in that area.</p> <p>(4) The court shall apply the criteria specified in Paragraphs (1), (2), and (3) of this Subsection in determining whether a person is qualified to offer expert testimony on the issue of whether the physician departed from accepted standards of medical care.</p> <p>(5) Nothing in this Subsection shall be construed to prohibit a physician from qualifying as an expert solely because he is a defendant in a medical malpractice claim.</p> <p>LSA-R.S. 9:2794.</p>
ME		<p>If scientific, technical, or other specialized knowledge will assist the trier of fact to understand the evidence or to determine a fact in issue, a witness qualified as an expert by knowledge, skill, experience, training, or education, may testify thereto in the form of an opinion or otherwise.</p> <p>Maine Rules of Evidence, Rule 702.</p>
ME-O		See ME-M
MD		<p>Expert testimony may be admitted, in the form of an opinion or otherwise, if the court determines that the testimony will assist the trier of fact to understand the evidence or to determine a fact in issue. In making that determination, the court shall determine (1) whether the witness is qualified as an expert by knowledge, skill, experience, training, or education, (2) the appropriateness of the expert testimony on the particular subject, and (3) whether a sufficient factual basis exists to support the expert testimony.</p>

SMB	State Licensure Requirement	Qualifications for Medical Experts
		<p>MD Rules, Rule 5-702.</p> <p>A certificate of merit must be filed by a qualified expert, which is defined as “an individual who is a licensed professional, or comparably licensed or certified professional under the laws of another jurisdiction, knowledgeable in the accepted standard of care in the same discipline as the licensed professional against whom a claim is filed.” It does not include “(i) A party to the claim; (ii) An employee or partner of party; (iii) An employee or stockholder of a professional corporation of which a party is a stockholder; or (iv) A person having a financial interest in the outcome of the claim.” Md. Code Ann., Cts. &amp; Jud. Proc. § 3-2A-06D.</p>
MA		<p>Every action for malpractice, error or mistake against a provider of health care shall be heard by a tribunal consisting of a single justice of the superior court, a physician licensed to practice medicine in the commonwealth under the provisions of section two of chapter one hundred and twelve and an attorney authorized to practice law in the commonwealth, at which hearing the plaintiff shall present an offer of proof and said tribunal shall determine if the evidence presented if properly substantiated is sufficient to raise a legitimate question of liability appropriate for judicial inquiry or whether the plaintiff's case is merely an unfortunate medical result.</p> <p>Said physician shall be selected by the single justice from a list submitted by the Massachusetts Medical Society representing the field of medicine in which the alleged injury occurred and licensed to practice medicine and surgery in the commonwealth under the provisions of section two of chapter one hundred and twelve. The list submitted to the single justice shall consist only of physicians who practice medicine outside the county where the defendant practices or resides or if the defendant is a medical institution or facility outside the county where said institution or facility is located. The attorney shall be selected by the single justice from a list submitted by the Massachusetts Bar Association. The attorney and physician shall, subject to appropriation, each be compensated in the amount of fifty dollars. M.G.L.A. 231 § 60B.</p>
MI	<p>(1) In an action alleging medical malpractice, a person shall not give expert testimony on the appropriate standard of practice or care unless the person is licensed as a health professional in this state or another state. M.C.L.A. 600.2169.</p>	<p>Sec. 2169. (1) In an action alleging medical malpractice, a person shall not give expert testimony on the appropriate standard of practice or care unless the person is licensed as a health professional in this state or another state and meets the following criteria:</p> <p>(a) If the party against whom or on whose behalf the testimony is offered is a specialist, specializes at the time of the occurrence that is the basis for the action in the same specialty as the party against whom or on whose behalf the testimony is offered. However, if the party against whom or on whose behalf the testimony is offered is a specialist who is board certified, the expert witness must be a specialist who is board certified in that specialty.</p> <p>(b) Subject to subdivision (c), during the year immediately preceding the date of the occurrence that is the basis for the claim or action, devoted a majority of his or her professional time to either or both of the following:</p>

SMB	State Licensure Requirement	Qualifications for Medical Experts
		<p>(i) The active clinical practice of the same health profession in which the party against whom or on whose behalf the testimony is offered is licensed and, if that party is a specialist, the active clinical practice of that specialty.</p> <p>(ii) The instruction of students in an accredited health professional school or accredited residency or clinical research program in the same health profession in which the party against whom or on whose behalf the testimony is offered is licensed and, if that party is a specialist, an accredited health professional school or accredited residency or clinical research program in the same specialty.</p> <p>(c) If the party against whom or on whose behalf the testimony is offered is a general practitioner, the expert witness, during the year immediately preceding the date of the occurrence that is the basis for the claim or action, devoted a majority of his or her professional time to either or both of the following:</p> <p>(i) Active clinical practice as a general practitioner.</p> <p>(ii) Instruction of students in an accredited health professional school or accredited residency or clinical research program in the same health profession in which the party against whom or on whose behalf the testimony is offered is licensed.</p> <p>(2) In determining the qualifications of an expert witness in an action alleging medical malpractice, the court shall, at a minimum, evaluate all of the following:</p> <p>(a) The educational and professional training of the expert witness.</p> <p>(b) The area of specialization of the expert witness.</p> <p>(c) The length of time the expert witness has been engaged in the active clinical practice or instruction of the health profession or the specialty.</p> <p>(d) The relevancy of the expert witness's testimony.</p> <p>(3) This section does not limit the power of the trial court to disqualify an expert witness on grounds other than the qualifications set forth in this section.</p> <p>(4) In an action alleging medical malpractice, an expert witness shall not testify on a contingency fee basis. A person who violates this subsection is guilty of a misdemeanor.</p> <p>(5) In an action alleging medical malpractice, all of the following limitations apply to discovery conducted by opposing counsel to determine whether or not an expert witness is qualified:</p> <p>(a) Tax returns of the expert witness are not discoverable.</p> <p>(b) Family members of the expert witness shall not be deposed concerning the amount of time the expert witness spends engaged in the practice of his or her health profession.</p> <p>(c) A personal diary or calendar belonging to the expert witness is not discoverable. As used in this subdivision, "personal diary or calendar" means a diary or calendar that does not include listings or records of professional activities. M.C.L.A. 600.2169.</p>
MI-O	See MI-M	See MI-M
MN		If scientific, technical, or other specialized knowledge will assist the trier of fact to understand the evidence or to determine a fact in issue, a witness qualified as an expert by knowledge, skill, experience, training, or education, may testify thereto in the form of an

SMB	State Licensure Requirement	Qualifications for Medical Experts
		<p>opinion or otherwise. The opinion must have foundational reliability. In addition, if the opinion or evidence involves novel scientific theory, the proponent must establish that the underlying scientific evidence is generally accepted in the relevant scientific community. 50 M.S.A., Rules of Evid., Rule 702.</p>
MS	<p>In any action for injury or death against a physician, whether in contract or in tort, arising out of the provision of or failure to provide health care services, a person may qualify as an <b>expert witness</b> on the issue of the appropriate <b>medical</b> standard of care if the <b>witness</b> is licensed in this state, or some other state, as a doctor of medicine. Miss. Code Ann. § 11-1-61.</p>	<p>If scientific, technical, or other specialized knowledge will assist the trier of fact to understand the evidence or to determine a fact in issue, a witness qualified as an expert by knowledge, skill, experience, training, or education, may testify thereto in the form of an opinion or otherwise, if (1) the testimony is based upon sufficient facts or data, (2) the testimony is the product of reliable principles and methods, and (3) the witness has applied the principles and methods reliably to the facts of the case. M.R.E. Rule 702</p> <p>Any person who has reason to believe that any physician may have failed to comply with any part of these rules in the performance of medical expert activities may make a complaint to the Mississippi State Board of Medical Licensure on a complaint form that is furnished by the Board.</p> <p>Any physician, whether or not licensed to practice medicine in Mississippi, who performs medical expert activities in the context of a legal matter regarding any person, facility, entity, or event located within the state of Mississippi may be subject to an investigation by the Mississippi State Board of Medical Licensure upon the receipt of a complaint regarding the physician's conduct or practice. Any such physician shall be afforded the due process procedures of the law and Board rules. The Board, in its sole discretion, may refer the complaint to the medical licensure authority of another state, or to any other appropriate legal authority.</p> <p>Any physician may request, or may be summoned by the Board, to appear before the Board at a hearing to consider the physician's compliance with these rules. Any physician's failure to appear when summoned to a hearing may be deemed by the Board to be a waiver of the physician's due process opportunity to appear before the Board and may result in a finding by the Board that the physician is out of compliance with these rules <i>in absentia</i>.</p> <p>In disciplining a physician licensed to practice medicine in Mississippi or otherwise holding any physician professionally accountable pursuant to these rules and to the statutes, rulings, and other rules and provisions of Mississippi law, the actions that the Mississippi State Board of Medical Licensure may take include, but are not limited to, one or more of the following:</p> <ul style="list-style-type: none"> <li>A. Denying, suspending, restricting, or revoking a Mississippi license to practice medicine.</li> <li>B. Administering a public or private reprimand to a Mississippi licensed physician.</li> <li>C. Assessing up to \$10,000 of the reasonable investigation costs expended by the Board in investigating a Mississippi licensed physician.</li> </ul>

SMB	State Licensure Requirement	Qualifications for Medical Experts
		<p>D. Moving for an injunction in Chancery Court to prohibit any physician's further performance of medical expert activities.</p> <p>E. Petitioning the Chancery Court to cite any noncompliant physician for contempt of court.</p> <p>F. Referring the matter to another medical licensure authority or other legal authority for action regarding any physician.</p> <p>G. Any other action regarding any physician that the Board may deem proper under the circumstances (e.g., issuing an advisory letter of concern; issuing a notice of warning; issuing a cease and desist notice; or adopting a resolution of disapproval of any physician's medical expert activities).</p> <p>Any physician who is found by the Mississippi State Board of Medical Licensure to have failed to comply with any part of these rules may be reported by the Board to any person or organization appropriate under the circumstances in order to enforce or comply with the law or to protect the public, including, but not limited to, the National Practitioner Data Bank, the U.S. Department of Health and Human Services Office of the Inspector General, the Centers for Medicare and Medicaid Services, the Federation of State Medical Boards, the medical licensure authority or state medical association in any state in which the physician is licensed to practice medicine, the American Board of Medical Specialties and any of its member specialty boards, the Mississippi Attorney General or District Attorney, the United States Attorney, any state or federal court or administrative agency, any national or state professional organization or medical specialty association, and any other appropriate person, government agency, healthcare entity, or legal authority. Miss. Admin. Code 30-17-2635:8.7.</p>
MO		<p>1. In any civil action, if scientific, technical or other specialized knowledge will assist the trier of fact to understand the evidence or to determine a fact in issue, a witness qualified as an expert by knowledge, skill, experience, training, or education may testify thereto in the form of an opinion or otherwise. V.A.M.S. 490.065.</p>
MT	<p>(1) A person may not testify as an expert witness on issues relating to negligence and standards of care and practice in an action on a malpractice claim, as defined in 27-6-103, for or against a health care provider, as defined in 27-6-103, unless the person:</p> <p>(a) is licensed as a health care provider in at least one state and routinely treats or has routinely treated within the previous 5 years the diagnosis or condition or provides the type of treatment that is the subject matter of the malpractice claim or is or was within the previous 5 years an instructor of students in an accredited health professional school or accredited residency or clinical research program relating to the diagnosis or condition or the type of treatment that is the subject matter of the malpractice claim. MCA 26-2-601.</p>	<p>(1) A person may not testify as an expert witness on issues relating to negligence and standards of care and practice in an action on a malpractice claim, as defined in 27-6-103, for or against a health care provider, as defined in 27-6-103, unless the person:</p> <p>(a) is licensed as a health care provider in at least one state and routinely treats or has routinely treated within the previous 5 years the diagnosis or condition or provides the type of treatment that is the subject matter of the malpractice claim or is or was within the previous 5 years an instructor of students in an accredited health professional school or accredited residency or clinical research program relating to the diagnosis or condition or the type of treatment that is the subject matter of the malpractice claim; and</p> <p>(b) shows by competent evidence that, as a result of education, training, knowledge, and experience in the evaluation, diagnosis, or treatment of the disease or injury that is the subject matter of the malpractice claim against the health care provider, the person is</p>

SMB	State Licensure Requirement	Qualifications for Medical Experts
		<p>thoroughly familiar with the standards of care and practice as they related to the act or omission that is the subject matter of the malpractice claim on the date of the incident upon which the malpractice claim is based.</p> <p>(2) If the malpractice claim involves treatment that is recommended or provided by a physician as defined in 37-3-102, a person may not testify as an expert witness with respect to issues of negligence or standards of care and practice concerning the treatment unless the person is also a physician.</p> <p>(3) A person qualified as an expert in one medical specialty or subspecialty is not qualified to testify with respect to a malpractice claim against a health care provider in another medical specialty or subspecialty unless there is a showing that the standards of care and practice in the two specialty or subspecialty fields are substantially similar. This subsection (3) does not apply if the subject matter of the malpractice claim against the health care provider is unrelated to the relevant specialty or subspecialty. MCA 26-2-601.</p>
NE		<p>If scientific, technical, or other specialized knowledge will assist the trier of fact to understand the evidence or to determine a fact in issue, a witness qualified as an expert by knowledge, skill, experience, training, or education, may testify thereto in the form of an opinion or otherwise. Neb.Rev.St. § 27-702.</p>
NV		<p>If scientific, technical or other specialized knowledge will assist the trier of fact to understand the evidence or to determine a fact in issue, a witness qualified as an <b>expert</b> by special knowledge, skill, experience, training or education may testify to matters within the scope of such knowledge. N.R.S. 50.275. The expert must practice in the same or substantially similar area to the type of practice engaged in at the time of the alleged negligence. Nev. Rev. Stat. Ann. § 41A.100.</p>
NV-O		<p>See NV-M</p>
NH		<p>In any action for medical injury:</p> <p>I. No witness is competent to give the expert testimony required by RSA 507-C:2 unless the court finds that the witness was competent and duly qualified to render or supervise equivalent care to that which is alleged to have caused the medical injury at the time that such care was rendered. N.H. Rev. Stat. § 507-C:3.</p>
NJ		<p>In an action alleging medical malpractice, a person shall not give expert testimony or execute an affidavit pursuant to the provisions of P.L.1995, c. 139 (C.2A:53A-26 et seq.) on the appropriate standard of practice or care unless the person is licensed as a physician or other health care professional in the United States and meets the following criteria:</p> <p>a. If the party against whom or on whose behalf the testimony is offered is a specialist or subspecialist recognized by the American Board of Medical Specialties or the American Osteopathic Association and the care or treatment at issue involves that specialty or</p>

SMB	State Licensure Requirement	Qualifications for Medical Experts
		<p>subspecialty recognized by the American Board of Medical Specialties or the American Osteopathic Association, the person providing the testimony shall have specialized at the time of the occurrence that is the basis for the action in the same specialty or subspecialty, recognized by the American Board of Medical Specialties or the American Osteopathic Association, as the party against whom or on whose behalf the testimony is offered, and if the person against whom or on whose behalf the testimony is being offered is board certified and the care or treatment at issue involves that board specialty or subspecialty recognized by the American Board of Medical Specialties or the American Osteopathic Association, the expert witness shall be:</p> <p>(1) a physician credentialed by a hospital to treat patients for the medical condition, or to perform the procedure, that is the basis for the claim or action; or</p> <p>(2) a specialist or subspecialist recognized by the American Board of Medical Specialties or the American Osteopathic Association who is board certified in the same specialty or subspecialty, recognized by the American Board of Medical Specialties or the American Osteopathic Association, and during the year immediately preceding the date of the occurrence that is the basis for the claim or action, shall have devoted a majority of his professional time to either:</p> <p>(a) the active clinical practice of the same health care profession in which the defendant is licensed, and, if the defendant is a specialist or subspecialist recognized by the American Board of Medical Specialties or the American Osteopathic Association, the active clinical practice of that specialty or subspecialty recognized by the American Board of Medical Specialties or the American Osteopathic Association; or</p> <p>(b) the instruction of students in an accredited medical school, other accredited health professional school or accredited residency or clinical research program in the same health care profession in which the defendant is licensed, and, if that party is a specialist or subspecialist recognized by the American Board of Medical Specialties or the American Osteopathic Association, an accredited medical school, health professional school or accredited residency or clinical research program in the same specialty or subspecialty recognized by the American Board of Medical Specialties or the American Osteopathic Association; or</p> <p>(c) both.</p> <p>b. If the party against whom or on whose behalf the testimony is offered is a general practitioner, the expert witness, during the year immediately preceding the date of the occurrence that is the basis for the claim or action, shall have devoted a majority of his professional time to:</p> <p>(1) active clinical practice as a general practitioner; or active clinical practice that</p>



SMB	State Licensure Requirement	Qualifications for Medical Experts
		<p>encompasses the medical condition, or that includes performance of the procedure, that is the basis of the claim or action; or</p> <p>(2) the instruction of students in an accredited medical school, health professional school, or accredited residency or clinical research program in the same health care profession in which the party against whom or on whose behalf the testimony is licensed; or</p> <p>(3) both.</p> <p>c. A court may waive the same specialty or subspecialty recognized by the American Board of Medical Specialties or the American Osteopathic Association and board certification requirements of this section, upon motion by the party seeking a waiver, if, after the moving party has demonstrated to the satisfaction of the court that a good faith effort has been made to identify an expert in the same specialty or subspecialty, the court determines that the expert possesses sufficient training, experience and knowledge to provide the testimony as a result of active involvement in, or full-time teaching of, medicine in the applicable area of practice or a related field of medicine.</p> <p>d. Nothing in this section shall limit the power of the trial court to disqualify an expert witness on grounds other than the qualifications set forth in this section.</p> <p>e. In an action alleging medical malpractice, an expert witness shall not testify on a contingency fee basis.</p> <p>f. An individual or entity who threatens to take or takes adverse action against a person in retaliation for that person providing or agreeing to provide expert testimony, or for that person executing an affidavit pursuant to the provisions of P.L.1995, c. 139(C.2A:53A-26 et seq.), which adverse action relates to that person's employment, accreditation, certification, credentialing or licensure, shall be liable to a civil penalty not to exceed \$10,000 and other damages incurred by the person and the party for whom the person was testifying as an expert. N.J.S.A. 2A:53A-41.</p>
NM		A witness who is qualified as an expert by knowledge, skill, experience, training, or education may testify in the form of an opinion or otherwise if the expert's scientific, technical, or other specialized knowledge will help the trier of fact to understand the evidence or to determine a fact in issue. NMRA, Rule 11-702.
NM-O		See NM-M
NMI	--	--
NY	--	--
NC	In a medical malpractice action as defined in G.S. 90-21.11, a person shall not give expert testimony on the appropriate standard of health care as defined in G.S.	(a) If scientific, technical or other specialized knowledge will assist the trier of fact to understand the evidence or to determine a fact in issue, a witness qualified as an expert by

SMB	State Licensure Requirement	Qualifications for Medical Experts
	<p>90-21.12 unless the person is a licensed health care provider in this State or another state. NC Rules of Evid., G.S. § 8C-1, Rule 702.</p>	<p>knowledge, skill, experience, training, or education, may testify thereto in the form of an opinion, or otherwise, if all of the following apply:</p> <ol style="list-style-type: none"> <li>(1) The testimony is based upon sufficient facts or data.</li> <li>(2) The testimony is the product of reliable principles and methods.</li> <li>(3) The witness has applied the principles and methods reliably to the facts of the case.</li> </ol> <p>(a1) A witness, qualified under subsection (a) of this section and with proper foundation, may give expert testimony solely on the issue of impairment and not on the issue of specific alcohol concentration level relating to the following:</p> <ol style="list-style-type: none"> <li>(1) The results of a Horizontal Gaze Nystagmus (HGN) Test when the test is administered by a person who has successfully completed training in HGN.</li> <li>(2) Whether a person was under the influence of one or more impairing substances, and the category of such impairing substance or substances. A witness who has received training and holds a current certification as a Drug Recognition Expert, issued by the State Department of Health and Human Services, shall be qualified to give the testimony under this subdivision.</li> </ol> <p>(b) In a medical malpractice action as defined in G.S. 90-21.11, a person shall not give expert testimony on the appropriate standard of health care as defined in G.S. 90-21.12 unless the person is a licensed health care provider in this State or another state and meets the following criteria:</p> <ol style="list-style-type: none"> <li>(1) If the party against whom or on whose behalf the testimony is offered is a specialist, the expert witness must: <ol style="list-style-type: none"> <li>a. Specialize in the same specialty as the party against whom or on whose behalf the testimony is offered; or</li> <li>b. Specialize in a similar specialty which includes within its specialty the performance of the procedure that is the subject of the complaint and have prior experience treating similar patients.</li> </ol> </li> <li>(2) During the year immediately preceding the date of the occurrence that is the basis for the action, the expert witness must have devoted a majority of his or her professional time to either or both of the following: <ol style="list-style-type: none"> <li>a. The active clinical practice of the same health profession in which the party against whom or on whose behalf the testimony is offered, and if that party is a specialist, the active clinical practice of the same specialty or a similar specialty which includes within its specialty the performance of the procedure that is the subject of the complaint and have prior experience treating similar patients; or</li> <li>b. The instruction of students in an accredited health professional school or accredited residency or clinical research program in the same health profession in which the party against whom or on whose behalf the testimony is offered, and if that party is a specialist, an accredited health professional school or accredited residency or clinical research program in the same specialty.</li> </ol> </li> <li>(c) Notwithstanding subsection (b) of this section, if the party against whom or on whose behalf the testimony is offered is a general practitioner, the expert witness, during the year immediately preceding the date of the occurrence that is the basis for the action, must have</li> </ol>

SMB	State Licensure Requirement	Qualifications for Medical Experts
		<p>devoted a majority of his or her professional time to either or both of the following:</p> <p>(1) Active clinical practice as a general practitioner; or</p> <p>(2) Instruction of students in an accredited health professional school or accredited residency or clinical research program in the general practice of medicine.</p> <p>(d) Notwithstanding subsection (b) of this section, a physician who qualifies as an expert under subsection (a) of this Rule and who by reason of active clinical practice or instruction of students has knowledge of the applicable standard of care for nurses, nurse practitioners, certified registered nurse anesthetists, certified registered nurse midwives, physician assistants, or other medical support staff may give expert testimony in a medical malpractice action with respect to the standard of care of which he is knowledgeable of nurses, nurse practitioners, certified registered nurse anesthetists, certified registered nurse midwives, physician assistants licensed under Chapter 90 of the General Statutes, or other medical support staff.</p> <p>(e) Upon motion by either party, a resident judge of the superior court in the county or judicial district in which the action is pending may allow expert testimony on the appropriate standard of health care by a witness who does not meet the requirements of subsection (b) or (c) of this Rule, but who is otherwise qualified as an expert witness, upon a showing by the movant of extraordinary circumstances and a determination by the court that the motion should be allowed to serve the ends of justice.</p> <p>(f) In an action alleging medical malpractice, an expert witness shall not testify on a contingency fee basis.</p> <p>(g) This section does not limit the power of the trial court to disqualify an expert witness on grounds other than the qualifications set forth in this section.</p> <p>(h) Notwithstanding subsection (b) of this section, in a medical malpractice action as defined in G.S. 90-21.11(2)b. against a hospital, or other health care or medical facility, a person shall not give expert testimony on the appropriate standard of care as to administrative or other nonclinical issues unless the person has substantial knowledge, by virtue of his or her training and experience, about the standard of care among hospitals, or health care or medical facilities, of the same type as the hospital, or health care or medical facility, whose actions or inactions are the subject of the testimony situated in the same or similar communities at the time of the alleged act giving rise to the cause of action.</p> <p>(i) A witness qualified as an expert in accident reconstruction who has performed a reconstruction of a crash, or has reviewed the report of investigation, with proper foundation may give an opinion as to the speed of a vehicle even if the witness did not observe the vehicle moving. NC Rules of Evid., G.S. § 8C-1, Rule 702.</p>
ND	--	--
OH	No person shall be deemed competent to give expert testimony on the liability issues in a medical claim, as defined in section 2305.113 of the Revised Code, unless: Such person is licensed to practice medicine and surgery, osteopathic medicine and surgery, or podiatric medicine and surgery by the state medical board	(A) No person shall be deemed competent to give expert testimony on the liability issues in a medical claim, as defined in section 2305.113 of the Revised Code, unless: (1) Such person is licensed to practice medicine and surgery, osteopathic medicine and surgery, or podiatric medicine and surgery by the state medical board or by the licensing

SMB	State Licensure Requirement	Qualifications for Medical Experts
	or by the licensing authority of any state. R.C. § 2743.43	<p>authority of any state;</p> <p>(2) Such person devotes three-fourths of the person's professional time to the active clinical practice of medicine or surgery, osteopathic medicine and surgery, or podiatric medicine and surgery, or to its instruction in an accredited university;</p> <p>(3) The person practices in the same or a substantially similar specialty as the defendant. The court shall not permit an expert in one medical specialty to testify against a health care provider in another medical specialty unless the expert shows both that the standards of care and practice in the two specialties are similar and that the expert has substantial familiarity between the specialties.</p> <p>(4) If the person is certified in a specialty, the person must be certified by a board recognized by the American board of medical specialties or the American board of osteopathic specialties in a specialty having acknowledged expertise and training directly related to the particular health care matter at issue.</p> <p>(B) Nothing in division (A) of this section shall be construed to limit the power of the trial court to adjudge the testimony of any expert witness incompetent on any other ground.</p> <p>(C) Nothing in division (A) of this section shall be construed to limit the power of the trial court to allow the testimony of any other witness, on a matter unrelated to the liability issues in the medical claim, when that testimony is relevant to the medical claim involved. R.C. § 2743.43.</p>
OK		<p>If scientific, technical or other specialized knowledge will assist the trier of fact to understand the evidence or to determine a fact in issue, a witness qualified as an expert by knowledge, skill, experience, training or education may testify in the form of an opinion or otherwise, if:</p> <ol style="list-style-type: none"> <li>1. The testimony is based upon sufficient facts or data;</li> <li>2. The testimony is the product of reliable principles and methods; and</li> <li>3. The <b>witness</b> has applied the principles and methods reliably to the facts of the case. 12 Okl.St. Ann. § 2702.</li> </ol> <p>To qualify as an expert in a medical liability cause of action, the expert must be licensed to practice medicine or have other substantial training or experience in any area of health care relevant to the claim, and must be actively practicing or retired from health care in any area of health care services relevant to the claim. The judge may allow experts who do not meet these qualifications to testify if the judge finds there is good reason to admit the expert's testimony and this reason is stated on the record. Okla. Stat. Ann. tit. 63, § 1-1708.1I .</p>
OK-O		See OK-M
OR		<p>If scientific, technical or other specialized knowledge will assist the trier of fact to understand the evidence or to determine a fact in issue, a witness qualified as an expert by knowledge, skill, experience, training or education may testify thereto in the form of an opinion or otherwise. O.R.S. § 40.410.</p>

SMB	State Licensure Requirement	Qualifications for Medical Experts
PA	<p>(b) Medical testimony.--An expert testifying on a medical matter, including the standard of care, risks and alternatives, causation and the nature and extent of the injury, must meet the following qualifications:</p> <p>(1) Possess an unrestricted physician's license to practice medicine in any state or the District of Columbia. 40 P.S. § 1303.512.</p>	<p>(a) General rule.--No person shall be competent to offer an expert medical opinion in a medical professional liability action against a physician unless that person possesses sufficient education, training, knowledge and experience to provide credible, competent testimony and fulfills the additional qualifications set forth in this section as applicable.</p> <p>(b) Medical testimony.--An expert testifying on a medical matter, including the standard of care, risks and alternatives, causation and the nature and extent of the injury, must meet the following qualifications:</p> <p>(1) Possess an unrestricted physician's license to practice medicine in any state or the District of Columbia.</p> <p>(2) Be engaged in or retired within the previous five years from active clinical practice or teaching.</p> <p>Provided, however, the court may waive the requirements of this subsection for an expert on a matter other than the standard of care if the court determines that the expert is otherwise competent to testify about medical or scientific issues by virtue of education, training or experience.</p> <p>(c) Standard of care.--In addition to the requirements set forth in subsections (a) and (b), an expert testifying as to a physician's standard of care also must meet the following qualifications:</p> <p>(1) Be substantially familiar with the applicable standard of care for the specific care at issue as of the time of the alleged breach of the standard of care.</p> <p>(2) Practice in the same subspecialty as the defendant physician or in a subspecialty which has a substantially similar standard of care for the specific care at issue, except as provided in subsection (d) or (e).</p> <p>(3) In the event the defendant physician is certified by an approved board, be board certified by the same or a similar approved board, except as provided in subsection (e).</p> <p>(d) Care outside specialty.--A court may waive the same subspecialty requirement for an expert testifying on the standard of care for the diagnosis or treatment of a condition if the court determines that:</p> <p>(1) the expert is trained in the diagnosis or treatment of the condition, as applicable; and</p> <p>(2) the defendant physician provided care for that condition and such care was not within the physician's specialty or competence.</p> <p>(e) Otherwise adequate training, experience and knowledge.--A court may waive the same specialty and board certification requirements for an expert testifying as to a standard of care if the court determines that the expert possesses sufficient training, experience and knowledge to provide the testimony as a result of active involvement in or full-time teaching of medicine in the applicable subspecialty or a related field of medicine within the previous five-year time period. 40 P.S. § 1303.512.</p>
PA-O	See PA-M	See PA-M
PR	--	--

SMB	State Licensure Requirement	Qualifications for Medical Experts
RI		<p>In any legal action based upon a cause of action arising on or after January 1, 1987, for personal injury or wrongful death filed against a licensed physician, hospital, clinic, health maintenance organization, professional service corporation providing health care services, dentists, or dental hygienist based on professional negligence, only those persons who by knowledge, skill, experience, training, or education qualify as experts in the field of the alleged malpractice shall be permitted to give expert testimony as to the alleged malpractice. Gen.Laws 1956, § 9-19-41.</p>
SC	<p>(A) The board may issue a license to a physician licensed in good standing in another state, who has been engaged to testify as an expert medical witness in an administrative, civil, or criminal proceeding in this State. The license only shall authorize practice in this State as an expert medical witness in a particular proceeding in this State. This license must be valid for the duration of the particular proceeding for which it is issued. This license must authorize only practice in this State that is related directly to the particular proceeding for which it is issued. A separate license must be obtained for each proceeding in which the applicant is engaged to testify as an expert medical witness in this State. The applicant shall submit the following items:</p> <ol style="list-style-type: none"> <li>(1) a completed application and payment of applicable fees; and</li> <li>(2) satisfactory documentation of the applicant's engagement as an expert witness in a particular proceeding in this State.</li> </ol> <p>(B) The board may waive any part or all of a fee for this license for a physician to testify as an expert witness on behalf of a state, county, or municipal agency or office. Code 1976 § 40-47-35.</p>	<p>An expert who signs an affidavit of merit must hold a license in the state in which he or she practices, and maintain board certification, or have actual professional knowledge and experience in, the area of practice or specialty on which the opinion of the standard of care is based. An expert is considered to have actual professional knowledge if he or she has actively practiced or taught in the area of specialty for three of the last five years immediately preceding the opinion. An expert who is not licensed or board certified may still sign an affidavit if the expert has scientific, technical, or other specialized knowledge which may assist the trier of fact in understanding the evidence and determining a fact or issue in the case. In this case, however, the affidavit must contain an explanation of the expert's credentials. S.C. Code Ann. § 15-36-100.</p> <p>'Practice of Medicine' means:</p> <p>(h) testifying as a physician in an administrative, civil, or criminal proceeding in this State by expressing an expert medical opinion. Code 1976 § 40-47-20.</p> <p>“Misconduct” that constitutes grounds for disciplinary action is a showing to the board by the preponderance of evidence that a licensee has:</p> <p>(25) provided false, deceptive, or misleading testimony as an expert witness in an administrative, civil, or criminal proceeding in this State. Code 1976 § 40-47-110.</p>
SD		<p>If scientific, technical, or other specialized knowledge will assist the trier of fact to understand the evidence or to determine a fact in issue, a witness qualified as an expert by knowledge, skill, experience, training, or education, may testify thereto in the form of an opinion or otherwise, if:</p> <ol style="list-style-type: none"> <li>(1) The testimony is based upon sufficient facts or data,</li> <li>(2) The testimony is the product of reliable principles and methods, and</li> <li>(3) The <b>witness</b> has applied the principles and methods reliably to the facts of the case.</li> </ol> <p>SDCL § 19-15-2.</p>
TN	<p>(b) No person in a health care profession requiring licensure under the laws of this state shall be competent to testify in any court of law to establish the facts required to be established by subsection (a), unless the person was licensed to practice in the state or a contiguous bordering state a profession or specialty which would make the person's expert testimony relevant to the issues in the case and had practiced this profession or specialty in one (1) of these states during the year</p>	<p>(b) No person in a health care profession requiring licensure under the laws of this state shall be competent to testify in any court of law to establish the facts required to be established by subsection (a), unless the person was licensed to practice in the state or a contiguous bordering state a profession or specialty which would make the person's expert testimony relevant to the issues in the case and had practiced this profession or specialty in one (1) of these states during the year preceding the date that the alleged</p>

SMB	State Licensure Requirement	Qualifications for Medical Experts
	preceding the date that the alleged injury or wrongful act occurred. This rule shall apply to expert witnesses testifying for the defendant as rebuttal witnesses. The court may waive this subsection (b) when it determines that the appropriate witnesses otherwise would not be available. T. C. A. § 29-26-115.	injury or wrongful act occurred. This rule shall apply to expert witnesses testifying for the defendant as rebuttal witnesses. The court may waive this subsection (b) when it determines that the appropriate witnesses otherwise would not be available. T. C. A. § 29-26-115.
TN-O	See TN-M	See TN-M
TX	<p>(g) In this subchapter, “physician” means a person who is:</p> <ol style="list-style-type: none"> <li>(1) licensed to practice medicine in one or more states in the United States; or</li> <li>(2) a graduate of a medical school accredited by the Liaison Committee on Medical Education or the American Osteopathic Association only if testifying as a defendant and that testimony relates to that defendant's standard of care, the alleged departure from that standard of care, or the causal relationship between the alleged departure from that standard of care and the injury, harm, or damages claimed. V.T.C.A., Civil Practice &amp; Remedies Code § 74.401.</li> </ol>	<p>(a) In a suit involving a health care liability claim against a physician for injury to or death of a patient, a person may qualify as an expert witness on the issue of whether the physician departed from accepted standards of medical care only if the person is a physician who:</p> <ol style="list-style-type: none"> <li>(1) is practicing medicine at the time such testimony is given or was practicing medicine at the time the claim arose;</li> <li>(2) has knowledge of accepted standards of medical care for the diagnosis, care, or treatment of the illness, injury, or condition involved in the claim; and</li> <li>(3) is qualified on the basis of training or experience to offer an expert opinion regarding those accepted standards of medical care.</li> </ol> <p>(b) For the purpose of this section, “practicing medicine” or “medical practice” includes, but is not limited to, training residents or students at an accredited school of medicine or osteopathy or serving as a consulting physician to other physicians who provide direct patient care, upon the request of such other physicians.</p> <p>(c) In determining whether a witness is qualified on the basis of training or experience, the court shall consider whether, at the time the claim arose or at the time the testimony is given, the witness:</p> <ol style="list-style-type: none"> <li>(1) is board certified or has other substantial training or experience in an area of medical practice relevant to the claim; and</li> <li>(2) is actively practicing medicine in rendering medical care services relevant to the claim.</li> </ol> <p>(d) The court shall apply the criteria specified in Subsections (a), (b), and (c) in determining whether an expert is qualified to offer expert testimony on the issue of whether the physician departed from accepted standards of medical care, but may depart from those criteria if, under the circumstances, the court determines that there is a good reason to admit the expert's testimony. The court shall state on the record the reason for admitting the testimony if the court departs from the criteria.</p> <p>(e) A pretrial objection to the qualifications of a witness under this section must be made not later than the later of the 21st day after the date the objecting party receives a copy of the witness's curriculum vitae or the 21st day after the date of the witness's deposition. If circumstances arise after the date on which the objection must be made that could not have been reasonably anticipated by a party before that date and that the party believes in good faith provide a basis for an objection to a witness's qualifications, and if an objection was not made previously, this subsection does not prevent the party from making an objection as soon as practicable under the circumstances. The court shall conduct a hearing to determine whether the witness is qualified as soon as practicable after the filing of an objection and, if possible, before trial. If the objecting party is unable to object in time for the hearing to be conducted before the trial, the hearing shall be conducted outside the</p>

SMB	State Licensure Requirement	Qualifications for Medical Experts
		<p>presence of the jury. This subsection does not prevent a party from examining or cross-examining a witness at trial about the witness's qualifications.</p> <p>(f) This section does not prevent a physician who is a defendant from qualifying as an expert.</p> <p>(g) In this subchapter, "physician" means a person who is:</p> <ol style="list-style-type: none"> <li>(1) licensed to practice medicine in one or more states in the United States; or</li> <li>(2) a graduate of a medical school accredited by the Liaison Committee on Medical Education or the American Osteopathic Association only if testifying as a defendant and that testimony relates to that defendant's standard of care, the alleged departure from that standard of care, or the causal relationship between the alleged departure from that standard of care and the injury, harm, or damages claimed. V.T.C.A., Civil Practice &amp; Remedies Code § 74.401.</li> </ol>
UT		<p>(a) Subject to the limitations in paragraph (b), a witness who is qualified as an expert by knowledge, skill, experience, training, or education may testify in the form of an opinion or otherwise if the expert's scientific, technical, or other specialized knowledge will help the trier of fact to understand the evidence or to determine a fact in issue.</p> <p>(b) Scientific, technical, or other specialized knowledge may serve as the basis for expert testimony only if there is a threshold showing that the principles or methods that are underlying in the testimony</p> <ol style="list-style-type: none"> <li>(1) are reliable,</li> <li>(2) are based upon sufficient facts or data, and</li> <li>(3) have been reliably applied to the facts.</li> </ol> <p>(c) The threshold showing required by paragraph (b) is satisfied if the underlying principles or methods, including the sufficiency of facts or data and the manner of their application to the facts of the case, are generally accepted by the relevant expert community. Utah Rules of Evidence, Rule 702.</p>
UT-O		See UT-M
VT	--	--
VT-O	--	--
VI	--	--
VA	<p>A. In any proceeding before a medical malpractice review panel or in any action against a physician, clinical psychologist, podiatrist, dentist, nurse, hospital or other health care provider to recover damages alleged to have been caused by medical malpractice where the acts or omissions so complained of are alleged to have occurred in this Commonwealth, the standard of care by which the acts or omissions are to be judged shall be that degree of skill and diligence practiced by a reasonably prudent practitioner in the field of practice or specialty in this Commonwealth and the testimony of an expert witness, otherwise qualified, as to</p>	<p>A. In any proceeding before a medical malpractice review panel or in any action against a physician, clinical psychologist, podiatrist, dentist, nurse, hospital or other health care provider to recover damages alleged to have been caused by medical malpractice where the acts or omissions so complained of are alleged to have occurred in this Commonwealth, the standard of care by which the acts or omissions are to be judged shall be that degree of skill and diligence practiced by a reasonably prudent practitioner in the field of practice or specialty in this Commonwealth and the testimony of an expert witness, otherwise qualified, as to such standard of care, shall be admitted; provided, however, that the standard of care</p>



SMB	State Licensure Requirement	Qualifications for Medical Experts
	<p>such standard of care, shall be admitted; provided, however, that the standard of care in the locality or in similar localities in which the alleged act or omission occurred shall be applied if any party shall prove by a preponderance of the evidence that the health care services and health care facilities available in the locality and the customary practices in such locality or similar localities give rise to a standard of care which is more appropriate than a statewide standard. Any physician or nurse who is licensed to practice in Virginia shall be presumed to know the statewide standard of care in the specialty or field of medicine in which he is qualified and certified. This presumption shall also apply to any physician who is licensed in some other state of the United States and meets the educational and examination requirements for licensure in Virginia. VA Code Ann. § 8.01-581.20.</p>	<p>in the locality or in similar localities in which the alleged act or omission occurred shall be applied if any party shall prove by a preponderance of the evidence that the health care services and health care facilities available in the locality and the customary practices in such locality or similar localities give rise to a standard of care which is more appropriate than a statewide standard. Any physician or nurse who is licensed to practice in Virginia shall be presumed to know the statewide standard of care in the specialty or field of medicine in which he is qualified and certified. This presumption shall also apply to any physician who is licensed in some other state of the United States and meets the educational and examination requirements for licensure in Virginia. This presumption shall also apply to any nurse licensed by a state participating in the Nurse Licensure Compact. An expert witness who is familiar with the statewide standard of care shall not have his testimony excluded on the ground that he does not practice in this Commonwealth. A witness shall be qualified to testify as an expert on the standard of care if he demonstrates expert knowledge of the standards of the defendant's specialty and of what conduct conforms or fails to conform to those standards and if he has had active clinical practice in either the defendant's specialty or a related field of medicine within one year of the date of the alleged act or omission forming the basis of the action.</p> <p>The provisions of this section shall apply to expert witnesses testifying on the standard of care as it relates to professional services in nursing homes.</p> <p>B. In any action for damages resulting from medical malpractice, any issue as to the standard of care to be applied shall be determined by the jury, or the court trying the case without a jury.</p> <p>C. In any action described in this section, each party may designate, identify or call to testify at trial no more than two expert witnesses per medical discipline on any issue presented. The court may permit a party, for good cause shown, to designate, identify, or call to testify at trial additional expert witnesses. The number of treating health care providers who may serve as expert witnesses pursuant to § 8.01-399 shall not be limited pursuant to this subsection, except for good cause shown. If the court permits a party to designate, identify, or call additional experts, the court may order that party to pay all costs incurred in the discovery of such additional experts. For good cause shown, pursuant to the Rules of Supreme Court of Virginia, the court may limit the number of expert witnesses other than those identified in this subsection whom a party may designate, identify, or call to testify at trial. VA Code Ann. § 8.01-581.20.</p>
WA-M	--	--
WA-O	--	--
WV-M	(4) the expert witness maintains a current license to practice medicine with the	(a) The applicable standard of care and a defendant's failure to meet the standard of care, if

SMB	State Licensure Requirement	Qualifications for Medical Experts
	<p>appropriate licensing authority of any state of the United States: <i>Provided</i>, That the expert witness' license has not been revoked or suspended in the past year in any state. W. Va. Code, § 55-7B-7.</p>	<p>at issue, shall be established in medical professional liability cases by the plaintiff by testimony of one or more knowledgeable, competent expert witnesses if required by the court. Expert testimony may only be admitted in evidence if the foundation therefor is first laid establishing that: (1) The opinion is actually held by the expert witness; (2) the opinion can be testified to with reasonable medical probability; (3) the expert witness possesses professional knowledge and expertise coupled with knowledge of the applicable standard of care to which his or her expert opinion testimony is addressed; (4) the expert witness maintains a current license to practice medicine with the appropriate licensing authority of any state of the United States: <i>Provided</i>, That the expert witness' license has not been revoked or suspended in the past year in any state; and (5) the expert witness is engaged or qualified in a medical field in which the practitioner has experience and/or training in diagnosing or treating injuries or conditions similar to those of the patient. If the witness meets all of these qualifications and devoted, at the time of the medical injury, sixty percent of his or her professional time annually to the active clinical practice in his or her medical field or specialty, or to teaching in his or her medical field or specialty in an accredited university, there shall be a rebuttable presumption that the witness is qualified as an expert. The parties shall have the opportunity to impeach any witness' qualifications as an expert. Financial records of an expert witness are not discoverable or relevant to prove the amount of time the expert witness spends in active practice or teaching in his or her medical field unless good cause can be shown to the court.</p> <p>(b) Nothing contained in this section may be construed to limit a trial court's discretion to determine the competency or lack of competency of a witness on a ground not specifically enumerated in this section. W. Va. Code, § 55-7B-7.</p>
WV-O		See WV-M
WI		<p>(1) If scientific, technical, or other specialized knowledge will assist the trier of fact to understand the evidence or to determine a fact in issue, a witness qualified as an expert by knowledge, skill, experience, training, or education, may testify thereto in the form of an opinion or otherwise, if the testimony is based upon sufficient facts or data, the testimony is the product of reliable principles and methods, and the witness has applied the principles and methods reliably to the facts of the case.</p> <p>(2) Notwithstanding sub. (1), the testimony of an expert witness may not be admitted if the expert witness is entitled to receive any compensation contingent on the outcome of any claim or case with respect to which the testimony is being offered. W.S.A. 907.02.</p>
WY	--	--

