
By: **Delegate Barve**
Introduced and read first time: February 12, 1999
Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Courts and Judicial Proceedings - Expert Witness - Physician**

3 FOR the purpose of requiring certain qualifications for certain expert witness
4 testimony concerning the standard of care applicable to the practice of a medical
5 specialty; providing for the application of this Act; and generally relating to
6 requirements for the qualifications of a certain expert witness concerning
7 standard of care applicable to the practice of a medical specialty.

8 BY adding to
9 Article - Courts and Judicial Proceedings
10 Section 9-124
11 Annotated Code of Maryland
12 (1998 Replacement Volume)

13 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
14 MARYLAND, That the Laws of Maryland read as follows:

15 **Article - Courts and Judicial Proceedings**

16 9-124.

17 NOTWITHSTANDING ANY OTHER PROVISION OF LAW, A PHYSICIAN MAY NOT BE
18 QUALIFIED AS AN EXPERT WITNESS TO TESTIFY ABOUT THE STANDARD OF CARE
19 APPLICABLE TO THE PRACTICE OF A MEDICAL SPECIALTY UNLESS THE WITNESS:

20 (1) IS A PHYSICIAN:

21 (I) PRACTICING IN THE SAME MEDICAL SPECIALTY AND
22 SUB-SPECIALTY AS THE DEFENDANT; OR

23 (II) WHO PRACTICED WITHIN THE PAST 2 YEARS IN THE SAME
24 MEDICAL SPECIALTY AND SUB-SPECIALTY AS THE DEFENDANT PRIOR TO
25 RETIREMENT;

26 (2) IS BOARD CERTIFIED IN THE SAME MEDICAL SPECIALTY AT ISSUE IN
27 THE CASE; AND

1 (3) HAS DEMONSTRATED CLINICAL EXPERIENCE IN THE SAME
2 PROCEDURE AT ISSUE IN THE CASE.

3 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be
4 construed only prospectively and may not be applied or interpreted to have any effect
5 on or application to any cause of action arising before the effective date of this Act.

6 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
7 October 1, 1999.