

AMENDMENT TO RULES COMMITTEE PRINT 115-

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OFFERED BY MR. ROE OF TENNESSEE

Add, at the end of the bill, the following (and amend the table of contents accordingly):

1 SEC. 11. LIMITATION ON EXPERT WITNESS TESTIMONY.

2 (a) IN GENERAL.—In any health care lawsuit, except
3 as otherwise provided in this section, no person in a health
4 care profession requiring licensure under the laws of a
5 State shall be competent to testify in any court of law for
6 purposes of establishing—

7 (1) the recognized standard of acceptable pro-
8 fessional practice and the specialty thereof, if any,
9 that the defendant practices, which shall be the type
10 of acceptable professional practice recognized in the
11 defendant's community or in a community similar to
12 the defendant's community that was in place at the
13 time the alleged injury or wrongful action occurred;

14 (2) that the defendant acted with less than or
15 failed to act with ordinary and reasonable care in ac-
16 cordance with the recognized standard; and

17 (3) that as a proximate result of the defend-
18 ant's negligent act or omission, the claimant suf-

1 ferred injuries which would not otherwise have oc-
2 curred.

3 (b) APPLICABILITY.—The requirements set forth in
4 subsection (a) shall apply to expert witnesses testifying for
5 the defendant as rebuttal witnesses. Subsection (a) does
6 not apply in the case of a person who was licensed to prac-
7 tice, in the State or a contiguous bordering State, a pro-
8 fession or specialty which would make the person’s expert
9 testimony relevant to the issues in the case and had prac-
10 ticed this profession or specialty in one of these States
11 during the year preceding the date that the alleged injury
12 or wrongful act occurred.

13 (c) WAIVER AUTHORITY.—The court may waive the
14 requirements in this subsection if it determines that the
15 appropriate witnesses otherwise would not be available.

