

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.—No person in a health care profes-
3 sion requiring licensure under the laws of a State shall
4 be competent to testify in any court of law to establish
5 the following facts—

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

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

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

1 ferred injuries which would not otherwise have oc-
2 curred,
3 unless the person was licensed to practice, in the State
4 or a contiguous bordering State, a profession or specialty
5 which would make the person's expert testimony relevant
6 to the issues in the case and had practiced this profession
7 or specialty in one of these States during the year pre-
8 ceding the date that the alleged injury or wrongful act
9 occurred.

10 (b) APPLICABILITY.—The requirements set forth in
11 subsection (a) shall also apply to expert witnesses testi-
12 fying for the defendant as rebuttal witnesses.

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.

