

1926

Sponsor(s): Representatives Lantz, Clibborn, Moeller, Schual-Berke, Cody, Morrell, Rockefeller, Kirby, Lovick, Kenney, Linville, Voloria, Conway, G. Simpson, Sommers and Haigh

Brief Description: Limiting the use of expert witnesses.

HB 1926.2E - DIGEST

(AS OF HOUSE 2ND READING 2/16/04)

Provides that, in an action against a health care provider under chapter 7.70 RCW, an expert may not provide testimony at trial, or execute a certificate of merit required under this chapter, unless the expert meets the following criteria: (1) Has expertise in the medical condition at issue in the action; and

(2) At the time of the occurrence of the incident at issue in the action, was either: (a) Engaged in active practice in the same or similar area of practice or specialty as the defendant; or (b) teaching at an accredited medical school or an accredited or affiliated academic or clinical training program in the same or similar area of practice or specialty as the defendant, including instruction regarding the particular condition at issue.

Requires that an expert opinion provided in the course of an action against a health care provider under this chapter must be corroborated by admissible evidence, such as, but not limited to, treatment or practice protocols or guidelines developed by medical specialty organizations, objective academic research, clinical trials or studies, or widely accepted clinical practices.

Provides that, in any action under this chapter, each side shall presumptively be entitled to only two independent experts on an issue, except upon a showing of good cause. Where there are multiple parties on a side and the parties cannot agree as to which independent experts will be called on an issue, the court, upon a showing of good cause, shall allow additional experts on an issue to be called as the court deems appropriate.