

SUBJECT: Allowing physicians licensed by other states to be expert witnesses

COMMITTEE: Civil Practices — favorable, without amendment

VOTE: 8 ayes — Bosse, Janek, Alvarado, Goodman, Hope, Nixon, Smithee, Zbranek
0 nays
1 absent — Dutton

WITNESSES: None

BACKGROUND: The Medical Liability and Insurance Improvement Act, art. 4590i, VTCS, generally defines a physician as a person licensed to practice medicine in this state. The act allows other physicians to serve as expert witnesses under certain conditions.

DIGEST: HB 504 would allow any person licensed to practice medicine in the United States to be considered a physician for purposes of qualifying as an expert witness.

The bill would take immediate effect if finally passed by a two-thirds record vote of the membership of each house.

SUPPORTERS SAY: HB 504 would correct a drafting error that limits expert testimony in medical malpractice cases to physicians licensed in Texas. A physician, regardless of reputation or qualifications, is not considered an expert unless licensed in this state. Removing this restriction and allowing any physician licensed in the United States to testify would broaden the pool of available expert witnesses, allowing the jury to hear the best experts available on the particular action at hand.

OPPONENTS SAY: No apparent opposition.