
SUBSTITUTE HOUSE BILL 1224

State of Washington

59th Legislature

2005 Regular Session

By House Committee on Judiciary (originally sponsored by Representatives Schual-Berke, Cody, Lantz, Fromhold, Moeller, P. Sullivan, Morrell, Linville, Clibborn, Kagi and Ormsby)

READ FIRST TIME 03/02/05.

1 AN ACT Relating to expert witnesses in actions under chapter 7.70
2 RCW; and adding new sections to chapter 7.70 RCW.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 NEW SECTION. **Sec. 1.** A new section is added to chapter 7.70 RCW
5 to read as follows:

6 (1) In an action against a health care provider under this chapter,
7 an expert may not provide testimony at trial unless the expert meets
8 the following criteria:

9 (a) Has expertise in the medical condition at issue in the action;
10 and

11 (b) At the time of the occurrence of the incident at issue in the
12 action, or at the time of retirement in the case of an expert who
13 retired no sooner than five years prior to the time the action is
14 commenced, was either:

15 (i) Engaged in active practice in the same or similar area of
16 practice or specialty as the defendant; or

17 (ii) Teaching at an accredited medical school or an accredited or
18 affiliated academic or clinical training program in the same or similar

1 area of practice or specialty as the defendant, including instruction
2 regarding the particular condition at issue.

3 (2) Upon motion of a party, the court may waive the requirements of
4 subsection (1) of this section and allow an expert who does not meet
5 those requirements to testify at trial if the court finds that:

6 (a) Extensive efforts were made by the party to locate an expert
7 who meets the criteria under subsection (1) of this section, but none
8 was willing and available to testify; and

9 (b) The proposed expert is qualified to be an expert witness by
10 virtue of the person's training, experience, and knowledge.

11 NEW SECTION. **Sec. 2.** A new section is added to chapter 7.70 RCW
12 to read as follows:

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

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