



Pennsylvania MEDICAL SOCIETY®

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September 14, 2007

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Gerald S. Smith
Senior Counsel in Charge
Department of State
P.O. Box 2649
Harrisburg, PA 17105-2649

TERRENCE E. BABB, MD
Secretary

ROGER F. MECUM
Executive Vice President

RE: Proposed Expert Witness Regulations

Dear Mr. Smith,

As President of the Pennsylvania Medical Society, I am writing in support of the proposed expert witness regulations published in the August 25, 2007, *Pennsylvania Bulletin*, with one concern and an amendment.

The Pennsylvania Medical Society has long awaited regulations that establish the qualifications of physicians testifying as experts for the Bureau of Professional and Occupational Affairs (BPOA) prosecutors in cases where the standard of care is the central issue. The Medical Society strongly supports application of the Mcare expert witness qualification standards to physician disciplinary proceedings.

The concern lies in the addition of Section 16.52(f) which allows the Board to apply "its own expertise in determining the applicable standard of care in disciplinary matters before the Board." While the Board is rather diverse in specialists (an orthopedic surgeon, anesthesiologist, ob/gyn, emergency medicine), it may not necessarily have the expertise required for an individual case. In a sense, this provision renders the expert witness requirements moot. The provision also denies the respondent physician the right to cross-examine the expert against him or her.

In addition, the Pennsylvania Medical Society strongly supports the inclusion of language requiring that the expert witness have a current, unrestricted Pennsylvania medical license. This way the State Board of Medicine can take action against the experts license for inappropriate testimony.

777 East Park Drive

P.O. Box 8820

Harrisburg, PA 17105-8820

Tel: (717) 558-7750

Fax: (717) 558-7840

E-Mail: stat@pamedsoc.org

www.pamedsoc.org

INDEPENDENT REGULATORY
REVIEW COMMISSION

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I look forward to supporting these regulations through the regulatory process.

Sincerely,

A handwritten signature in black ink, appearing to read 'Mark A. Piasio', written in a cursive style.

Mark A. Piasio, MD
President

Cc: Charles D. Hummer, MD, Chairman
Pennsylvania State Board of Medicine
Honorable Robert M. Tomlinson, Chair
Senate Consumer Protection and Professional Licensure Committee
Honorable P. Michael Sturla, Chair
House Professional Licensure Committee
Arthur Coccodrilli, Chairman
Independent Regulatory Review Commission