S T A T E O F N E W Y O R K

7692

I N S E N A T E

May 3, 2010

Introduced by Sen. ESPADA -- read twice and ordered printed, and when printed to be committed to the Committee on Higher Education

AN ACT to amend the education law, in relation to establishing a new element for professional misconduct for providing expert witness testimony that is false or without reasonable medical foundation

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Section 6530 of the education law is amended by adding a new subdivision 50 to read as follows:

50. PROVIDING EXPERT MEDICAL TESTIMONY THAT IS FALSE OR COMPLETELY WITHOUT REASONABLE MEDICAL FOUNDATION IN ANY ACTION FOR INJURY OR DEATH ARISING OUT OF THE PROVISION OF OR FAILURE TO PROVIDE HEALTH CARE SERVICES. AS USED IN THIS SUBDIVISION, TESTIMONY MAY BE CONSIDERED FALSE OR COMPLETELY WITHOUT REASONABLE MEDICAL FOUNDATION IF IT WAS WITHOUT FOUNDATION IN ACCEPTED PEER REVIEWED SCIENCE-BASED MEDICAL RESEARCH.

S 2. This act shall take effect on the ninetieth day after it shall have become a law.

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets [ ] is old law to be omitted.

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