



FEDERATION OF
STATE MEDICAL BOARDS

Expert Witness Qualifications for Medical Malpractice Cases

Board-by-Board Overview

Document Summary:

- Twenty-seven (27) states require expert witnesses to be licensed, of which nineteen (19) allow witnesses to be licensed in any state.
- Twenty-two (22) states, as well as Guam, do not require expert witnesses to be licensed.
- One (1) state, as well as the District of Columbia, Puerto Rico, and the Virgin Islands, have no statutory requirements for expert witnesses.

	State License Required?	License and Qualification Statute(s)
AL	Yes ¹	Alabama Code § 6-5-548
AK	Yes	Alaska Stat. Ann. § 09.20.185
AZ-M	Yes	Ariz. Rev. Stat. Ann. § 12-2604
AZ-O	Yes	See AZ-M
AR	Yes	Arkansas Code Ann. § 16-114-207(1)
CA-M	No	California Evid. Code § 720 Cal. Health & Safety Code § 1799.110(c) (Emergency Room Malpractice)
CA-O	No	See CA-M
CO	Yes	Colorado Rev. Stat. Ann. § 13-64-401; § 13-20-602
CT	Yes	Connecticut Gen. Stat. Ann. § 52-184
DE	No	Delaware Code Ann. tit. 18, § 6853
DC	No ³	No specific statutory requirements Motorola Inc. v. Murray, 147 A.3d 751, 752 (D.C. 2016)
FL-M	Yes	Florida Stat. Ann. § 766.102
FL-O	Yes	See FL-M
GA	Yes* ²	Georgia Code Ann., § 24-7-702
GU	No	10 G.C.A. § 10118
HI	No	Hawaii Rev. Stat. § 626-1, Rule 702
ID	No	Idaho Code Ann. § 6-1012-13
IL	Yes	735 ILCS 5/8-2501
IN	No	Indiana Rules of Evidence, Rule 702
IA	Yes	Iowa Code Ann. § 147.139

¹ “Yes” means the professional must be licensed in the state or any other state.

² “Yes*” means the professional must be licensed in the state in which such expert was practicing or teaching in the profession at the time of the incident.

³ In this case, the District of Columbia Court of Appeals adopted Federal Rule of Evidence 702 to govern the admissibility of all expert testimony. An expert must therefore possess scientific, technical, or other specialized knowledge that will help the trier of fact to understand the evidence or to determine a fact in issue.

		Iowa. R. Evid. 5.702
KS	Yes	Kansas Stat. Ann. § 60-3412
KY	No	Ky. R. Evid. 702
LA	Yes	Louisiana Rev. Stat. Ann. § 9:2794
ME-M	No	Maine R. Evid. 702
ME-O	No	See ME-M
MD	Yes	Maryland Code Ann., Cts. & Jud. Proc. § 3-2A-02 Maryland R. Evid. 5-702
MA	No	Massachusetts Gen. Laws 231 § 60B (Tribunal) Massachusetts R. Evid. 702
MI-M	Yes	Michigan Comp. Laws Ann. § 600.2169
MI-O	Yes	See MI-M
MN	No	Minnesota R. Evid. 702
MS	Yes	Mississippi Code. Ann. § 11-1-61 Mississippi R. Evid. 702 Mississippi Admin. Code 30-17-2635:8.7
MO	No	Missouri Ann. Stat. § 490.065
MT	Yes	Montana Code Ann. § 26-2-601 Montana Code Ann. § 37-3-102
NE	No	Nebraska Rev. Stat. § 27-702
NV-M	No	Nevada Rev. Stat. § 41A.100 Nevada Rev. Stat. § 50.275
NV-O	No	See NV-M
NH	No	New Hampshire Rev. Stat. § 507-C:3 New Hampshire R. Evid. 702
NJ	Yes	New Jersey Stat. Ann. § 2A:53A-41
NM	No	New Mexico R. Evid. 11-702 New Mexico Stat. Ann. § 41-5-23
NY	--	No specific statutory requirements
NC	Yes	North Carolina Gen. Stat. Ann. § 8C-1, Rule 702 North Carolina R. Evid. § 8C-1,8C-1702
ND	No	North Dakota R. Ev. 702
OH	Yes	Ohio Rev. Code Ann. § 2743.43 Ohio Rules of Evidence, Rule 702
OK-M	Yes	Oklahoma Stat. Ann. tit. 63, § 1-1708.1i 12 Oklahoma Stat. Ann. § 2702
OK-O	Yes	See OK-M
OR	No	Oregon Rev. Stat. Ann. § 40.410
PA-M	Yes	49 Pennsylvania Code § 16.52a 40 Pennsylvania Stat. Ann. § 1303.512
PA-O	Yes	See PA-M
PR	--	No specific statutory requirements
RI	No	R.I. Gen. Laws Ann. § 9-19-41
SC	Yes ³	South Carolina Code Ann. § 15-36-100(G) South Carolina Code 1976 § 40-47-20

³ “Y^” means that if the professional is not licensed in South Carolina, a special license must be obtained for each proceeding the applicant is engaged to testify.

SD	No	South Dakota C. L. § 19-19-702.
TN-M	Yes ⁴	Tennessee Code Ann. § 29-26-115 Tennessee Rule of Evidence, Rule 702
TN-O	Yes ⁺	See TN-M
TX	Yes	Texas Civ. Prac. & Rem. Code Ann. § 74.401-2-3
UT-M	Yes	Utah Code Ann. § 78B-3-423 Utah Rules of Evidence, Rule 702
UT-O	Yes	See UT-M
VT-M	No	Vermont R. Evid. 702
VT-O	No	See VT-M
VI	--	No specific statutory requirements
VA	Yes*	Virginia Code Ann. § 8.01-581.20
WA-M	No	Washington R. Evid. 702
WA-O	No	See WA-M
WV-M	Yes	West Virginia Code Ann. § 55-7B-7
WV-O	Yes	See WV-M
WI	No	Wisconsin Stat. Ann. § 907.02
WY	No	Wyoming R. Evid. 702

For informational purposes only: This document is not intended as a comprehensive statement of the law on this topic, nor to be relied upon as authoritative. Non-cited laws, regulation, and/or policy could impact analysis on a case-by-case or state-by-state basis. All information should be verified independently.

⁴ “Y+” means that the professional must be licensed in Tennessee or any of its contiguous border states.