

**147.139 Expert witness standards.**

If the standard of care given by a health care provider, as defined in [section 147.136A](#), is at issue, the court shall only allow a person the plaintiff designates as an expert witness to qualify as an expert witness and to testify on the issue of the appropriate standard of care or breach of the standard of care if all of the following are established by the evidence:

1. The person is licensed to practice in the same or a substantially similar field as the defendant, is in good standing in each state of licensure, and in the five years preceding the act or omission alleged to be negligent, has not had a license in any state revoked or suspended.

2. In the five years preceding the act or omission alleged to be negligent, the person actively practiced in the same or a substantially similar field as the defendant or was a qualified instructor at an accredited university in the same field as the defendant.

3. If the defendant is board-certified in a specialty, the person is certified in the same or a substantially similar specialty by a board recognized by the American board of medical specialties, the American osteopathic association, or the council on podiatric medical education.

4. *a.* If the defendant is a licensed physician or osteopathic physician under [chapter 148](#), the person is a physician or osteopathic physician licensed in this state or another state.

*b.* If the defendant is a licensed podiatric physician under [chapter 149](#), the person is a physician, osteopathic physician, or a podiatric physician licensed in this state or another state.

[86 Acts, ch 1211, §16; 2008 Acts, ch 1088, §98; 2017 Acts, ch 107, §3, 5; 2018 Acts, ch 1172, §46](#)

Referred to in [§147.140](#)

2017 amendment applies to causes of action that accrue on or after July 1, 2017; [2017 Acts, ch 107, §5](#)