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**AB-505 Medical Board of California: adjudication: expert testimony.** (2017-2018)

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**Assembly Bill No. 505**

**CHAPTER 469**

An act to amend Section 2334 of the Business and Professions Code, relating to healing arts.

[ Approved by Governor September 18, 2018. Filed with Secretary of State September 18, 2018. ]

**LEGISLATIVE COUNSEL'S DIGEST**

AB 505, Caballero. Medical Board of California: adjudication: expert testimony.

Existing law prohibits the use of expert testimony in matters brought by the Medical Board of California unless specified information is exchanged with counsel for the other party, and requires the exchange of the information to be completed 30 calendar days prior to the commencement date of the hearing or as specified.

This bill would authorize the administrative law judge to extend the time for the exchange of information, upon a motion based on a showing of good cause, for a period not to exceed 100 calendar days, as specified.

Vote: majority Appropriation: no Fiscal Committee: no Local Program: no

**THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:**

**SECTION 1.** Section 2334 of the Business and Professions Code is amended to read:

**2334.** (a) Notwithstanding any other provision of law, with respect to the use of expert testimony in matters brought by the Medical Board of California, no expert testimony shall be permitted by any party unless the following information is exchanged in written form with counsel for the other party, as ordered by the Office of Administrative Hearings:

- (1) A curriculum vitae setting forth the qualifications of the expert.
- (2) A complete expert witness report, which must include the following:
  - (A) A complete statement of all opinions the expert will express and the bases and reasons for each opinion.
  - (B) The facts or data considered by the expert in forming the opinions.
  - (C) Any exhibits that will be used to summarize or support the opinions.
- (3) A representation that the expert has agreed to testify at the hearing.
- (4) A statement of the expert's hourly and daily fee for providing testimony and for consulting with the party who retained his or her services.

(b) The exchange of the information described in subdivision (a) shall be completed 30 calendar days prior to the originally scheduled commencement date of the hearing, or as determined by an administrative law judge when Section 11529 of the Government Code applies. Upon motion to extend the deadline based on a showing of good cause, the administrative law judge may extend the time for the exchange of information for a period not to exceed 100 calendar days cumulatively, but in no case shall the exchange take place less than 30 calendar days before the hearing date, whichever comes first.

(c) The Office of Administrative Hearings may adopt regulations governing the required exchange of the information described in this section.