



SPECIALTY NOT REQUIRED FOR PHYSICIAN ASSISTANT EXPERT

In this medical malpractice action, the plaintiff in *Wolford v Duncan*, ___ Mich App ___ (2008) challenged the trial court's denial of her motion to strike the defendants' physician assistant (PA) expert witness. The plaintiff argued the defendants' PA expert was not qualified as an expert under MCL 600.2169 because his supervising physician specialized in internal medicine and the defendant PA's supervising physician specialized in family practice medicine.

The defendants contended the terms "specialist" and "general practitioners" refer only to physicians, and the criteria set forth in MCL 600.2169 (1)(a) and (c) applied only to physicians, not physician's assistants or other non-physician health professionals.

In agreeing with the defendants, the Michigan Court of Appeals held that the defendants' expert was qualified. Allowing the defendants' PA expert to testify was consistent with the Supreme Court's construction of the word "specialty" as "a particular branch of medicine or surgery in which one can potentially become board certified" in *Woodard v Custer*, 473 Mich 1 (2005). The statutes pertaining to licensing for PAs do not recognize board certification in any specialty. Therefore, a PA can not be considered a specialist in accordance with the Supreme Court's construction of that term in *Woodard*.

The court found it significant that a PA does not need a special certification to work under a physician who is a specialist. Both the defendant PA and the defendants' PA expert were eligible to practice under either a family practice physician or an internal medicine physician.

The court also addressed the Michigan Statute, which provides that a PA "shall conform to minimal standards of acceptable and prevailing practice for the supervising physician." MCL 333.17048(4). The court stated while this provision states the standard of care applicable to a PA, and an expert witness must demonstrate familiarity with that standard to be qualified to offer expert testimony, it does not follow that PAs are specialists as defined by MCL 600.2961 (1) (a).

This appeal was successfully litigated by Plunkett Cooney's Robert G. Kameneck.