

SCALE “B” (effective April 1, 2018)

MEDICAL EXPERT WITNESS FEES CRIMINAL AND OTHER GOVERNMENT MATTERS

**Non-MSP
Insured**

Fee (\$)

The following fees and billing guidelines are recommended when a physician provides expert evidence in a criminal or Government of British Columbia ministry, board or agency matter.

Preparation and Court Time (Per Hour):

A94525 – General Practitioner	243.00
A94526 – Specialist	284.00

Travel Time (Per Hour):

A94527 – General Practitioner	139.00
A94528 – Specialist	160.00

NOTES:

- i) “General Practitioner”, means a Physician who is not a specialist.
- ii) “Specialist” means a Physician who is a certificant or fellow of the Royal College of Physicians and Surgeons of Canada.

BILLING GUIDELINES FOR MEDICAL EXPERT WITNESS RETAINED BY THE GOVERNMENT, A GOVERNMENT BOARD OR GOVERNMENT AGENCY

1. Travel to Court

- a) Time starts when the Physician leaves home, office or hospital to go to Court.
- b) Time ends when the Physician arrives at the Court or Crown Counsel office or otherwise begins direct work on the case.
- c) If work on the case does not start until the day after travel, then travel time ends upon arrival at the hotel or at 1800 hours, whichever is later.

2. Return Travel

- a) Time starts at the end of Court proceedings or when no other services (e.g., discussions) are required from the physician.
- b) Time ends when the Physician arrives at home, office, hospital, etc.

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- c) If the Physician is unable to return home the same day, then travel time ends at 1800 hours on the day that work on the case is finished and restarts the next morning at 0900 hours or upon leaving the hotel, whichever is earlier.
- d) If the Court schedule and travel arrangements are such that a physician is required to stay away from home over a weekend, then travel time up to 8 hours per day is billed for the weekend days, to the extent that the physician's time is not occupied with the case work over the weekend.

3. Court Time

- a) Court time includes all relevant professional activities, including preparation, interviews, discussions, testimony, listening to other testimony and associated waiting time.
- b) Court time starts when the physician arrives at the Court or Crown Counsel office or at 0900 hours if he/she had already traveled away from home on a prior day.
- c) Court time ends when Court ends or no other services are required, but continues to 1800 hours if further services are required next day, if the Physician has traveled out of town.
- d) Time for preparation work prior to arrival or during evenings or weekends is billed in addition to the above and for the actual time spent.
- e) If lunch is primarily social, then a one-hour lunch break is not billable, but time for a working lunch is billable.
- f) In the event that out of town travel is necessary, in respect of single day trips only, and where the combination of Court/preparation and travel are less than 8 billing hours, the balance up to 8 hours shall be billed as Court/preparation time.
- g) Where physicians are testifying in their home community, Court time shall be compensated at a minimum of 4 hours for the morning session and 4 hours for the afternoon session. Any Court time spent in excess of 4 hours in either the morning or afternoon session shall be paid at the appropriate fee.

4. Cancellations

- a) A cancellation is defined as a situation where the physician is informed that a previously arranged Court appearance is no longer required or is to be rescheduled for any reason including testimony not needed, Court scheduling changes and adjournments.
- b) Where the physician is given more than 6 working days notice of cancellation of a Court appearance, no compensation is payable.

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c) Where the cancellation notice is received 6 full working days or less prior to scheduled commencement of travel (as defined in 1.a, the physician will be paid the lesser of:

i) if cancellation occurs with 2 full working days or less notice, 100% of fees otherwise payable if the physician had attended court, for each day or half day scheduled,

ii) if cancellation occurs with more than 2 but with 4 or less full working days notice, 75% of fees otherwise payable if the physician had attended Court, for each day or half day scheduled;

iii) if cancellation occurs with more than 4 but with 6 or less full working days notice, 50% of fees otherwise payable if the physician had attended Court, for each day or half day scheduled.

Fees otherwise payable includes travel time and court time and is in addition to preparation time already incurred. ***Working days*** does not include Saturday, Sunday or Statutory holidays.

5. Expenses

Expenses related to expert witness billing shall be in accordance with the rates established for "Group 2" (public service) employees. Such expenses may be claimed where the physician is required to attend court at a location more than 32 km from his/her residence or where unusual road conditions exist which, for example, requires travel by ferry.