# Pharmacy and DME Operations Expert Witness

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## What to have ready

Counsel can speed the first conversation by having these items in hand:

- The names of all parties, for the conflicts check that comes before any review.
- The date or date range in question, because the standards are read in the edition in force then (FRE 702(b), "sufficient facts or data" [https://www.law.cornell.edu/rules/fre/rule_702]).
- The organization's accreditation status and accreditor on that date. For a DMEPOS supplier, the accreditor should appear on the CMS list of approved organizations (CMS list, updated 01/09/2026 [https://www.cms.gov/files/document/dmepos-accreditation-organizations.pdf]).
- The written policies and procedures in force on the relevant date, as produced.
- Survey reports, accreditation decisions and any corrective action records for the period.
- Records showing whether each location was accredited, since 42 CFR 424.57(c)(22) applies to "all of their locations whether owned or subcontracted" (42 CFR 424.57 [https://www.law.cornell.edu/cfr/text/42/424.57]).
- A list of the materials counsel expects the expert to consider, since the report must state "the facts or data considered by the witness in forming them" (FRCP 26(a)(2)(B) [https://www.law.cornell.edu/rules/frcp/rule_26]).
- Any exhibits counsel expects to use, since the report must list "any exhibits that will be used to summarize or support" the opinions (FRCP 26(a)(2)(B) [https://www.law.cornell.edu/rules/frcp/rule_26]).
- The case schedule, including the expert disclosure date. Rule 26(a)(2)(D) says disclosures are made at the times the court orders. Absent a stipulation or court order, they are due at least 90 days before the date set for trial or for the case to be ready for trial, or within 30 days after the other party's disclosure if the evidence is solely to contradict or rebut (FRCP 26(a)(2)(D) [https://www.law.cornell.edu/rules/frcp/rule_26]).
- Counsel's questions, in writing.