



# **MONTANA MEDICAL LEGAL PANEL**

**2012 ANNUAL REPORT**

**As Of December 31, 2012**

**MONTANA MEDICAL MALPRACTICE CLAIMS,  
HEARINGS, LAWSUITS AND JURY TRIALS**

**MONTANA MEDICAL LEGAL PANEL  
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## **MONTANA MEDICAL LEGAL PANEL**

The purpose of the Panel is to prevent, where possible, the filing in court of actions against health care providers and their employees for professional liability in situations where the facts do not permit at least a reasonable inference of malpractice and to make possible the fair and equitable disposition of such claims against health care providers as are or reasonably may be well founded.

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## **MONTANA MEDICAL LEGAL PANEL**

### **PROVIDERS IN CLAIMS, HEARINGS, LAWSUITS AND JURY TRIALS**

## MONTANA MEDICAL LEGAL PANEL REPORT

### MONTANA PROVIDERS IN MEDICAL MALPRACTICE CLAIMS, LAWSUITS AND JURY TRIALS

#### MONTANA HEALTH CARE PROVIDERS

Panel Claim Filing Year	In Claims Filed	In Claims Abandoned, Settled Or Special Ruling Without A Panel Hearing	In Claims With A Hearing	In Claims Abandoned Or Settled After A Hearing Prior To A Lawsuit	In Lawsuits After The Panel	In Claims Abandoned Or Settled After A Lawsuit & Prior To A Trial	In Lawsuits Ending In Summary Judgment Or Dismissal	In Jury Trials	In Trials With Jury Verdicts And Verdict Results	
									In Favor Of Provider	In Favor Of Claimant
2002	272	50	222	96	113	98	6	1	1	0
2003	281	60	221	119	87	77	4	3	2	1
2004	275	79	196	91	97	72	5	2	2	0
2005	289	60	229	107	111	88	5	5	4	1
2006	222	50	172	76	85	63	4	5	3	2
2007	240	71	169	66	98	70	3	8	7	1
2008	195	41	154	65	75	38	8	1	1	0
2009	212	39	173	58	91	30	3	0	0	0
2010	177	29	148	44	70	11	0	0	0	0
2011	166	43	123	22	55	11	0	0	0	0
2012	192	26	78	7	14	0	0	0	0	0
<b>TOTAL</b>	<b>2,521</b>	<b>548</b>	<b>1,885</b>	<b>751</b>	<b>896</b>	<b>558</b>	<b>38</b>	<b>25</b>	<b>20</b>	<b>5</b>
<b>ANNUAL AVERAGE</b>	<b>229</b>	<b>50</b>	<b>171.4</b>	<b>68.3</b>	<b>81.5</b>	<b>50.7</b>	<b>3.5</b>	<b>2.3</b>	<b>1.8</b>	<b>0.5</b>

**Note: Special Ruling involves claims or individual health care providers that are dismissed from MMLP level where no party prevails.**

It takes approximately five years from a starting point until the rate of malpractice claims “mature” or are fully-reported from an incident year given that Montana has a three year “discovery” statue of limitations. *Some actions are still pending.*

## MONTANA MEDICAL LEGAL PANEL REPORT

### MONTANA PHYSICIANS IN MEDICAL MALPRACTICE CLAIMS, LAWSUITS AND JURY TRIALS

#### MONTANA PHYSICIANS

Panel Claim Filing Year	In Claims Filed	In Claims Abandoned, Settled Or Special Ruling Without A Panel Hearing	In Claims With A Hearing	In Claims Abandoned Or Settled After A Hearing Prior To A Lawsuit	In Lawsuits After The Panel	In Claims Abandoned Or Settled After A Lawsuit & Prior To A Trial	In Lawsuits Ending In Summary Judgment Or Dismissal	In Jury Trials	In Trials With Jury Verdicts And Verdict Results	
									In Favor Of Physician	In Favor Of Claimant
2002	177	31	146	66	72	63	4	1	1	0
2003	188	37	151	89	52	46	2	2	2	0
2004	183	48	135	66	64	49	3	1	1	0
2005	193	43	150	73	70	57	3	3	3	0
2006	149	35	114	55	54	40	3	4	3	1
2007	154	43	111	47	60	43	1	7	7	0
2008	122	28	94	46	39	18	3	1	1	0
2009	140	26	114	41	55	17	2	0	0	0
2010	109	20	89	27	40	5	0	0	0	0
2011	101	21	80	16	36	7	0	0	0	0
2012	107	9	46	5	5	0	0	0	0	0
<b>TOTAL</b>	<b>1,623</b>	<b>341</b>	<b>1,230</b>	<b>531</b>	<b>547</b>	<b>345</b>	<b>21</b>	<b>19</b>	<b>18</b>	<b>1</b>
<b>ANNUAL AVERAGE</b>	<b>148</b>	<b>31</b>	<b>111.8</b>	<b>48.3</b>	<b>49.7</b>	<b>31.4</b>	<b>1.9</b>	<b>1.7</b>	<b>1.6</b>	<b>0.1</b>

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## MONTANA MEDICAL LEGAL PANEL REPORT

### MONTANA HOSPITALS IN MEDICAL MALPRACTICE CLAIMS, LAWSUITS AND JURY TRIALS

#### MONTANA HOSPITALS

Panel Claim Filing Year	In Claims Filed	In Claims Abandoned, Settled Or Special Ruling Without A Panel Hearing	In Claims With A Hearing	In Claims Abandoned Or Settled After A Hearing Prior To A Lawsuit	In Lawsuits After The Panel	In Claims Abandoned Or Settled After A Lawsuit & Prior To A Trial	In Lawsuits Ending In Summary Judgment Or Dismissal	In Jury Trials	In Trials With Jury Verdicts And Verdict Results	
									In Favor Of Hospital	In Favor Of Claimant
2002	75	16	59	24	31	27	1	0	0	0
2003	66	18	48	23	21	18	1	1	0	1
2004	78	27	51	22	26	18	1	0	0	0
2005	72	13	59	28	29	22	1	1	0	1
2006	45	11	34	13	20	16	1	1	0	1
2007	66	22	44	16	28	19	2	1	0	1
2008	50	10	40	17	19	11	2	0	0	0
2009	53	10	43	15	24	10	1	0	0	0
2010	48	7	41	13	21	3	0	0	0	0
2011	49	17	32	4	15	4	0	0	0	0
2012	61	12	19	1	5	0	0	0	0	0
<b>TOTAL</b>	<b>663</b>	<b>163</b>	<b>470</b>	<b>176</b>	<b>239</b>	<b>148</b>	<b>10</b>	<b>4</b>	<b>0</b>	<b>4</b>
<b>ANNUAL AVERAGE</b>	<b>60</b>	<b>15</b>	<b>42.7</b>	<b>16.0</b>	<b>21.7</b>	<b>13.5</b>	<b>0.9</b>	<b>0.4</b>	<b>0.0</b>	<b>0.4</b>

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## MONTANA MEDICAL LEGAL PANEL REPORT

### MONTANA FACILITIES IN MEDICAL MALPRACTICE CLAIMS, LAWSUITS AND JURY TRIALS

#### MONTANA FACILITIES

Panel Claim Filing Year	In Claims Filed	In Claims Abandoned, Settled Or Special Ruling Without A Panel Hearing	In Claims With A Hearing	In Claims Abandoned Or Settled After A Hearing Prior To A Lawsuit	In Lawsuits After The Panel	In Claims Abandoned Or Settled After A Lawsuit & Prior To A Trial	In Lawsuits Ending In Summary Judgment Or Dismissal	In Jury Trials	In Trials With Jury Verdicts And Verdict Results	
									In Favor Of Facility	In Favor Of Claimant
2002	6	1	5	2	3	2	1	0	0	0
2003	10	1	9	2	6	6	0	0	0	0
2004	10	3	7	1	6	5	1	0	0	0
2005	9	2	7	3	3	1	0	1	1	0
2006	13	2	11	3	7	6	0	0	0	0
2007	14	3	11	2	8	7	0	0	0	0
2008	12	0	12	0	12	5	2	0	0	0
2009	10	1	9	2	8	2	0	0	0	0
2010	14	1	13	2	8	2	0	0	0	0
2011	7	2	5	1	2	0	0	0	0	0
2012	11	3	3	1	1	0	0	0	0	0
<b>TOTAL</b>	<b>116</b>	<b>19</b>	<b>92</b>	<b>19</b>	<b>64</b>	<b>36</b>	<b>4</b>	<b>1</b>	<b>1</b>	<b>0</b>
<b>ANNUAL AVERAGE</b>	<b>11</b>	<b>2</b>	<b>8.4</b>	<b>1.7</b>	<b>5.8</b>	<b>3.3</b>	<b>0.4</b>	<b>0.1</b>	<b>0.1</b>	<b>0.0</b>

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## MONTANA MEDICAL LEGAL PANEL REPORT

### MONTANA DENTISTS IN MEDICAL MALPRACTICE CLAIMS, LAWSUITS AND JURY TRIALS

#### MONTANA DENTISTS

Panel Claim Filing Year	In Claims Filed	In Claims Abandoned, Settled Or Special Ruling Without A Panel Hearing	In Claims With A Hearing	In Claims Abandoned Or Settled After A Hearing Prior To A Lawsuit	In Lawsuits After The Panel	In Claims Abandoned Or Settled After A Lawsuit & Prior To A Trial	In Lawsuits Ending In Summary Judgment Or Dismissal	In Jury Trials	In Trials With Jury Verdicts And Verdict Results	
									In Favor Of Dentist	In Favor Of Claimant
2002	8	1	7	2	4	3	0	0	0	0
2003	15	4	11	4	7	6	1	0	0	0
2004	3	1	2	2	0	0	0	0	0	0
2005	8	1	7	2	4	4	0	0	0	0
2006	13	1	12	5	2	1	0	0	0	0
2007	4	2	2	1	1	1	0	0	0	0
2008	10	3	7	2	5	4	1	0	0	0
2009	5	2	3	0	3	1	0	0	0	0
2010	5	1	4	2	1	1	0	0	0	0
2011	7	3	4	1	2	0	0	0	0	0
2012	9	1	8	0	3	0	0	0	0	0
<b>TOTAL</b>	<b>87</b>	<b>20</b>	<b>67</b>	<b>21</b>	<b>32</b>	<b>21</b>	<b>2</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>ANNUAL AVERAGE</b>	<b>8</b>	<b>2</b>	<b>6.1</b>	<b>1.9</b>	<b>2.9</b>	<b>1.9</b>	<b>0.2</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

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## MONTANA MEDICAL LEGAL PANEL REPORT

### MONTANA PODIATRISTS IN MEDICAL MALPRACTICE CLAIMS, LAWSUITS AND JURY TRIALS

#### MONTANA PODIATRISTS

Panel Claim Filing Year	In Claims Filed	In Claims Abandoned, Settled Or Special Ruling Without A Panel Hearing	In Claims With A Hearing	In Claims Abandoned Or Settled After A Hearing Prior To A Lawsuit	In Lawsuits After The Panel	In Claims Abandoned Or Settled After A Lawsuit & Prior To A Trial	In Lawsuits Ending In Summary Judgment Or Dismissal	In Jury Trials	In Trials With Jury Verdicts And Verdict Results	
									In Favor Of Podiatrist	In Favor Of Claimant
2002	6	1	5	2	3	3	0	0	0	0
2003	2	0	2	1	1	1	0	0	0	0
2004	1	0	1	0	1	0	0	1	1	0
2005	7	1	6	1	5	4	1	0	0	0
2006	2	1	1	0	2	0	0	0	0	0
2007	2	1	1	0	1	0	0	0	0	0
2008	1	0	1	0	0	0	0	0	0	0
2009	4	0	4	0	1	0	0	0	0	0
2010	1	0	1	0	0	0	0	0	0	0
2011	2	0	2	0	0	0	0	0	0	0
2012	4	1	2	0	0	0	0	0	0	0
<b>TOTAL</b>	<b>32</b>	<b>5</b>	<b>26</b>	<b>4</b>	<b>14</b>	<b>8</b>	<b>1</b>	<b>1</b>	<b>1</b>	<b>0</b>
<b>ANNUAL AVERAGE</b>	<b>3</b>	<b>0</b>	<b>2.4</b>	<b>0.4</b>	<b>1.3</b>	<b>0.7</b>	<b>0.1</b>	<b>0.1</b>	<b>0.1</b>	<b>0.0</b>

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## **MONTANA MEDICAL LEGAL PANEL**

### **NUMBER & RATE OF MEDICAL MALPRACTICE CLAIMS FILED AT THE PANEL**

<b>MONTANA MEDICAL LEGAL PANEL</b>				
<b>NUMBER AND RATE OF FILED MEDICAL MALPRACTICE CLAIMS</b>				
<b>ANNUAL DATA</b>				
<b>Panel Claim Filing Year</b>	<b>Number Of Claims Filed At The Panel</b>	<b>Number Of Hearings</b>	<b>Number Of Health Care Providers*</b>	<b>Number Of Claims As A Percentage Of Montana Health Care Providers*</b>
1983	91	63	1,316	6.9%
1984	104	88	1,260	8.3%
1985	80	76	1,266	6.3%
1986	124	92	1,226	10.1%
1987	97	95	1,226	7.9%
1988	101	71	1,795	5.6%
1989	110	90	1,806	6.1%
1990	102	109	1,808	5.6%
1991	85	75	1,765	4.8%
1992	101	68	1,947	5.2%
1993	121	90	1,983	6.1%
1994	121	106	2,073	5.8%
1995	150	106	2,122	7.1%
1996	139	128	2,143	6.5%
1997	143	110	2,148	6.7%
1998	146	131	2,189	6.7%
1999	149	134	2,230	6.7%
2000	145	141	2,272	6.4%
2001	139	112	2,416	5.8%
2002	149	124	2,414	6.2%
2003	170	132	2,547	6.7%
2004	153	127	2,558	6.0%
2005	175	162	2,623	6.7%
2006	130	125	2,618	5.0%
2007	136	107	2,738	5.0%
2008	110	98	2,783	4.0%
2009	122	93	2,905	4.2%
2010	100	98	3,015	3.3%
2011	93	78	2,996	3.1%
2012	99	81	3,215	3.1%
<b>Total</b>	<b>3,685</b>	<b>3,110</b>		

\*Montana Health Care Providers include: Physicians, Podiatrists, Dentists, Facilities and Hospitals.