



MONTANA MEDICAL LEGAL PANEL

2013 ANNUAL REPORT

As Of February 6, 2014

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

**MONTANA MEDICAL LEGAL PANEL
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MONTANA MEDICAL LEGAL PANEL

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Note: Because of pending actions some totals are unavailable.

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MONTANA MEDICAL LEGAL PANEL

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| <p>PROVIDERS IN CLAIMS, HEARINGS, LAWSUITS AND JURY TRIALS</p> |
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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 |
| 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 | 71 | 3 | 8 | 7 | 1 |
| 2008 | 195 | 41 | 154 | 66 | 77 | 39 | 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 | 56 | 133 | 16 | 40 | 0 | 0 | 0 | 0 | 0 |
| 2013 | 157 | 24 | 73 | 4 | 10 | 0 | 0 | 0 | 0 | 0 |
| TOTAL | 2,406 | 552 | 1,791 | 669 | 821 | 462 | 32 | 24 | 19 | 5 |
| ANNUAL AVERAGE | 219 | 50 | 162.8 | 60.8 | 74.6 | 42.0 | 2.9 | 2.2 | 1.7 | 0.5 |

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 |
| 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 | 47 | 40 | 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 | 24 | 80 | 12 | 19 | 0 | 0 | 0 | 0 | 0 |
| 2013 | 100 | 16 | 46 | 2 | 5 | 0 | 0 | 0 | 0 | 0 |
| TOTAL | 1,546 | 341 | 1,164 | 475 | 495 | 282 | 17 | 18 | 17 | 1 |
| ANNUAL AVERAGE | 141 | 31 | 105.8 | 43.2 | 45.0 | 25.6 | 1.5 | 1.6 | 1.5 | 0.1 |

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 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 |
| 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 | 20 | 2 | 1 | 0 | 1 |
| 2008 | 50 | 10 | 40 | 17 | 20 | 12 | 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 | 25 | 36 | 2 | 15 | 0 | 0 | 0 | 0 | 0 |
| 2013 | 47 | 6 | 22 | 0 | 4 | 0 | 0 | 0 | 0 | 0 |
| TOTAL | 635 | 166 | 450 | 153 | 223 | 123 | 9 | 4 | 0 | 4 |
| ANNUAL AVERAGE | 58 | 15 | 40.9 | 13.9 | 20.3 | 11.2 | 0.8 | 0.4 | 0.0 | 0.4 |

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 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 |
| 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 | 4 | 7 | 2 | 3 | 0 | 0 | 0 | 0 | 0 |
| 2013 | 3 | 1 | 2 | 0 | 1 | 0 | 0 | 0 | 0 | 0 |
| TOTAL | 113 | 20 | 93 | 18 | 64 | 34 | 3 | 1 | 1 | 0 |
| ANNUAL AVERAGE | 10 | 2 | 8.5 | 1.6 | 5.8 | 3.1 | 0.3 | 0.1 | 0.1 | 0.0 |

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” statute of limitations. *Some actions are still pending.*

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 |
| 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 |
| 2013 | 4 | 1 | 2 | 2 | 0 | 0 | 0 | 0 | 0 | 0 |
| TOTAL | 83 | 20 | 62 | 21 | 28 | 18 | 2 | 0 | 0 | 0 |
| ANNUAL AVERAGE | 8 | 2 | 5.6 | 1.9 | 2.5 | 1.6 | 0.2 | 0.0 | 0.0 | 0.0 |

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 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 |
| 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 | 2 | 2 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| 2013 | 3 | 0 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| TOTAL | 29 | 5 | 22 | 2 | 11 | 5 | 1 | 1 | 1 | 0 |
| ANNUAL AVERAGE | 3 | 0 | 2.0 | 0.2 | 1.0 | 0.5 | 0.1 | 0.1 | 0.1 | 0.0 |

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

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| <p>NUMBER & RATE OF MEDICAL MALPRACTICE CLAIMS FILED AT THE PANEL</p> |
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MONTANA MEDICAL LEGAL PANEL

NUMBER AND RATE OF FILED MEDICAL MALPRACTICE CLAIMS

ANNUAL DATA

| Panel Claim Filing Year | Number Of Claims Filed At The Panel¹ | Number Of Hearings | Number Of Health Care Providers² | Number Of Claims As A Percentage Of Montana Health Care Providers |
|--------------------------------|--|---------------------------|--|--|
| 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 | 94 | 78 | 3,215 | 2.9% |
| 2012 | 108 | 81 | 3,215 | 3.4% |
| 2013 | 90 | 75 | 3,367 | 2.7% |
| Total | 3,694 | 3,122 | | |

¹Number Of Claims Filed At The Panel represents: Claims deemed complete.

²Montana Health Care Providers include: Physicians, Podiatrists, Dentists, Facilities and Hospitals.