



MONTANA MEDICAL LEGAL PANEL

2015 ANNUAL REPORT

As Of January 12, 2016

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

**MONTANA MEDICAL LEGAL PANEL
Jean A. Branscum, Director
2021 11th Avenue, Helena, Montana 59601
(406) 443-1110
jean@mmaoffice.org**



MONTANA MEDICAL LEGAL PANEL

TABLE OF CONTENTS

Note: Because of pending actions some totals are unavailable.

PROVIDERS IN CLAIMS, HEARINGS, LAWSUITS AND JURY TRIALS

- 4. All Providers In Claims, Hearings, Lawsuits And Trials
- 5. Physicians In Claims, Hearings, Lawsuits And Trials
- 6. Hospitals In Claims, Hearings, Lawsuits And Trials
- 7. Facilities In Claims, Hearings, Lawsuits And Trials
- 8. Dentists In Claims, Hearings, Lawsuits And Trials
- 9. Podiatrists In Claims, Hearings, Lawsuits And Trials

NUMBER & RATE OF MEDICAL MALPRACTICE CLAIMS FILED AT THE PANEL

- 11. Claims Basis - Claims Filed – Past 30 Years



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
2005	289	60	229	107	111	90	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	63	82	45	8	1	1	0
2009	212	39	173	59	96	35	4	4	2	0
2010	177	29	148	54	72	23	2	3	0	3
2011	166	43	123	35	60	18	0	0	0	0
2012	192	59	133	27	52	10	1	1	1	0
2013	165	39	126	16	46	4	0	0	0	0
2014	197	61	134	32	47	2	0	0	0	0
2015	180	24	84	5	6	0	0	0	0	0
TOTAL	2,235	516	1,645	540	755	361	27	27	18	7
ANNUAL AVERAGE	203	47	149.5	49.1	68.6	32.8	2.5	2.5	1.6	0.6

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
2005	193	43	150	73	70	59	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	45	43	21	3	1	1	0
2009	140	26	114	42	59	20	2	1	1	0
2010	109	20	89	33	40	11	1	1	0	1
2011	101	21	80	25	37	12	0	0	0	0
2012	107	27	80	18	26	6	1	1	1	0
2013	104	22	82	11	29	3	0	0	0	0
2014	121	42	78	17	32	1	0	0	0	0
2015	114	11	52	4	3	0	0	0	0	0
TOTAL	1,414	318	1,044	370	453	216	14	18	16	2
ANNUAL AVERAGE	129	29	94.9	33.6	41.2	19.6	1.3	1.6	1.5	0.2

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
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	16	21	13	2	0	0	0
2009	53	10	43	15	24	10	2	1	1	0
2010	48	7	41	15	23	9	1	2	0	2
2011	49	17	32	6	19	6	0	0	0	0
2012	61	25	36	5	18	3	0	0	0	0
2013	50	13	37	3	15	1	0	0	0	0
2014	62	16	45	11	12	1	0	0	0	0
2015	46	6	24	1	3	0	0	0	0	0
TOTAL	602	150	435	129	212	101	9	6	1	5
ANNUAL AVERAGE	55	14	39.5	11.7	19.3	9.2	0.8	0.5	0.1	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 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
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	6	2	0	0	0
2009	10	1	9	2	7	3	0	1	0	0
2010	14	1	13	4	8	2	0	0	0	0
2011	7	2	5	3	2	0	0	0	0	0
2012	11	4	7	2	3	1	0	0	0	0
2013	4	2	2	0	2	0	0	0	0	0
2014	7	1	6	2	3	0	0	0	0	0
2015	5	0	2	0	0	0	0	0	0	0
TOTAL	106	18	85	21	55	26	2	2	1	0
ANNUAL AVERAGE	10	2	7.7	1.9	5.0	2.4	0.2	0.2	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 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
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	2	5	0	0	0	0	0
2013	4	2	2	2	0	0	0	0	0	0
2014	5	2	3	2	0	0	0	0	0	0
2015	9	2	5	0	0	0	0	0	0	0
TOTAL	79	20	57	19	23	12	1	0	0	0
ANNUAL AVERAGE	7	2	5.2	1.7	2.1	1.1	0.1	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
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	1	1	0	0	0	0
2009	4	0	4	0	3	1	0	1	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	3	0	0	0	0	0	0	0
2014	2	0	2	0	0	0	0	0	0	0
2015	6	5	1	0	0	0	0	0	0	0
TOTAL	34	10	24	1	12	6	1	1	0	0
ANNUAL AVERAGE	3	1	2.2	0.1	1.1	0.5	0.1	0.1	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

<p>NUMBER & RATE OF MEDICAL MALPRACTICE CLAIMS FILED AT THE PANEL</p>
--

MONTANA MEDICAL LEGAL PANEL				
NUMBER AND RATE OF FILED MEDICAL MALPRACTICE CLAIMS				
ANNUAL DATA				
Panel Claim Filing Year	Number Of Claims Filed At The Panel	Number Of Hearings	Number Of Health Care Providers*	Number Of Claims As A Percentage Of Montana Health Care Providers
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	80	3,215	3.4%
2013	92	75	3,367	2.7%
2014	118	77	3,480	3.4%
2015	113	99	3,446	3.3%
Total	3,743	3,133		

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