



# **MONTANA MEDICAL LEGAL PANEL**

**2017 ANNUAL REPORT**

**As Of January 1, 2018**

**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**

<p><b>PROVIDERS IN CLAIMS, HEARINGS, LAWSUITS AND JURY TRIALS</b></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
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	57	71	23	2	3	0	3
2011	166	43	123	41	61	19	0	0	0	0
2012	193	59	134	42	60	14	3	3	3	0
2013	165	39	126	32	51	9	1	1	1	0
2014	199	63	136	46	51	3	0	0	0	0
2015	181	44	137	24	43	5	1	0	0	0
2016	195	59	135	29	41	2	0	0	0	0
2017	226	41	96	4	13	0	0	0	0	0
<b>TOTAL</b>	<b>2,149</b>	<b>528</b>	<b>1,531</b>	<b>463</b>	<b>667</b>	<b>226</b>	<b>22</b>	<b>20</b>	<b>14</b>	<b>4</b>
<b>ANNUAL AVERAGE</b>	<b>195</b>	<b>48</b>	<b>139.2</b>	<b>42.1</b>	<b>60.6</b>	<b>20.5</b>	<b>2.0</b>	<b>1.8</b>	<b>1.3</b>	<b>0.4</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
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	36	39	11	1	1	0	1
2011	101	21	80	29	38	12	0	0	0	0
2012	107	27	80	26	31	9	1	3	3	0
2013	104	22	82	23	32	6	0	1	1	0
2014	121	42	79	28	30	2	0	0	0	0
2015	115	27	88	18	22	3	0	0	0	0
2016	115	33	81	17	22	2	0	0	0	0
2017	129	24	52	3	8	0	0	0	0	0
<b>TOTAL</b>	<b>1,317</b>	<b>313</b>	<b>950</b>	<b>314</b>	<b>384</b>	<b>129</b>	<b>8</b>	<b>14</b>	<b>13</b>	<b>1</b>
<b>ANNUAL AVERAGE</b>	<b>120</b>	<b>28</b>	<b>86.4</b>	<b>28.5</b>	<b>34.9</b>	<b>11.7</b>	<b>0.7</b>	<b>1.3</b>	<b>1.2</b>	<b>0.1</b>

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

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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
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	8	19	7	0	0	0	0
2012	62	25	37	10	20	4	2	0	0	0
2013	50	13	37	6	17	3	1	0	0	0
2014	64	18	46	13	18	1	0	0	0	0
2015	46	9	37	5	17	2	1	0	0	0
2016	60	19	41	10	16	0	0	0	0	0
2017	73	14	34	0	4	0	0	0	0	0
<b>TOTAL</b>	<b>621</b>	<b>164</b>	<b>432</b>	<b>114</b>	<b>207</b>	<b>69</b>	<b>11</b>	<b>4</b>	<b>1</b>	<b>3</b>
<b>ANNUAL AVERAGE</b>	<b>56</b>	<b>15</b>	<b>39.3</b>	<b>10.4</b>	<b>18.8</b>	<b>6.3</b>	<b>1.0</b>	<b>0.4</b>	<b>0.1</b>	<b>0.3</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
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	3	3	0	0	0	0	0
2015	5	0	5	0	1	0	0	0	0	0
2016	8	4	4	1	3	0	0	0	0	0
2017	15	3	6	1	0	0	0	0	0	0
<b>TOTAL</b>	<b>107</b>	<b>21</b>	<b>80</b>	<b>18</b>	<b>49</b>	<b>19</b>	<b>2</b>	<b>1</b>	<b>0</b>	<b>0</b>
<b>ANNUAL AVERAGE</b>	<b>10</b>	<b>2</b>	<b>7.3</b>	<b>1.6</b>	<b>4.5</b>	<b>1.7</b>	<b>0.2</b>	<b>0.1</b>	<b>0.0</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
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	3	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	3	6	1	2	0	0	0	0	0
2016	8	2	6	1	0	0	0	0	0	0
2017	6	0	2	0	0	0	0	0	0	0
<b>TOTAL</b>	<b>72</b>	<b>21</b>	<b>47</b>	<b>15</b>	<b>19</b>	<b>7</b>	<b>1</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>ANNUAL AVERAGE</b>	<b>7</b>	<b>2</b>	<b>4.3</b>	<b>1.4</b>	<b>1.7</b>	<b>0.6</b>	<b>0.1</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
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	1	1	0	0	0	0	0
2013	3	0	3	1	0	0	0	0	0	0
2014	2	0	2	0	0	0	0	0	0	0
2015	6	5	1	0	1	0	0	0	0	0
2016	4	1	3	0	0	0	0	0	0	0
2017	3	0	2	0	1	0	0	0	0	0
<b>TOTAL</b>	<b>32</b>	<b>9</b>	<b>22</b>	<b>2</b>	<b>8</b>	<b>2</b>	<b>0</b>	<b>1</b>	<b>0</b>	<b>0</b>
<b>ANNUAL AVERAGE</b>	<b>3</b>	<b>1</b>	<b>2.0</b>	<b>0.2</b>	<b>0.7</b>	<b>0.2</b>	<b>0.0</b>	<b>0.1</b>	<b>0.0</b>	<b>0.0</b>

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## **MONTANA MEDICAL LEGAL PANEL**

<p><b>NUMBER &amp; RATE OF MEDICAL MALPRACTICE CLAIMS FILED AT THE PANEL</b></p>
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<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>
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%
2016	123	90	3,689	3.3%
2017	133	110	3,844	3.5%
<b>Total</b>	<b>3,778</b>	<b>3,146</b>		

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