



MONTANA MEDICAL LEGAL PANEL

2020 ANNUAL REPORT

As Of January 15, 2021

**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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MONTANA MEDICAL LEGAL PANEL

<p>PROVIDERS IN CLAIMS, HEARINGS, LAWSUITS AND JURY TRIALS</p>

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
2010	177	29	148	57	72	23	2	3	0	3
2011	166	43	123	41	61	19	0	0	0	0
2012	193	59	134	47	64	14	3	4	3	1
2013	165	39	126	33	61	10	1	3	3	0
2014	199	63	136	53	57	3	1	2	2	0
2015	181	44	137	36	49	5	3	0	0	0
2016	195	59	135	47	68	3	2	0	0	0
2017	232	49	182	34	57	0	0	0	0	0
2018	250	84	166	42	35	0	1	0	0	0
2019	243	66	152	28	47	0	3	0	0	0
2020	203	26	85	2	0	0	0	0	0	0
TOTAL	2,204	561	1,524	420	571	77	16	12	8	4
ANNUAL AVERAGE	200	51	138.5	38.2	51.9	7.0	1.5	1.1	0.7	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 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
2010	109	20	89	36	40	11	1	1	0	1
2011	101	21	80	29	38	12	0	0	0	0
2012	107	27	80	29	33	9	1	3	3	0
2013	104	22	82	23	37	7	0	2	2	0
2014	121	42	79	32	34	2	1	2	2	0
2015	115	27	88	27	23	3	1	0	0	0
2016	115	33	81	27	41	3	2	0	0	0
2017	131	28	103	23	28	0	0	0	0	0
2018	144	47	97	24	19	0	0	0	0	0
2019	131	42	76	13	22	0	1	0	0	0
2020	106	7	43	0	0	0	0	0	0	0
TOTAL	1,284	316	898	263	315	47	7	8	7	1
ANNUAL AVERAGE	117	29	81.6	23.9	28.6	4.3	0.6	0.7	0.6	0.1

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
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	11	22	4	2	1	0	1
2013	50	13	37	6	22	3	1	1	1	0
2014	64	18	46	16	20	1	0	0	0	0
2015	46	9	37	8	19	2	2	0	0	0
2016	60	19	41	15	21	0	0	0	0	0
2017	74	16	57	10	20	0	0	0	0	0
2018	74	25	49	14	13	0	1	0	0	0
2019	80	17	57	11	21	0	2	0	0	0
2020	74	12	31	0	0	0	0	0	0	0
TOTAL	681	178	465	114	200	26	9	4	1	3
ANNUAL AVERAGE	62	16	42.3	10.4	18.2	2.4	0.8	0.4	0.1	0.3

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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
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	3	3	1	0	0	0	0
2013	4	2	2	1	2	0	0	0	0	0
2014	7	1	6	3	3	0	0	0	0	0
2015	5	0	5	0	3	0	0	0	0	0
2016	8	4	4	1	4	0	0	0	0	0
2017	18	5	13	1	5	0	0	0	0	0
2018	24	8	16	2	2	0	0	0	0	0
2019	20	4	11	3	1	0	0	0	0	0
2020	16	6	9	1	0	0	0	0	0	0
TOTAL	134	37	91	22	33	3	0	0	0	0
ANNUAL AVERAGE	12	3	8.3	2.0	3.0	0.3	0.0	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 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
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	3	0	0	0	0	0
2016	8	2	6	2	2	0	0	0	0	0
2017	6	0	6	0	2	0	0	0	0	0
2018	6	4	2	2	0	0	0	0	0	0
2019	8	3	4	0	1	0	0	0	0	0
2020	4	0	1	1	0	0	0	0	0	0
TOTAL	71	21	46	16	16	1	0	0	0	0
ANNUAL AVERAGE	6	2	4.2	1.5	1.5	0.1	0.0	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
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	2	0	0	0	0	0	0
2017	3	0	3	0	2	0	0	0	0	0
2018	2	0	2	0	1	0	0	0	0	0
2019	4	0	4	1	2	0	0	0	0	0
2020	3	1	1	0	0	0	0	0	0	0
TOTAL	34	9	24	5	7	0	0	0	0	0
ANNUAL AVERAGE	3	1	2.2	0.5	0.6	0.0	0.0	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

<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 Panel	Number Of Hearings	Number Of Health Care Providers*	Number Of Claims As A Percentage Of Montana Health Care Providers
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%
2018	150	129	4,041	3.7%
2019	146	96	4,011	3.6%
2020	118	111	4,344	2.7%
Total	3,879	3,212		

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