



MONTANA MEDICAL LEGAL PANEL

2018 ANNUAL REPORT

As Of December 31, 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>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
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	72	23	2	3	0	3
2011	166	43	123	41	61	19	0	0	0	0
2012	193	59	134	47	63	14	3	4	3	1
2013	165	39	126	33	58	9	1	1	1	0
2014	199	63	136	52	55	3	1	2	2	0
2015	181	44	137	31	43	5	1	0	0	0
2016	196	59	135	34	60	2	0	0	0	0
2017	232	47	180	20	44	0	0	0	0	0
2018	243	53	97	4	3	0	0	0	0	0
TOTAL	2,159	516	1,543	441	637	155	20	15	9	4
ANNUAL AVERAGE	196	47	140.3	40.1	57.9	14.1	1.8	1.4	0.8	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
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	40	11	1	1	0	1
2011	101	21	80	29	38	12	0	0	0	0
2012	107	27	80	29	32	9	1	3	3	0
2013	104	22	82	23	36	6	0	1	1	0
2014	121	42	79	32	33	2	1	2	2	0
2015	115	27	88	23	22	3	0	0	0	0
2016	115	33	81	19	35	2	0	0	0	0
2017	131	27	101	11	21	0	0	0	0	0
2018	139	32	57	3	1	0	0	0	0	0
TOTAL	1,304	305	945	292	360	86	8	9	8	1
ANNUAL AVERAGE	119	28	85.9	26.5	32.7	7.8	0.7	0.8	0.7	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
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	11	22	4	2	1	0	1
2013	50	13	37	6	20	3	1	0	0	0
2014	64	18	46	15	19	1	0	0	0	0
2015	46	9	37	7	17	2	1	0	0	0
2016	61	19	41	12	20	0	0	0	0	0
2017	74	15	57	8	14	0	0	0	0	0
2018	72	14	24	0	1	0	0	0	0	0
TOTAL	629	157	435	113	200	49	9	4	1	3
ANNUAL AVERAGE	57	14	39.5	10.3	18.2	4.5	0.8	0.4	0.1	0.3

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
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	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	1	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	5	12	1	0	0	0	0	0	0
TOTAL	120	25	88	19	47	12	2	1	0	0
ANNUAL AVERAGE	11	2	8.0	1.7	4.3	1.1	0.2	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” 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
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	1	0	0	0	0	0
2017	6	0	6	0	2	0	0	0	0	0
2018	6	2	2	0	0	0	0	0	0	0
TOTAL	74	21	51	14	21	6	1	0	0	0
ANNUAL AVERAGE	7	2	4.6	1.3	1.9	0.5	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
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	1	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
TOTAL	32	8	24	3	9	2	0	1	0	0
ANNUAL AVERAGE	3	1	2.2	0.3	0.8	0.2	0.0	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>
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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
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	124	90	3,689	3.4%
2017	133	110	3,844	3.5%
2018	147	130	4,041	3.6%
Total	3,825	3,205		

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