



# **MONTANA MEDICAL LEGAL PANEL**

**2023 ANNUAL REPORT**

**As Of January 4, 2024**

**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
2013	164	39	125	33	60	10	1	3	3	0
2014	197	63	134	52	56	3	1	2	2	0
2015	180	44	136	36	49	5	3	0	0	0
2016	195	59	135	50	65	3	2	0	0	0
2017	231	49	182	33	57	0	0	0	0	0
2018	248	84	164	48	44	1	2	1	1	0
2019	240	73	164	35	49	0	3	0	0	0
2020	214	53	161	16	28	3	0	0	0	0
2021	228	46	182	4	11	0	0	0	0	0
2022	203	52	149	9	10	2	0	0	0	0
2023	261	54	85	0	0	0	0	0	0	0
<b>TOTAL</b>	<b>2,361</b>	<b>616</b>	<b>1,617</b>	<b>316</b>	<b>429</b>	<b>27</b>	<b>12</b>	<b>6</b>	<b>6</b>	<b>0</b>
<b>ANNUAL AVERAGE</b>	<b>215</b>	<b>56</b>	<b>147.0</b>	<b>28.7</b>	<b>39.0</b>	<b>2.5</b>	<b>1.1</b>	<b>0.5</b>	<b>0.5</b>	<b>0.0</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
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	30	38	3	2	0	0	0
2017	131	28	103	23	28	0	0	0	0	0
2018	144	47	97	29	24	1	0	0	0	0
2019	131	45	84	17	23	0	1	0	0	0
2020	109	23	86	8	14	1	0	0	0	0
2021	102	22	80	3	4	0	0	0	0	0
2022	120	30	89	6	6	1	0	0	0	0
2023	153	36	46	0	0	0	0	0	0	0
<b>TOTAL</b>	<b>1,345</b>	<b>355</b>	<b>915</b>	<b>198</b>	<b>231</b>	<b>18</b>	<b>5</b>	<b>4</b>	<b>4</b>	<b>0</b>
<b>ANNUAL AVERAGE</b>	<b>122</b>	<b>32</b>	<b>83.2</b>	<b>18.0</b>	<b>21.0</b>	<b>1.6</b>	<b>0.5</b>	<b>0.4</b>	<b>0.4</b>	<b>0.0</b>

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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
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	58	10	20	0	0	0	0	0
2018	74	25	49	15	16	0	1	0	0	0
2019	80	20	59	14	22	0	2	0	0	0
2020	80	20	60	5	12	2	0	0	0	0
2021	104	16	88	0	5	0	0	0	0	0
2022	66	17	48	2	4	1	0	0	0	0
2023	86	15	32	0	0	0	0	0	0	0
<b>TOTAL</b>	<b>784</b>	<b>188</b>	<b>555</b>	<b>91</b>	<b>161</b>	<b>9</b>	<b>6</b>	<b>1</b>	<b>1</b>	<b>0</b>
<b>ANNUAL AVERAGE</b>	<b>71</b>	<b>17</b>	<b>50.5</b>	<b>8.3</b>	<b>14.6</b>	<b>0.8</b>	<b>0.5</b>	<b>0.1</b>	<b>0.1</b>	<b>0.0</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
2013	3	2	1	1	1	0	0	0	0	0
2014	5	1	4	2	2	0	0	0	0	0
2015	4	0	4	0	3	0	0	0	0	0
2016	7	3	4	1	4	0	0	0	0	0
2017	17	5	12	0	5	0	0	0	0	0
2018	22	8	14	2	3	0	1	0	0	0
2019	17	4	13	3	1	0	0	0	0	0
2020	17	8	9	1	2	0	0	0	0	0
2021	14	5	9	0	2	0	0	0	0	0
2022	12	3	9	1	0	0	0	0	0	0
2023	16	1	4	0	0	0	0	0	0	0
<b>TOTAL</b>	<b>134</b>	<b>40</b>	<b>83</b>	<b>11</b>	<b>23</b>	<b>0</b>	<b>1</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>ANNUAL AVERAGE</b>	<b>12</b>	<b>4</b>	<b>7.5</b>	<b>1.0</b>	<b>2.1</b>	<b>0.0</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 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
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	9	3	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	4	4	0	1	0	0	0	0	0
2020	4	0	4	2	0	0	0	0	0	0
2021	7	3	4	1	0	0	0	0	0	0
2022	5	2	3	0	0	0	0	0	0	0
2023	4	1	2	0	0	0	0	0	0	0
<b>TOTAL</b>	<b>67</b>	<b>24</b>	<b>42</b>	<b>12</b>	<b>8</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>ANNUAL AVERAGE</b>	<b>6</b>	<b>2</b>	<b>3.8</b>	<b>1.1</b>	<b>0.7</b>	<b>0.0</b>	<b>0.0</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
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	1	1	0
2019	4	0	4	1	2	0	0	0	0	0
2020	4	2	2	0	0	0	0	0	0	0
2021	1	0	1	0	0	0	0	0	0	0
2022	0	0	0	0	0	0	0	0	0	0
2023	2	1	1	0	0	0	0	0	0	0
<b>TOTAL</b>	<b>31</b>	<b>9</b>	<b>22</b>	<b>4</b>	<b>6</b>	<b>0</b>	<b>0</b>	<b>1</b>	<b>1</b>	<b>0</b>
<b>ANNUAL AVERAGE</b>	<b>3</b>	<b>1</b>	<b>2.0</b>	<b>0.4</b>	<b>0.5</b>	<b>0.0</b>	<b>0.0</b>	<b>0.1</b>	<b>0.1</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>
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%
2021	140	137	4,808	2.9%
2022	108	92	4,640	2.3%
2023	143	120	5,506	2.6%
<b>Total</b>	<b>3,963</b>	<b>3,328</b>		

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