



MONTANA MEDICAL LEGAL PANEL

2022 ANNUAL REPORT

As Of August 17, 2023

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

**MONTANA MEDICAL LEGAL PANEL
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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

<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
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	50	65	3	3	0	0	0
2017	232	49	183	34	57	0	0	0	0	0
2018	250	84	166	45	43	0	2	1	1	0
2019	243	76	164	35	49	0	3	0	0	0
2020	214	53	161	12	21	0	0	0	0	0
2021	227	43	174	4	11	0	0	0	0	0
2022	205	20	62	0	0	0	0	0	0	0
TOTAL	2,304	589	1,578	349	477	35	16	10	9	1
ANNUAL AVERAGE	209	54	143.5	31.7	43.4	3.2	1.5	0.9	0.8	0.1

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
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	30	38	3	3	0	0	0
2017	131	28	103	23	28	0	0	0	0	0
2018	144	47	97	25	23	0	0	0	0	0
2019	131	45	84	17	23	0	1	0	0	0
2020	109	23	86	6	12	0	0	0	0	0
2021	102	22	74	3	4	0	0	0	0	0
2022	120	12	33	0	0	0	0	0	0	0
TOTAL	1,299	328	887	215	255	24	7	7	7	0
ANNUAL AVERAGE	118	30	80.6	19.5	23.2	2.2	0.6	0.6	0.6	0.0

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
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	58	10	20	0	0	0	0	0
2018	74	25	49	15	15	0	1	0	0	0
2019	80	20	59	14	22	0	2	0	0	0
2020	80	20	60	3	8	0	0	0	0	0
2021	103	15	86	0	5	0	0	0	0	0
2022	66	6	21	0	0	0	0	0	0	0
TOTAL	759	186	531	98	174	10	8	2	1	1
ANNUAL AVERAGE	69	17	48.3	8.9	15.8	0.9	0.7	0.2	0.1	0.1

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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
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	3	4	0	1	0	0	0
2019	20	7	13	3	1	0	0	0	0	0
2020	17	8	9	1	1	0	0	0	0	0
2021	14	5	9	0	2	0	0	0	0	0
2022	14	1	7	0	0	0	0	0	0	0
TOTAL	142	45	91	16	28	1	1	0	0	0
ANNUAL AVERAGE	13	4	8.3	1.5	2.5	0.1	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” 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
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	4	4	0	1	0	0	0	0	0
2020	4	0	4	2	0	0	0	0	0	0
2021	7	1	4	1	0	0	0	0	0	0
2022	5	1	1	0	0	0	0	0	0	0
TOTAL	71	20	46	15	13	0	0	0	0	0
ANNUAL AVERAGE	6	2	4.2	1.4	1.2	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 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
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	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
TOTAL	33	10	23	5	7	0	0	1	1	0
ANNUAL AVERAGE	3	1	2.1	0.5	0.6	0.0	0.0	0.1	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

<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
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%
2021	139	137	4,808	2.9%
2022	108	92	4,640	2.3%
Total	3,940	3,298		

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