



MONTANA MEDICAL LEGAL PANEL

2021 ANNUAL REPORT

As Of February 8, 2022

**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

**PROVIDERS IN CLAIMS, HEARINGS, LAWSUITS
AND JURY TRIALS**

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
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	50	65	3	3	0	0	0
2017	232	49	183	34	57	0	0	0	0	0
2018	250	84	166	45	39	0	2	0	0	0
2019	243	74	159	34	49	0	3	0	0	0
2020	214	53	158	9	21	0	0	0	0	0
2021	220	24	118	3	11	0	0	0	0	0
TOTAL	2,258	591	1,575	385	534	54	16	9	8	1
ANNUAL AVERAGE	205	54	143.2	35.0	48.5	4.9	1.5	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.

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
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	30	38	3	3	0	0	0
2017	131	28	103	23	28	0	0	0	0	0
2018	144	47	97	25	21	0	0	0	0	0
2019	131	45	79	17	23	0	1	0	0	0
2020	109	23	86	3	12	0	0	0	0	0
2021	98	11	51	2	4	0	0	0	0	0
TOTAL	1,276	326	906	240	291	36	7	7	7	0
ANNUAL AVERAGE	116	30	82.4	21.8	26.5	3.3	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
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	58	10	20	0	0	0	0	0
2018	74	25	49	15	14	0	1	0	0	0
2019	80	20	59	13	22	0	2	0	0	0
2020	80	20	57	3	8	0	0	0	0	0
2021	100	10	59	0	5	0	0	0	0	0
TOTAL	739	192	512	105	192	17	8	2	1	1
ANNUAL AVERAGE	67	17	46.5	9.5	17.5	1.5	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
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	3	3	0	1	0	0	0
2019	20	5	13	3	1	0	0	0	0	0
2020	17	8	9	1	1	0	0	0	0	0
2021	14	2	5	0	2	0	0	0	0	0
TOTAL	135	41	85	19	29	1	1	0	0	0
ANNUAL AVERAGE	12	4	7.7	1.7	2.6	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.

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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
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	4	4	0	1	0	0	0	0	0
2020	4	0	4	2	0	0	0	0	0	0
2021	7	1	2	1	0	0	0	0	0	0
TOTAL	73	22	47	16	15	0	0	0	0	0
ANNUAL AVERAGE	7	2	4.3	1.5	1.4	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” statute 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
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	4	2	2	0	0	0	0	0	0	0
2021	1	0	1	0	0	0	0	0	0	0
TOTAL	35	10	25	5	7	0	0	0	0	0
ANNUAL AVERAGE	3	1	2.3	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
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%
2021	139	137	4,808	2.9%
Total	3,933	3,274		

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