



MONTANA MEDICAL LEGAL PANEL

2011 ANNUAL REPORT

As Of August 23, 2012

**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
2001	251	40	211	101	101	82	11	4	3	1
2002	272	50	222	96	113	98	6	1	1	0
2003	281	60	221	119	87	77	4	3	2	1
2004	275	79	196	91	97	72	5	2	2	0
2005	289	60	229	107	111	88	5	5	4	1
2006	222	50	172	74	85	63	2	5	3	2
2007	240	71	169	62	97	63	3	7	6	0
2008	195	41	154	63	77	35	8	1	1	0
2009	212	39	173	45	89	23	2	0	0	0
2010	177	26	146	44	69	11	0	0	0	0
2011	166	33	75	14	12	2	0	0	0	0
TOTAL	2,580	549	1,968	816	938	614	46	28	22	5
ANNUAL AVERAGE	235	50	178.9	74.2	85.3	55.8	4.2	2.5	2.0	0.5

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. All post panel data reflects information provided by parties. *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
2001	172	28	144	74	65	53	7	3	3	0
2002	177	31	146	66	72	63	4	1	1	0
2003	188	37	151	89	52	46	2	2	2	0
2004	183	48	135	66	64	49	3	1	1	0
2005	193	43	150	73	70	57	3	3	3	0
2006	149	35	114	53	54	40	1	4	3	1
2007	154	43	111	43	59	37	1	6	6	0
2008	122	28	94	46	40	18	3	1	1	0
2009	140	26	114	32	53	13	1	0	0	0
2010	109	18	88	27	40	5	0	0	0	0
2011	101	16	48	10	5	2	0	0	0	0
TOTAL	1,688	353	1,295	579	574	383	25	21	20	1
ANNUAL AVERAGE	153	32	117.7	52.6	52.2	34.8	2.3	1.9	1.8	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
2001	56	10	46	17	26	21	4	0	0	0
2002	75	16	59	24	31	27	1	0	0	0
2003	66	18	48	23	21	18	1	1	0	1
2004	78	27	51	22	26	18	1	0	0	0
2005	72	13	59	28	29	22	1	1	0	1
2006	45	11	34	13	20	16	1	1	0	1
2007	66	22	44	16	28	18	2	1	0	0
2008	50	10	40	15	20	9	2	0	0	0
2009	53	10	43	11	24	7	1	0	0	0
2010	48	6	41	13	21	3	0	0	0	0
2011	49	14	20	3	5	0	0	0	0	0
TOTAL	658	157	485	185	251	159	14	4	0	3
ANNUAL AVERAGE	60	14	44.1	16.8	22.8	14.5	1.3	0.4	0.0	0.3

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 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
2001	12	1	11	4	6	5	0	1	0	1
2002	6	1	5	2	3	2	1	0	0	0
2003	10	1	9	2	6	6	0	0	0	0
2004	10	3	7	1	6	5	1	0	0	0
2005	9	2	7	3	3	1	0	1	1	0
2006	13	2	11	3	7	6	0	0	0	0
2007	14	3	11	2	8	7	0	0	0	0
2008	12	0	12	0	12	4	2	0	0	0
2009	10	1	9	2	8	2	0	0	0	0
2010	14	1	12	2	7	2	0	0	0	0
2011	7	1	4	1	2	0	0	0	0	0
TOTAL	117	16	98	22	68	40	4	2	1	1
ANNUAL AVERAGE	11	1	8.9	2.0	6.2	3.6	0.4	0.2	0.1	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. All post panel data reflects information provided by parties. *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
2001	8	0	8	5	3	2	0	0	0	0
2002	8	1	7	2	4	3	0	0	0	0
2003	15	4	11	4	7	6	1	0	0	0
2004	3	1	2	2	0	0	0	0	0	0
2005	8	1	7	2	4	4	0	0	0	0
2006	13	1	12	5	2	1	0	0	0	0
2007	4	2	2	1	1	1	0	0	0	0
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	2	1	0	0	0	0	0	0	0
TOTAL	86	18	64	25	30	23	2	0	0	0
ANNUAL AVERAGE	8	2	5.8	2.3	2.7	2.1	0.2	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. All post panel data reflects information provided by parties. *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
2001	3	1	2	1	1	1	0	0	0	0
2002	6	1	5	2	3	3	0	0	0	0
2003	2	0	2	1	1	1	0	0	0	0
2004	1	0	1	0	1	0	0	1	1	0
2005	7	1	6	1	5	4	1	0	0	0
2006	2	1	1	0	2	0	0	0	0	0
2007	2	1	1	0	1	0	0	0	0	0
2008	1	0	1	0	0	0	0	0	0	0
2009	4	0	4	0	1	0	0	0	0	0
2010	1	0	1	0	0	0	0	0	0	0
2011	2	0	2	0	0	0	0	0	0	0
TOTAL	31	5	26	5	15	9	1	1	1	0
ANNUAL AVERAGE	3	0	2.4	0.5	1.4	0.8	0.1	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. All post panel data reflects information provided by parties. *Some actions are still pending.*



MONTANA MEDICAL LEGAL PANEL

**NUMBER & RATE OF MEDICAL MALPRACTICE CLAIMS FILED
AT THE PANEL – CLAIM BASIS WITHOUT REGARD TO NUMBER
OR TYPE OF PROVIDERS IN CLAIMS**

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 Health Care Providers	Number Of Claims As A Percentage Of Montana Health Care Providers
1982	78	46	1,250	6.2%
1983	91	63	1,316	6.9%
1984	104	88	1,260	8.3%
1985	80	76	1,266	6.3%
1986	124	92	1,226	10.1%
1987	97	95	1,226	7.9%
1988	101	71	1,795	5.6%
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	93	78	2,996	3.1%
Total	3,701	3,109		

Claims filed in the early years of the Panel were only as to those claims where the date of incident was on or after April 17, 1977, hence a period of approximately six years was required – until 1982 – before the “true” rate of Claims could be observed.