FILED
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CLERK SUPREME COURT

IN THE COURT OF APPEALS OF IOWA

No. 1-22 / 90-666

THE ESTATE OF WANDA KELSHEIMER by the Executor Robert Kelsheimer, and ROBERT KELSHEIMER, Individually,

Plaintiffs-Appellants,

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vs.

HAROLD L. GANZHORN, M.D.; JOHN J. DOUGHERTY, M.D.; and ORTHOPAEDIC ASSOCIATES OF SIOUX CITY, P.C.;

Defendants-Appellees.

Appeal from the Iowa District Court for Woodbury County, Phillip S. Dandos, Judge.

Plaintiffs appeal a district court directed verdict for defendants. **AFFIRMED.**

Ronald Runge, Sioux City, for appellants.

Maurice B. Nieland and Suzan E. Bodan of Rawlings, Nieland, Probasco, Killinger, Ellwanger, Jacobs & Morhhauser, Sioux City, for appellee Harold Ganzhorn.

Marvin F. Heidman and Sara Z. Marlow of Eidsmoe, Heidman, Redmond, Fredregill, Patterson & Schatz, Sioux City, for appellees John Dougherty and Orthopaedic Associates.

Heard by Donielson, P.J., and Hayden and Sackett, JJ.

PER CURIAM

This appeal addresses the sufficiency of evidence to generate a fact question on proximate cause in a medical malpractice case. The trial court directed a verdict for defendants. We affirm.

Wanda Kelsheimer died on July 11, 1986. Plaintiff-appellant Robert Kelsheimer, as executor of her estate, brought this action against defendants contending their negligent treatment of Wanda was responsible for her death. Defendant-appellee Harold L. Ganzhorn was a medical doctor practicing as a general practitioner in Mapleton, Iowa. He had for a number of years been Wanda's family physician. In June 1986 Wanda developed problems with her hip and back. She saw Ganzhorn on June 7th, 18th, and 23rd. Ganzhorn concluded she had a slipped disc. Ganzhorn made an appointment for Wanda to see defendant-appellee John J. Dougherty at the Marian Health Center in Sioux City, Iowa. Dougherty, a medical doctor, practices as an orthopedist with defendant-appellee Orthopaedic Associates of Sioux City. On June 25, 1986, Wanda went to the Marian Health Center. Prior to an examination by Dougherty, the hospital staff took her pulse rate and blood pressure. Her blood pressure registered 200 over 100.

Dougherty at trial testified he recognized the blood pressure was elevated. Dougherty did not arrange for a second blood pressure check and did not notify Wanda or

Ganzhorn of the reading. He did not see Wanda again. On July 1, 1986, a nurse at the nursing home where Wanda worked took her blood pressure and noted it was high. That same day Wanda went to Ganzhorn. Ganzhorn took her blood pressure and found it 160 over 90. He determined the reading indicated a question about whether her blood pressure should be treated. He gave her a medication, Lopressor, to treat hypertension or high blood pressure. Wanda was planning to drive to Florida and to be gone about ten days. He gave her enough medicine to last until she got back.

Wanda started to Florida. She was driving through Columbia, Missouri when she experienced problems. She was taken to University of Missouri Hospitals in Columbia where she died on July 7, 1986. Her attending physician in Columbia determined the cause of her death to be myocardial ischemia causing uncontrolled fibrillation. No autopsy was performed.

At trial, plaintiff introduced substantial evidence the defendants were negligent in their attention to Wanda's elevated blood pressure. The trial court directed a verdict for defendants, finding plaintiff had produced no evidence that any negligence of either defendant was a proximate cause of Wanda's death. Plaintiff contends this was error. We review the evidence in the light most favorable to plaintiff. Iowa R. App. P. 14(f)(2).

Plaintiff had a qualified medical expert, Brent Parker, chief of Cardiology at the University of Missouri, testify. Parker gave the following testimony on the causation issue:

> Q. Based on a reasonable degree of medical certainty, the cause of death for the decedent herein, Wanda Kelsheimer, was what, doctor? A. Myocardial infarction.
>
> Q. Based on a reasonable degree of medical certainty, what would have been the underlying cause? Do you have an opinion as to what the underlying cause would have been? A. I do not have enough information to make that statement.
>
> Let me give it a little digression, if I may. We don't really know the cause of atherosclerosis and coronary artery disease. The basic cause is not understood. We have identified a variety of risk factors which seem to be associated with atherosclerosis and these include hypertension, high cholesterol, smoking, sedentary lifestyle, and diabetes.
>
> So, it is possible that hypertension contributed to or was associated. I guess I would prefer to say it was associated with this problem, but I could not say it caused the problem.
>
> Q. That is based on a reasonable degree of medical certainty? A. Yes.

Plaintiff argues substantial evidence was introduced to support the element of proximate cause. Plaintiff argues even if there is not sufficient medical evidence, the causal connection between the acts of negligence and the injury was so obvious it was within the comprehension of a person not trained in the medical field and that medical testimony was not necessary.

A physician is liable for injury to a patient caused by the failure of the physician to apply that degree of skill,

care and learning ordinarily possessed and exercised by other physicians in similar circumstances. Speed v. State, 240 N.W.2d 901, 904 (Iowa 1976). Evidence of the requisite skill and care required of a physician must be established by expert testimony unless the physician's lack of care is so obvious as to be within the comprehension of the layman's common knowledge or experience, or the physician injures a part of the body not under treatment. Sinkey v. Surgical Associates, 186 N.W.2d 658, 660 (Iowa 1971); see also Perin v. Hayne, 210 N.W.2d 609, 613 (Iowa 1973) (three possible means to establish negligence are: 1) expert testimony, 2) obvious to layman, and 3) injury to separate part of body).

The plaintiff must introduce substantial evidence the defendant's failure to conform his or her treatment to the required standard of care was a proximate cause of Wanda's injuries. See Speed, 240 N.W.2d at 905. The defendants' negligence must be shown to have been a substantial factor in bringing about Wanda's death. Id. Plaintiff must prove this causal connection by expert testimony unless a layman would be able to form an opinion on the causal connection from common knowledge. Van Iperen v. Van Bramer, 392 N.W.2d 480, 484 (Iowa 1986). The plaintiff must introduce evidence to establish it was more likely than not Wanda would not have died on July 7, 1986, had defendants done something about the elevated blood pressure. See Van Iperen, 292 N.W.2d at 485.

A review of plaintiff's evidence establishes plaintiff's failure to present any expert testimony hypertension or high blood pressure was the cause of Wanda's ventricular fibrillation and death. No autopsy was performed. Parker testified without an autopsy or EKG, there is no absolute proof that a myocardial infarction caused the ventricular fibrillation. Parker testified it is highly likely the ventricular fibrillation was caused by a myocardial infarction, but there are other causes of ventricular fibrillation.

Plaintiff failed to prove by expert testimony that high blood pressure or hypertension more likely than not caused the myocardial infarction which allegedly caused Wanda's ventricular fibrillation. Parker testified hypertension has a number of complications. He testified hypertension is associated with an increased incidence of myocardial infarction, but one cannot specifically say it causes myocardial infarction. Hypertension is also associated with stroke, peripheral vascular disease, and congestive heart failure. There is not sufficient medical evidence to support a finding Wanda's death was caused by defendants' negligence. The causal connection between the injury and Wanda's death is not so obvious it is within the comprehension of a person not trained in the medical field. We affirm on this issue.

Plaintiff also contends the case should have been submitted to the jury because he introduced substantial evidence to show abandonment of Wanda by the defendants.

In order to establish abandonment, plaintiff must establish defendants took charge of Wanda's case and then left her in a critical stage of a disease without reason or sufficient notice to enable her to procure another physician. Surgical Consultants v. Ball, 447 N.W.2d 676, 682 (Iowa 1989). Dougherty saw Wanda on a referral. After examining Wanda, Dougherty did not make a future appointment for Wanda. He did inform Ganzhorn he would see her again if Ganzhorn desired. Ganzhorn made provision for Wanda to return for treatment. There is no evidence of abandonment. We affirm the trial court.

AFFIRMED.