

## **SUMMARY STATEMENT**

*Dlouhy v. Kootenai Hospital District*

Case No. 47165

In an appeal arising out of Kootenai County, the Idaho Supreme Court reversed, in part, an order of the district court granting summary judgment in favor of the Kootenai Hospital District d/b/a/ Kootenai Health in a medical malpractice claim.

Debra Dlouhy, Dustin Dlouhy, individually and as Personal Representative of the Estate of Duane Dlouhy, Drue Hartfield, and Demi Dlouhy (“the Dlouhys”) filed a medical malpractice claim against Kootenai Health in May 2017 alleging that it failed to diagnose Duane Dlouhy with colorectal cancer. Duane Dlouhy died shortly thereafter and the Dlouhys amended their complaint, alleging that Kootenai Health’s delay in diagnosing the colorectal cancer caused his death. The district court granted summary judgment and dismissed the medical malpractice claim after ruling that the Dlouhys failed to provide adequate foundation showing that their expert witnesses had actual knowledge of the applicable community standard of care.

On appeal, the Dlouhys argued that the district court erred in concluding they failed to show that their two out-of-area experts were familiar with the community standard of care. The Idaho Supreme Court reversed in part, holding that the testimony of one of the expert’s established that the community standard of care was the same as a national standard of care for board certified gastroenterologists with which he was familiar. Accordingly, the Court vacated the district court’s judgment in favor of Kootenai Health and remanded for further proceedings.

\*\*\*This summary constitutes no part of the opinion of the Court, but has been prepared by court staff for the convenience of the public.\*\*\*