



COLBY FREE PRESS

Judge Burr overturns Hildyard suspension

By **PATTY DECKER**

Free Press Editor

A Goodland judge on Friday at 4:15 p.m. (MDT) overturned a suspension involving a Colby physician, who on Thursday at 5 p.m., lost his hospital privileges when the Citizens Medical Center board of trustees imposed an order barring him from the facility.

The decision by District Court Judge Jack L. Burr to reinstate Dr. Victor H. Hildyard's privileges at Citizens Medical Center, Inc., was not brought forward by the facility's board of trustees, but rather by an injunction against that order through the physician's attorney, Michael O'Neal of Hutchinson.

Judge Burr heard from Dr. Hildyard's attorney through a petition filed late Friday afternoon and arguments were heard on both sides via telephone conference call that same day.

In his decision, Burr said on Friday that he would lift the restraining order against Dr. Hildyard since it appeared there was no danger or threatened danger to patient care.

Ron Vignery of Goodland represented the Citizens Medical Center board of trustees and O'Neal, along with Scott Beims of Atwood, who was representing Cortney and Mitch Beims of Colby, who also petitioned to have the order lifted based on Cortney's pregnancy and her reasonable expectation of having her doctor deliver the child.

O'Neal referred to the Tuesday, Sept. 3 document that Hildyard had received from the hospital board of trustees. It read that he had two days to submit a response prior to the summary suspension regarding privileges, adding that if he didn't agree to a list of demands, his privileges would be revoked.

"This summary suspension was based not upon recent alleged conduct, but instead was based upon allegations contained in a written complaint from a disgruntled employee which defen-

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dant (Citizens Medical Center, Inc.) received April 26, 2002," O'Neal's petition stated.

In addition, O'Neal noted that the individual who had submitted that April complaint had both verbally and in writing rescinded the complaints.

The fact that patient care was not involved, O'Neal said, Citizens Medical Center, Inc., has taken action to summarily suspend the privileges of Hildyard utilizing a hospital policy that applies only in the event action must be taken immediately in the best interests of patient care.

Since the primary suspension was based on the complaint of one person who recanted, O'Neal said, and is by the hospital's own admission not related to patient care, Dr. Hildyard is entitled to a temporary restraining order that would lift the suspension of his privileges until such time as he is availed all due process protections afforded him by the hospital's own by-laws.

In a letter to Vern Schwanke, president of Citizens Medical Center, Inc. board of trustees on Thursday, Sept. 5, O'Neal also said that page three of the document delivered to Dr. Hildyard on Tuesday, Sept. 3, was "totally unacceptable."

In O'Neal's letter, which was faxed the day privileges were to be revoked, he further wrote, "Under no circumstances could we advise the doctor to agree to terms and conditions which you characterize as 'probation' as that

term presumes guilt."

Also in his letter to Schwanke, which now has been admitted as a public court document, O'Neal noted the "statement of incident," naming Margaret A. Staats and the alleged written complaints dating back to April had been brought to his attention.

"In keeping with your expressed deadline," O'Neal further wrote, "this is to advise that on behalf of Dr. Hildyard, we contest each and every contention in the complaint."

Following the restraining order being temporarily lifted, Dr. LaDonna Regier, the chief of staff at Citizens Medical Center, Inc., was contacted by the Free Press and asked to comment on the situation.

"I am relieved that Dr. Hildyard has his privileges at the hospital back," she said, "and I believe that it's a bigger threat to patient care not to have him at the hospital."

Although relieved by the recent injunction, she also said that as far as she knows, the hospital's board of trustees has not changed its feelings about the suspension. Regarding Cortney Beims' pregnancy, her attorney argued that to allow the summary suspension to exist would endanger the mother and her child and that the suspension should be set aside pending further due process and pending the birth of the baby.

As of deadline today, Beims had not been admitted to Citizens Medical Center for delivery.

Concern about schools prompt talk

By **JOHN HANNA**

AP Political Writer

TOPEKA (AP) — Tim Shallenburger decided last week that as the Republican nominee for governor, he needed to clarify his position on education spending.

He said he doesn't want to cut aid to public schools if he is elected, despite

the state's financial problems and his promise not to increase taxes.

Shallenburger even said Friday that he believes the state could cut as much as \$200 million from other programs and agencies in the state's \$4.4 billion budget to avoid making cuts in public schools.

There's little mystery as to what prompted Shallenburger to make his remarks. Democratic candidate Kathleen Sebelius attacked Shallenburger, portraying him as an advocate of cuts in spending on public schools.

Shallenburger doesn't want such an image planted in voters' minds before the Nov. 5 general election. His success could depend upon preventing Sebelius from winning support from moderate Republicans, many of whom see education as an important issue.

"Every poll that is taken asking Kansans what their priorities are comes

back with the same answer, that what the overwhelming majority views as the No. 1 priority is education," said state GOP Chairman Mark Parkinson. "An overwhelming majority of Kansans do not want education cut. They want other things cut."

Shallenburger's predicament seemed a natural outgrowth of his conservative politics, and a spirited Republican primary race against Senate President Dave Kerr, of Hutchinson, and Wichita Mayor Bob Knight.

Kerr and Knight said they didn't want to raise taxes but would do so to prevent cuts in aid to public schools.

Shallenburger said he wouldn't increase taxes. He said Kansans think their taxes are too high, and that government is inefficient. He argued that enough people are suffering the effects of the national economic slump that it would seem cruel to them to take more money out of their pockets.

Briefly

Courthouse alters schedule

The Thomas County Courthouse will close from 9 to 11 a.m. on Wednesday, Sept. 11, to allow employees to attend the 9/11 Remembrance Service at the Thomas County Office Complex.

Fr. Long hospitalized in Denver

Fr. Galen Long, pastor of Sacred Heart Parish, Colby, is a patient in Presbyterian/St. Luke's Hospital, Denver. He suffered what Bishop George Fitzsimons told parishioners at weekend masses was a "mild heart attack." He is in the intensive care unit and Bishop Fitzsimons said he was expected to remain in the hospital for another day or two. The hospital is located at 1719 E. 19th Ave., Denver, Colo. 80218 for benefit of those wanting to send cards.

Grandparents' Day activities set

The Abilene Hustlers 4-H'ers will be holding their annual Grandparents Day at the Senior Progress Center on Sept. 11. The event will begin with dinner at 6 p.m., followed by bingo with prizes. Reservations are not required. Coordinators for the group are Emily Strange and Kim Herron. All area grandparents are invited to attend this fun evening with the Hustlers.

Colby grad to sing at state fair

Mark Schultz, son of Gary and Ronnie Schultz of Colby, rec-

ognized as one of this country's leading Christian singers, will be performing at the Kansas State Fair in Hutchinson. Schultz graduated from Colby High School in 1989, where he was a member of the Colby High School Singers. He went on to Colby Community College's Sunflower Singers and from there to the Kansas State Singers. He will be performing at the Farm Bureau Arena tonight.

Scholarship offering at high school

The Colby High School Career Center recently announced a scholarship opening with Discover Card Tribute Awards. To be eligible for this offering, said Joni-Clark Leiker, counselor, students must be currently a junior in high school with a grade point average of at least 2.75.

In addition, applicants must excel in three out of four areas to include special talents, leadership, obstacles overcome and community service. The deadline for filing this scholarship application is Jan. 10, 2003. For questions, call 465-5300.

Community invited to play game tonight

Everyone is invited to take part in a special game known as "Cashflow," tonight beginning at 7 p.m. in the commons area of Colby High School. The event is being sponsored by Liz Strand, a math teacher at the school, along with students in her new Wal-let Wisdom class.

The purpose behind this special program, she said, is to help



MICHELLE L. HAWKINS/Colby Free Press

Personnel representing the Armed Services, the fire department, EMS, and law enforcement gathered on stage at the *Celebration on the High Plains* on Saturday, as they were honored for all they provide for the area and country.

Wind shares billing with Chamber celebration

By **MICHELLE L. HAWKINS**

Colby Free Press

Southwind Plaza lived up to its name on Saturday as strong southerly breezes greeted visitors to the Colby/Thomas County Chamber of Commerce's first-ever *Celebration on the High Plains*.

According to the National Weather Service in Goodland, winds ranged anywhere from 25-35 miles per hour and gusted upwards to 45 miles per hour. Event coordinator, Jada Johnson-Tubbs said, "It was a very exciting day, but the wind was a major factor in attendance."

Throughout the day, people could visit vendors, watch old west gun fights, shop, eat, and listen to local entertainment. Sky diving demonstrations were also scheduled to happen through the day.

Johnson-Tubbs said jumpers were debating to take the 10:30 a.m. jump, but went ahead with the dive. Two of the three sky-divers were able to hit their targets, while the third landed in a ditch near I-70. Due to safety, the rest of the jumps for the day were canceled.

A section for carnival rides and games was set up by the Thomas County Amusement Association, but due to wind speeds, they were not able to keep all of them up and running. One of the bounce-houses had to be taken down due to safety factors.

In the evening, crowds gathered



Ty England took time during his performance to sit and serenade Bailey Koerperich, a fourth grader from Colby.

at 7 p.m. to enjoy entertainers Ty England and Cyndi Thomson. Before England and Thomson took the stage, a time of remembrance and honoring was held for members of the Armed Services, the fire department, EMS, and law enforcement. While those representing service officials stood before the crowd, "The Star Spangled Banner," "God Bless the USA" and a bagpipe rendition of "Amazing Grace" were performed. After counting tick-

ets on Monday morning, Johnson-Tubbs said more than 1,000 people attended the evening entertainment. She said that the Chamber of Commerce feels that the numbers for the entire day were at least double that, but they had no way to actually know how many people visited throughout the course of the event.

Plans are to start preparation for the 2003 celebration very soon.



Thumbs Up!



- ✓Elaine Ptacek — on your election.
- ✓Mike & Janet Pinkelman — enjoy your new community and church at Brewster.
- ✓Organizers — of the first *Celebration on the High Plains* for a nice activity.
- ✓Matt Hutchins — the community's newest physician's assistant.
- ✓Rexford Committeepeople — on a fun and memorable celebration.
- ✓Bishop W.G. & Rev. Orvella Romine — welcome to Colby.
- ✓Miho Fujita — continued success as a student at Colby Community College.
- ✓Fr. Galen Long — your parish wishes you a quick and complete recovery.
- (Call the Free Press at 462-3963 to submit a name of names for inclusion in this weekly salute.)

