

Boyles' affidavit says employees will now remain silent

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The employee's name apparently came from documents presented to the Court by Dr. Hildyard as exhibits to his request for a temporary restraining order.

3. That on September 10, 2002, I spoke with two CMC's department directors who expressed reluctance on the part of certain staff members to provide written documentation when warranted by a given situation. One of these directors had provided documentation to the Risk Manager on September 9, 2002, the day before the article was published, identifying the employee by name. This director told me she intends to withdraw her statement to the Risk Manger and "will not do it anymore" stating, "not a single employee will stick their neck out now. . .they don't want their name in the newspaper!"

4. That the CMC Risk Manager had told me that employees have verbalized to her personal concerns about Dr. Hildyard's medical care to them regarding personal health care issues. These employees are now expressing a reluctance to provide written documentation about the care and treatment issues involving Dr. Hildyard.

5. That one employee has stated to the Risk Manager that after talking with her husband, she has decided that for health and safety reasons, she will

not document anything at this time.

6. That a second employee has stated that she will not document concerns about Dr. Hildyard's care and treatment of her.

7. That I have personally spoken with an employee and her husband and was told that when the employee was in the CMC emergency room ("ER"), Dr. Hildyard was on-call as the ER physician and was in the facility, but refused to talk to her when she requested.

8. That I have personally spoken with yet another employee in her home the day after she experienced a first trimester loss of a pregnancy. (The remainder of this particular paragraph is sealed.)

9. That these incidents are health care-related issues directly involving CMC employees and the quality of patient care they received in this facility. These incidents, coupled with the identification of the employee who named Dr. Hildyard in the April 26, 2002 written document, have aggravated an already difficult working environment.

This environment is damaging CMC's ability to provide quality patient care to which CMC employees are committed.

Mr. Schwanke's sworn affidavit reads:

1. That I am the Chair of the Citizens Medical Center, Inc. ("CMC") Board

of Trustees ("Board") and I have held this position since April, 2002. I have been a member of the Board for four years.

2. That in late April, 2002, hospital administration received a written complaint from an employee that Dr. Victor Hildyard had violated CMC's work environment policy.

3. That attorneys on behalf of CMC's Board arranged for an independent human resources consultant to conduct an investigation of employee concerns, to include the complaint received from the employee in April, 2002.

4. That the investigation took several weeks to conclude and included the review of numerous documents and the interview of more than 45 individuals.

5. That the investigator presented her investigation results to the full Board. A number of allegations were substantiated. The Board consulted with legal counsel and spent many, many hours evaluating options and discussing the best course of action.

6. That during the entire process, CMC's Board evaluated the need to comply with federal laws that protect employees in the work place and ensure continuous, quality health care in Colby, Kansas. Balancing these interests was of great concern to CMC's Board.

7. That CMC's Board determined that consultation with preeminent physicians would assist the Board in devel-

oping a proposal that might allow Dr. Hildyard to continue his practice while protecting employees and, ultimately, patients from language and conduct that is unacceptable and intolerable in the work place.

8. That the Board met with three experienced physicians (collectively, "Consulting Physicians"). Two are past-presidents of the Kansas Medical Society.

9. That the Board reviewed its various options with the Consulting Physicians and developed a proposed course of action that would allow Dr. Hildyard to retain full clinical privileges and medical staff membership except department director and committee appointments.

10. That on September 3, 2002, the full Board and the three Consulting Physicians met with Dr. Hildyard to advise him of the Board's conclusions and the Board's recommendations.

11. That during the summer, while the investigation was underway, and during the time the Board was conferring with the Consulting Physicians, there were three incidents in the hospital involving employee patients and Dr. Hildyard's care and treatment of those patients. In two incidents, Dr. Hildyard refused to meet with the patient at the patient's request even though he was in the hospital and, in one instance, was the emergency room physician on call. The third instance

involves his incorrect statements to a patient that sonogram and surgical services were not available when in fact a c-section could have been performed by a physician in town. Dr. Hildyard sent the patient to Hays Medical Center by private vehicle and failed to offer ambulance services.

12. That at the September 3, 2002 meeting with Dr. Hildyard, he was told that he had until 5:00 p.m. on September 5th to respond to a proposal that would permit him to remain an active medical staff member. He was also told that if he refused to comply with the conditions of that proposal, his clinical privileges and medical staff appointment would be summarily suspended.

13. That it was and is the Board's reasoned conclusion that because Dr. Hildyard refused to obtain the services recommended, he would continue to disrupt employees in the performance of their duties by engaging in offensive, inappropriate, derogatory, unacceptable, and disruptive language, which poses a danger to patient care at CMC.

14. That the risk management and peer review process required by state law is confidential and privileged. Dr. Hildyard has breached the confidentiality of the process by making information available to his employees and partners as evidenced by the "rally" held at CMC on September 5, 2002. Dr.

Hildyard and his employees made direct contact with CMC employees and professionals requesting that they support him against the Board's actions.

15. That in May, 2002, Dr. Hildyard told the Court that he wanted the employee complaint investigated and further wanted the full Board to address the April complaint. The full Board has done that and has attempted to coordinate the hearing process pursuant to the Medical Staff Bylaws Fair Hearing Plan with Dr. Hildyard. His actions during the pendency of the investigation and the Board's attempt to resolve the initial complaint have resulted in the intimidation of employees and mistrust of the required process. Dr. Hildyard's conduct has disrupted facility operations and affected patient care as documented by the Chief Executive Officer and the Risk Manager.

16. That Dr. Hildyard should not be allowed to continue his attempt to thwart the prescribed process. The Board should be permitted to carry out its responsibilities according to state and federal law and according to the CMC's Bylaws and the Medical Staff Bylaws.

Sprint selling directory publishing business for \$2.23 billion

OVERLAND PARK (AP)—Sprint Corp. has become the most recent debt-laden telecommunications company to sell its profitable phone directory business.

The Overland Park-based telecom said Sunday that R.H. Donnelley had offered \$2.23 billion for its Sprint Publishing & Advertising.

The all-cash deal — expected to close early next year — gives R.H. Donnelley the nation's sixth-largest directory publisher, with more than 260 white and yellow page books in 18 states.

The unit has annual revenue of about \$560 million and 1,033 employees, including about 400 in the Kansas City

area. R.H. Donnelley, which markets Yellow Pages, will continue operating the directory business from Sprint's suburban Kansas City, Mo., headquarters.

A growing number of telecommunications companies have sold the cash cows in recent months to ease investors' concerns about liquidity issues and to lower debt.

In August, Denver-based Qwest Communications sold its QwestDex directory unit for \$7.05 billion to reduce some of its \$26.6 billion in debt. Five months earlier, telecom McLeodUSA Inc. closed a deal to sell its directory to the British Yell Group, which already owned Yellow Book

USA.

The print phone directory business has been the most profitable in the media world of magazines and newspapers during the latest economic slump, with its steady revenues and predictable cost structure, John Kelsey,

chief executive of Yellow Pages consulting firm The Kelsey Group, said last month.

And it's expected to remain highly profitable until Internet directories catch on among more users.

Sprint announced in March that it

had obtained a \$1 billion loan commitment and hired investment firms for advice on what its directory publishing business may be worth in a sale.

At the time, company officials said the move was intended to help maintain strong liquidity.

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