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COLBY FREE PRESS

Monday

September 23, 2002

50¢

Volume 113, Number 186
Serving Thomas County since 1888

More developments in the ongoing hospital-Hildyard matter

By TOM (TD) DREILING

Free Press Publisher

Can a court tell a hospital board how to run a hospital? No it can't, contends the board of trustees of Citizens Medical Center, Colby, in a motion filed this past week in Thomas County District Court by its attorney Carol R. Bonebrake, Topeka.

And silence on matters involving Dr. Victor Hildyard III by hospital officials has been tossed aside by affidavits attached to the motion.

The motion lists numerous state and federal court cases showing that courts

do not wield the power to tell hospital boards how to run their facilities.

So, the board hopes to have the recent court order that lifted the temporary restraining order barring Dr. Hildyard from practicing at the hospital, dismissed.

In a nutshell, this is what the board is seeking:

1. "Pursuant to K.S.A. 60-212(b)(6) for dismissal on the grounds that the plaintiff's (Dr. Hildyard's) petition does not state a claim upon which relief may be granted."
2. "In the alternative, to dissolve the

temporary restraining order."

3. "In the further alternative, to require that the plaintiff (Hildyard) post a substantial bond to protect the hospital against damages and liabilities associated with continuing to allow the plaintiff to exercise clinical privileges at the Citizens Medical Center."

The trustees contend Dr. Hildyard's motions to keep the hospital from suspending his privileges do not meet the four prerequisites required by law to prove he should be reinstated. Those four prerequisites are: "(1) a substantial likelihood that the movant will

eventually prevail in the merits; (2) a showing that the movant will suffer irreparable injury unless the injunction issues; (3) proof that the threatened injury to the movant outweighs whatever damage the proposed injunction may cause the opposing party; and (4) a showing that the injunction, if issued, will not be adverse to the public interest."

Because there has not been much said by hospital officials in the past on these matters, affidavits concerning Dr. Hildyard's suspension from the medical center were filed by Michael

E. Boyles, chief executive officer, Vern Schwanke, chairman of the Citizens Medical Center, Inc. Board of Trustees, and Janine Colson, Risk Manager at Citizens Medical Center, Inc. Colson's affidavit remains sealed due to its confidential nature.

Here is what Mr. Boyles says in his sworn affidavit:

1. That I am employed by Rural Health Development, Inc., pursuant to a contract between Rural Health Development, Inc., a health care facility management company, and Citizens Medical Center, Inc. I serve as the

Chief Executive Officer for Citizens Medical Center, Inc. and have held this position for approximately two and one-half years.

2. That a newspaper article in the September 9, 2002 edition of the Colby Free Press specifically identified a CMC employee who submitted a complaint in April, 2002 and identified statements and conduct of Dr. Victor Hildyard that she believed were in violation of CMC work environment policy.

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MICHELLE L. HAWKINS/Colby Free Press

An on-site demonstration was given by Miller and Associates of McCook, Neb. on how to test groundwater wells for contamination at a training session in Colby this past week.

Landfill course draws many

By MICHELLE L. HAWKINS

Colby Free Press

Thirty counties from across the state were represented in Colby for the *Advanced Small Arid Landfill Managers and Operators Training Course* put on by the Kansas Department of Health and Environment.

Larry Jumper, Thomas County landfill supervisor, welcomed the gathering on Wednesday as host for the convention.

Jumper has worked at the landfill for about five years, starting as an opera-

tor. Within two years, he was promoted to landfill foreman.

Dennis Degner, chief of the solid waste permit section of the Bureau of Waste Management in Topeka, said Jumper has gained prestige in the way he manages the landfill and Colby was chosen for the site of the convention due to the efficiency of the landfill.

The two-day event started on Wednesday at Colby Community College for training sessions.

Several speakers shared sessions on various subjects. Jumper ended the Wednesday meetings with an overview of landfill operations in Thomas County.

Thursday morning, discussion was held on groundwater issues and in the afternoon an on-site demonstration was given at the county landfill by Miller and Associates of McCook, Neb. on how to check well levels.

"From what I have heard, everyone was happy with the event," said Jumper.

WASHINGTON (AP) — Federal officials are sending states detailed guidelines today for vaccinating their entire populations against smallpox should the deadly disease return in an act of terrorism.

The plan offers instructions for how to vaccinate the U.S. population within days should it become necessary. No decisions have been made, though, about the circumstances under which those plans would be activated, officials said.

The highly contagious disease has not been seen in this country for decades and routine vaccinations ended in 1971. Although smallpox was declared eradicated in 1980, experts fear that hostile nations or terrorist groups may have acquired the virus and could release it on a population that now harbors very little natural immunity.

The new blueprint does not address a much thornier issue now under intense discussion within the Bush administration: who to vaccinate first.

Bush resolution will be limited to Iraq only

WASHINGTON (AP) — Lawmakers are close to giving President Bush the congressional authorization he wants to take on Saddam Hussein, saying they will limit the mandate to Iraq to satisfy Democrats' uneasy about Bush's request to restore security to the whole region.

On Sunday's television talk shows, Democrats also said Bush needs to more aggressively explain his plans in order to win domestic and international support for any action.

The administration has proposed a resolution that would authorize the president "to use all means that he determines to be appropriate, including force, in order to ... defend the national security interests of the United States against the threat posed by Iraq, and restore international peace and security in the region."

"It's much too broad; there's no limit at all on presidential powers," said Sen. Carl Levin, chairman of the Senate Armed Services Committee.

"There needs to be some changes ...

it's not even limited to Iraq," Levin, D-Mich., said on "Fox News Sunday."

Bush wants the U.N. Security Council to enforce bans on weapons of mass destruction against Iraq.

The United States believes Iraq is stockpiling deadly chemical and biological weapons, and is rebuilding its nuclear weapons program.

Sen. Joseph Biden, chairman of the Senate Foreign Relations Committee, said keeping "region" in the resolution would set too broad a precedent.

The administration is amenable to change, and "I predict that won't be the language," Biden, D-Del., told CNN's "Late Edition."

Some Republicans sympathized with the need to contain the language. "These are very, very important definitions, because it will guide the president and this nation probably into war," Sen. Chuck Hagel, R-Neb., said on ABC's "This Week."

Even those comfortable with the proposed language said they would accommodate change to speed it

through. The White House wants the legislation to pass before Congress recesses before elections Nov. 5.

"We can correct that, I don't think that's fatal to the heart of the resolution," said Rep. Henry Hyde, R-Ill., chairman of the House International Relations Committee.

Hagel and Sen. John Kyl, R-Ariz. predicted the resolution would easily pass before the November elections, but Biden said Bush needed to work harder to explain his plans.

"The American people are grown up," he said. "You tell them what we need to do, tell them the threat, and they will back the president. But we haven't told them all of the story yet."

Biden and Levin also urged Bush to work closely with the U.N. Security Council, saying it would bolster domestic backing for any war.

"There is a degree of confidence that increases in direct proportion to the notion that we are not going to be going alone with this," Biden said.

Levin said Saddam was more likely

to fold before joint action than if he were threatened by the United States alone.

"I want him to look down the barrel of a gun with the world behind it," he said.

Whatever the stakes, lawmakers urged Israel to avoid retaliating against any Iraqi provocation.

"The Israelis going into it could just be a widespread war in the Middle East," Sen. Richard Shelby, R-Ala., said on "CBS' Face the Nation."

Biden agreed. "You would find probably every embassy in the Middle East burned to the ground before it went too far," he said.

Israeli Foreign Minister Shimon Peres said Israel would heed U.S. appeals for restraint but reserved the right to respond if it were attacked.

"We understand there is not going to be two wars and there are not going to be two supreme commands," Peres said on CNN.

"It will be, should be coordinated ... and also, we insist on our rights."

Colby visitor



DARREL PATTILLO/Colby Free Press

More than fifty people showed up at the Thomas County Office Complex Saturday at noon to view the Kansa warrior "Ad Astra," a twenty-foot tall statue that is making its way across Kansas, with the final destination being the Capitol Dome in Topeka.

WeatherWatch Colby-Oakley area

The numbers

Sunday's high, 69
Low this morning, (brrr) 37
Year ago today, 65 and 46
Temperature at 10:45 a.m. today, 60

Colby's 24-hour rainfall, 0.00
Oakley's 24-hour rainfall, 0.00
Soil temp at the 4-inch depth, 65
Records for Sept. 23, 97 in 1938 and 29 in 1989

The forecast

Tonight, clear, lows in the lower 40s, southeast winds around 10 mph. Tuesday, sunny and breezy, highs in the 70s, south winds 15-25 mph. Tuesday night, clear, lows in the 40s. Wednesday, partly cloudy, highs in the 70s. Wednesday night, cloudy, a 50 percent chance for showers, lows in the 40s. Thursday, a cool down with highs only in the middle 50s and a chance for shower activity. (Temperatures and precipitation are from the Northwest Research-Extension Center, unless otherwise noted. Forecast is from the National Weather Service.)

Colby Water Usage

• Sept. 20-21-22 = 1.98 million gallons used per day

Levels of Concern

Watch Level 3.5 million gallons
Warning Level 4.0 million gallons

Emergency Level 4.5 million gallons
(Three consecutive days)

Briefly

Fund set up for Beims family

A fund has been set up at First National Bank in Colby to aid the Beims family with medical expenses involved with the surgical needs of their infant baby, Braden. Mitch and Courtney Beims are at Kansas City Mercy Hospital where the infant underwent heart surgery today. Those wishing to contribute should ask for Les Brown at the bank.

Speech contest entries needed

Entries are being sought for the 24th annual *Speech Contest* sponsored by the Thomas County Conservation District and the Kansas Association of Conservation Districts. The entry deadline is Thursday. The topic is: "Aquifer Management — What's in it for Me?" The contest is for all students in grades 9 through 12. The district contest will be held in Colby at 1 p.m. on Sept. 30 at the USDA building, 915 E. Walnut. District winners advance to the area contest and those winners move on to the state contest. Please contact Lynette Koon, Thomas County Conversation District, 915 E. Walnut, Colby, or call her at (785) 462-7482, ext. 39 for more details.

Book fair underway

A *Scholastic Book Fair* is being held today and Tuesday at the Colby Grade School, room 107. Today's hours are from 5-9 p.m. and on Tuesday from 8 a.m. to 9 p.m. The Sorosis Club and Colby

PTO are sponsoring the fair with proceeds to community projects and Colby Grade School.

Sacred Heart book fair begins

Sacred Heart School in Colby is holding its Scholastic Book Fair today and Tuesday. Today's hours are from 5:30-9:15 p.m. and Tuesday from 2—8 p.m.

Donations needed by auxiliary

Donations of good new or used holiday items are needed for the Recycled Holidays Sale sponsored by the Citizens Medical Center Auxiliary. Donations may be left at 545 Woofter Avenue in the evenings after 5 p.m. or call 462-7777 or 462-6896. The sale will be Saturday, Oct. 19, from 8 to 11 a.m. at 545 Woofter Avenue.

After harvest festival scheduled

The social problems class at Colby Community College will sponsor the annual After Harvest Festival on Thursday, Sept. 26, beginning at 3 p.m. The festival will be held in the Community Building Activities Room and is for all those who are 55 years and older. Activities will include bingo at 3 p.m., a dinner at 5:30 p.m., and a dance from 6:45-8:45 p.m. No reservations are required. Participants are asked to bring a salad or dessert. For information, contact Larry Koon at 462-3984, ext. 341.

Brown reception Sept. 30

The public is invited to attend a retirement reception for Duane Brown on Monday, Sept. 30 at 3 p.m. in the Colby City Council chambers at City Hall. He is retiring after 28 years in the City of Colby's electric line department. Tuesday's mention contained an incorrect time.

Foundation expanding board

The Thomas County Community Foundation is expanding its board of directors and it compiling names of those who might be interested in finding out more about the roles and responsibilities of board members. The foundation said it is committed to recruiting from across Thomas County. Adding your name is not a commitment to serve. If you would like to be considered, or if you would like to nominate someone, please contact Becky Donelan at 465-9152.

Hospital/college plan program

Citizens Medical Center/Prairie Senior Living Complex and Colby Community College Department of Nursing will co-sponsor a community education program on dementia and Alzheimer's disease on Thursday, Sept. 26 at 7 p.m. in room 108 of the college student union. The speaker will be Cindy Miller, an Alzheimer's Aging Specialist from the Kansas Department of Aging. As a community service, students from the college department of nursing will be available to provide respite care.

