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State board's petition names Colby doctor

By **PATTY DECKER**

Free Press Editor

During the same week a Colby doctor was vindicated in a lawsuit claiming he and another physician defamed a surgeon, he was also named in a petition by the Kansas State Board of Healing Arts alleging 12 violations of its acts.

The 26-page petition was filed against Dr. Victor Hildyard, who is a family practice physician at Colby Medical and Surgical Center, on Friday, Aug. 13 with the Board of Healing Arts.

"The Kansas State Board of Healing Arts does not presume a doctor is guilty (when allegations are filed)," said Mark Stafford, general counsel for the board. "The state has the burden of proving its case."

Within the 26-page petition, the state board alleges that Hildyard committed six counts of violations concerning pregnant patients, one count associated with a patient having chest pains, one count of inappropriate comments regarding a patient who had a miscarriage, one count associated with a 15-year-old patient and allegations that the doctor spoke "disparaging words" about the patient's mother and unprofes-

sional comments regarding the adequacy of staffing in the radiology department.

Two other counts in the petition deal with alleged inappropriate behavior to include abusive and profane language, demeaning other professionals in the medical field, blaming or shaming others for adverse outcomes, lack of regard for personal comfort and dignity toward others, uncooperativeness, defiant and disrespectful and alleged acts associated with his suspension of privileges at Citizens Medical Center which would constitute grounds for action with the state as well. (Timeframe on the allegations range in dates from October of 1996 to April of 2003)

The disciplinary actions that generally could happen when the State Board of Healing Arts files a petition, Stafford said, include taking emergency action to suspend a doctor's license because they are a threat to the preservation of the public health, safety and welfare, which he said happens, but is an unusual circumstance.

Other disciplinary actions that could occur if a physician is found guilty of violating the state acts, include such serious consequences as removal from practice to in-

vestigating ways for the doctor to improve by adopting changes that are deemed necessary. What Stafford wanted to make clear about the board members on the Kansas Board of Healing Arts is that these people are "healers and not axmen or judges."

Stafford said he could not reveal the source of information that prompted the state's filing of a petition, but added that in the event the information becomes evidence in the proceedings, then it could become known.

Generally, he did say, complaints can come from many sources to include health-care providers, families, peer review boards, hospitals, and the list goes on.

All proceedings with the Kansas Board of Healing Arts, he added, are open to the public.

"All pleadings, transcripts and other filings derived from the proceedings," Stafford said, "are open to the public, except certain confidential information."

Stafford did say that his office would not generate a press release on petitions such as the one now pending that involves Hildyard.

He did say there is a website; however,

that the public can access which lists a variety of information about the board, doctors suspended, doctors disciplined, statutes and more. That website address is: www.ksbha.org

As for the procedure when complaints are submitted to the board, Stafford said any and all complaints go through an initial screening process.

"An investigator is assigned and the next step, depending on standards, would be in determining if there is incompetence or bad conduct," he said.

The complaints would then go to a peer review board to decide whether the practice is below the standard of care and would if a "reasonable, prudent practitioner would respond in the same way," he said.

If there is cause to believe a violation occurred, the board's prosecutor can seek out expert opinions from independent consultants to view the findings as well.

"If that independent consultant also agrees the violations are below the standard of care, Stafford said, the process moves forward. His point was that there are many layers and filters designed when investigating complaints.

As for a preliminary hearing, Stafford said no date has been set.

However, once that hearing conference date is scheduled, the purpose would be to provide a "road map" of how the case will unfold.

That would include discovery, hearing dates, expert witnesses, the parameters for the hearing, scheduling dispositions and more.

In response to the allegations outlined in the state's petition, Michael O'Neal, Hildyard's attorney, said he could only speak in generalities since he hasn't had an opportunity to discuss the issues with his client.

"I know they (the Board of Healing Arts) can receive complaints from multiple sources and in my opinion, this was apparently made by Citizens Medical Center," he said.

Hildyard will need to respond and it is O'Neal's understanding that whenever there has been action taken by a facility on a physician's privileges, as was the case with his client and Citizens Medical Center, he said it will always go to the Board of Healing Arts for review.

City gives permission to look at aquatic park

By **TISHA COX**

Colby Free Press

The Colby City Council gave the go-ahead to look into the possibility of a new water recreation complex at its Tuesday meeting.

Shane Franz, owner of Franz Chiropractic in Colby, came before the council to discuss the possibility of a new swimming pool and water park. He said he wouldn't explore the matter further if the city wasn't interested.

However, Mayor Warren Hixson said if someone could come up with a way to pay for the project, it might be a possibility. He said it's been discussed before but the fact the city still owes money on its current pool is a deterrent.

City Manager Carolyn Armstrong said the city still owes nearly \$100,000 on the pool it has now.

Franz said expanding the current pool isn't possible and some people have said a new pool should go south of town while others would prefer the someplace closer to the ball parks.

Hixson said doing anything to the current pool would ruin the swimming lanes for competition, but Franz said other communities have solved that problem, like Hays, which has two separate pools, including its aquatic park. He said that would be an option, just not on the same scale that Hays has.

Council member Phil DeYoung said not only is the swimming pool

a concern but all of the city's recreation facilities, which he said are all about the same age.

He said he's thought about recreation and challenged the group to come up with ideas.

"I think it's a facet of economic development," DeYoung said, adding recreation facilities are a reason for people to come to town when there are competitions like swim meets and ball tournaments.

Hixson said ball fields south of town have been brought up before and Armstrong said the city's even been approached before about building a skatepark.

Grants for such projects are available, Hixson said, but they're hard to get. Armstrong said the process gets easier if the community is involved and that involvement can be shown.

The council also briefly reviewed a preliminary plan and request to annex block 1 of Rodenbeck Industrial Park.

Armstrong said it will be considered at the Sept. 21 planning commission meeting. The public hearing for the rezoning will also be set at that meeting.

"I'm excited to see it happen," Hixson said.

Council also approved an agreement for a power system review and development study in the amount of \$16,000. Armstrong said it's to study the possible southern expansion of the city's power grid.

The 'bigs' helping the 'littles'



TISHA COX/Colby Free Press

Big Brothers Big Sisters Thomas County held an event Thursday night at City Limits Convention Center for bigs, littles and the organization's community partners and sponsors. Everyone got

to take part in a problem-solving simulation featuring skills the kids learned through a cooperative learning effort between Big Brothers Big Sisters and KSU Cooperative Extension.

New phone system for courthouse okayed

By **TISHA COX**

Colby Free Press

The Thomas County Courthouse will be getting a new phone system soon.

The commissioners approved the matter during a special meeting Thursday morning.

The group met with Judge Glenn Schiffner, who had been working to

get new phones for the court offices a the courthouse after they were damaged by lightning earlier this summer.

Schiffner said four bids were requested but only two were received, one from S & T Telephone Company for \$35,741.31 and the winning bid of \$33,212 from Northwest Kansas Telecommunications in

Colby.

The new phone system which will be paid for by the county's insurance as well as money from the sheriff's and county attorney's drug forfeiture funds.

Schiffner said there shouldn't be any tax money used for the purchase.

Commissioner Ron Evans said

the special meeting was held because the commissioners felt they needed to be brought up to speed on the phone situation.

"I'm comfortable we're on the same page," he said.

Schiffner said the courthouse will be getting the same phones that Southwestern Bell installed at Colby Schools in recent years.

Colby
Bird City
McDonald



80s and 50s to dominate

Tonight...Partly cloudy. Lows in the lower 50s. East winds 5 to 10 mph shifting to the south after midnight. **Saturday...**Partly cloudy. Highs in the mid 80s. South winds 10 to 15 mph. **Sunday...**Partly cloudy. Highs in the upper 80s. Southwest winds 5 to 10 mph shifting to the northwest around 10 mph in the afternoon. **Monday...**Partly cloudy. Highs in the upper 80s. **Tuesday...**Partly cloudy. Highs in the upper 80s.

The numbers

Thursday's high, 67
Low this morning, 48
Records for Aug. 20, 104 in 1900 and 43 in 1908
Year ago today, 100 and 63
Precipitation past 24 hours to 8 a.m. today, 0.00
August total, 1.23
Soil temperature, 72

The sources:

The forecast is from the National Weather Service, and other numbers are from the Northwest Research-Extension Center, Colby. A recorded forecast updated throughout the day is available by calling (785) 899-7119. Current temperatures are available by calling 460-TEMP.

Water use

• Aug. 19 = 2.100 million gallons.

Water advisories

• Water **Watch** is 3.5 million gallons for 3 consecutive days.
• Water **Warning** is 4.0 million gallons for 3 consecutive days.
• Water **Emergency** is 4.5 million gallons for 3 consecutive days.

