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Part of closed hearing could become public

By Jan Katz Ackerman

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Despite a ruling to close Dr. Victor Hildyard's hearing to the public, one of Thursday's witnesses drew opposition.

When Thursday's witness list was made public shortly before the 9 a.m. start time, question arose why a Colby man would testify behind closed doors.

Expected to take the stand in the afternoon, it was unclear under which exception testimony by Dave Jennings fell — patient confidentiality or peer review confidentiality. Administrative law judge and presiding officer, Edward Gaschler, on Oct. 5 closed the hearing to the public of all witnesses testifying about those two topics.

While Hildyard's attorney, Mike O'Neal, Hutchinson, at that time said he'd like the entire proceedings open to the public, David Steed, Wichita, a special prosecutor hired by the Kansas Board of Healing Arts, said he wanted no part of a patient's records talked about openly.

When question about Jennings' testimony arose, Steed asked Gaschler and O'Neal for a brief off-the-record conference.

O'Neal reiterated his preference would have been for the entire proceeding to be open to the public. But he told Gaschler because of his Oct. 5 ruling he didn't believe he could disclose anything about Jennings' testimony without tipping his hand. O'Neal also told Gaschler he believed Jennings would "help our case."

Steed told Gaschler it was his understanding Jennings' testimony behind closed doors was being questioned because he would not have had knowledge about peer re-

“I think I have a solution.”

Edward Gaschler,
presiding officer regarding hearing

view issues pertinent to the case.

Jennings at one time served on the Citizens Medical Center Membership, a 22-person Thomas County and Colby resident-based group which elects the seven member hospital board of trustees. Jennings was a member of the group from July 8, 2002, until he resigned on April 20, 2004. During that time frame, as allowed by state law, Hildyard received a due process hearing after his privileges were revoked by Citizens Medical Center on April 10, 2004. That process had no bearing on Jennings since the group is not privy to information about patients or peer review.

It was also believed Jennings was not one of the patients involved in the case.

O'Neal told Gaschler he didn't want to "reopen" a topic talked about on the first day of the hearing because he wanted to assure the hearing was handled with "consistency."

Steed agreed.

Gaschler again asked O'Neal which exception Jennings' testimony fell under. O'Neal said while Jennings was not a patient listed in the petition, he would testify about a patient who was.

Gaschler asked how long he thought it would take for Jennings' testimony, to which O'Neal replied, "Between 15 and 20 minutes."

"I think I have a solution," Gaschler said turning toward the court

reporter. He asked how long it would take the reporter to prepare a transcript of Jennings' testimony. "About 30 minutes," she replied.

Gaschler then ruled Jennings' testimony would be behind closed doors. He further ruled that after hearing the testimony if it did not fall under either patient confidentiality or peer review exception he would make a transcript of the testimony available to the Colby Free Press. Due to a problem with transcription equipment, that transcript will not be available until Monday.

Others who testified Thursday were Dr. Raymond Ketting, pediatrician at Colby Medical and Surgical Center; Brian Unruh, physician's assistant at Colby Medical and Surgical; Patti Stephens, nurse manager at Colby Medical and Surgical Center; Judith Sears, former Citizens Medical Center trustee; and Wilma Albers, relative of a patient listed in the petition. Dr. Mohammed Fercha, formerly a surgeon at Colby Medical and Surgical Center, was scheduled to testify on Thursday, but due to his participation in the religious season of Rhamadan is not clear when his testimony will take place.

Testifying today were Dr. Joseph Rainwater, a cardiologist from Denver, and Janet Myers, a nurse practitioner at Colby Medical and Surgical Center. Hildyard and his partner, Dr. LaDonna Regier, are scheduled to testify on Monday.

Fire house outing



TISHA COX/Colby Free Press

Ross Carney, right, a volunteer firefighter with the Colby Fire Department, showed off the department's fire engines and rescue vehicle to students from Puddle Duck Preschool this morning. The students toured the fire department and got to take a closer look at many other aspects of a fire fighter's life.

One dead after blast rocks Missouri plant

ST. JOSEPH, Mo. (AP)—On the day this community's biggest new development in decades was to celebrate its opening, investigators were being called in Thursday to find out what caused an explosion that killed a local man and injured 14 others a day earlier.

A heavy-equipment operator was killed and three other workers were critically injured Wednesday after the explosion at the \$130 million Triumph Foods pork processing plant, which was expected to go into production on Nov. 1.

Andrew Bauer, 24, of St. Joseph, was killed in the blast, which occurred around 2:45 p.m. in an industrial area on the south side of town. Another worker who was clinically dead after the explosion was revived by emergency medical per-

sonnel, officials said.

"There was a lot of blood and gore," said Fire Department battalion chief Russell Moore. "We see that in the case of wrecks and stuff, and it's not something we can't deal with. But under circumstances like this, it was a little different."

Moore estimated that five people were blown out of the plant by the blast, which witnesses said sent a massive fireball through the roof.

"I'm absolutely amazed there were not more casualties than there were," he said.

The explosion, which originated in an office area and cafeteria, blew out about a dozen windows on the first and second floors. Chunks of roofing material appeared to have been peeled off the structure, part of the second floor collapsed, and

debris was sprayed on the ground outside the building.

Moore said he could feel the blast at a fire house a quarter mile away.

City Manager Vince Capell said a "soft opening" had been planned for Thursday at the plant, which was expected to employ 1,000 workers.

"This company was really the shining star for revitalization of our stockyards area and still is," Capell said. "I don't know how big of a setback this is going to be."

He said he was told officials suspect it was a natural gas explosion that was triggered when a worker lit a welding torch.

Gas has been shut off to the building, but authorities were waiting to begin an investigation until Thursday because the structure had to be evaluated to determine whether it

was safe.

Police spokesman Jim Connors said the only people in the building at the time of the explosion were contractors doing finishing work in preparation for the opening.

Seven people were admitted Heartland Regional Medical Center in St. Joseph for treatment — three of them critically injured — and seven were treated and released, a nursing supervisor said early Thursday.

Fire officials said several others were treated at the scene.

Two people had to be extracted from the building, including one person who was pinned under a concrete wall.

Pam Levetzow, spokeswoman for Missouri Gas Energy, said she had no information about the cause

Emergency medical services director quits

By Tisha Cox

Colby Free Press

Thomas County Emergency Medical Services has a new interim director. Ken Gatlin was made interim director of the county's emergency medical services at the Monday commissioners meeting. County Clerk Shelly Harms said director Kathi Wright handed in her letter of resignation, effective immediately, at the meeting. She added Gatlin has been appointed director for a term of six months and there will be a review at that point.

Assistant director Martin Rinehart will continue on in that



Kathi Wright

position.

Chairman Ron Evans said Wright didn't state a reason for her resignation. "Everything's going to be fine, I hope," he said.

Thomas County Fair Board approves keeping professional rodeo

By Tisha Cox

Colby Free Press

The Thomas County Fair will have a professional rodeo, at least for one more year. The board voted to continue on with a Professional Rodeo Cowboys Association event at its meeting Thursday.

Before voting, they heard a PowerPoint presentation on the Kansas Professional Rodeo Association from Clair Schrock and Deb Christy of St. Francis.

Both are active in that association and Christy is the barrel racing director.

Christy said they promote rodeo as a sport and a profession as well as a family event. They have contestants compete from Kansas, Colorado, New Mexico, Oklahoma and Nebraska and had more than 300 members last year.

The top five rodeos for the 2004 season were McCracken, Elkhart, Hugo and Springfield, Colo. and Sublette.

The amateur rodeo has all of the same events as a professional rodeo, including bareback and saddle

bronc riding, bull riding, barrel racing, tie down and team roping and steer wrestling. It also has 40/40 roping and women's breakaway roping.

Schrock said there were 80 rodeos this year contestants could go to.

"It helps bring people from both sides (of Kansas) and all around us coming in for rodeos," he said.

Schrock explained it costs between \$7,000-\$8,000 to put on one of the KPRA rodeos, and that includes the fee for the stock contractor, who provides everything to run the rodeo.

"You hire the stock contractor and provide the added money," he said.

Christy said about half of their contestants are members of both the KPRA and PRCA.

"They're going to come regardless of who's sanctioning what," she said.

She added if Thomas County switched to an amateur event, it would fit in well with the existing schedule.



TISHA COX/Colby Free Press

Thomas County Fair Board members Nancy Rundel, Cynthia Bieberle and Darrel Dible listened to a presentation on the Kansas Professional Rodeo Association at the Thursday fair board meeting.

"It doesn't conflict with any of them but it fits in well with a run of fair rodeos," Christy said.

The board discussed the matter before deciding to continue on with a professional rodeo.

Board member Gary Garrett said a professional rodeo provides a higher level of competition and they would need twice as many spectators to attend to make up for a lower gate price.

Losing money on the professional event was also discussed.

Board member Nancy Rundel said it has evened out isn't as bad as it used to be.

"It comes back to the question — does every event have to make money? she asked.

Board member Marty Crampton said it looked like they would only save money on the stock contractor and sanctioning fees.

The board also discussed its contract with Kerry Wark to lease the fairgrounds track for races each summer.

The board will review the contract and discuss it again at its November meeting, but had consensus that the contract was all right.

Wark said the contract is for a three-year lease and he would like to renew for three more years.

He said it's virtually the same as

what he's presented in the past, with the exception of the dates. Wark added there was also the addition that he would like the option to do other things besides the races. He said there had been some confusion over that.

"I don't want exclusive rights," Wark said, adding he would like to do a demolition derby early in the season.

He said the board could still have a tractor pull or mud bog or any other event of that sort.

The board went into executive session 15 minutes to discuss the contract. When they came back into open session, board member Darrel Dible said they didn't like the motor sports stipulation and would prefer instead that Wark talk to them about what he's going to do.

Wark said that was acceptable.

In other business, the board:

- Approved letting Genesis of Thomas County use the 4-H Building at the fairgrounds to assemble its holiday baskets in early December.

