



# COLBY FREE PRESS

## Accident sends two to Denver

By MICHELLE L. HAWKINS  
Colby Free Press

Twin bothers, Leo and Paul Zerr, 74, of Oakley were flown from Citizens Medical Center in Colby on Monday to Denver after their car was hit from the rear by a semi truck and engulfed in flames, eight miles east of Colby.

Shortly before 11 p.m., officers from both the Kansas Highway Patrol and Thomas County Sheriff's Office were alerted to a vehicle driving east on Interstate-70 without headlights on. It was reported the vehicle was driving very slowly, around 20 miles per hour.

Patrolman Mitch Nolette of the highway patrol said officers were on the way to check into the situation when the accident happened, so officers were on scene within a short time.

Nolette said a semi driven by Steven Duling of Madrid, Iowa, had come up on the vehicle quickly and struck the back end. The Zerr car spun off the road and into the south ditch. The semi, which had been badly damaged by the accident, lost control and also ended up in the south ditch.

As the Zerr's 1986 Chrysler caught on fire, both Leo and Paul were seatbelted inside. Nolette said Thomas County Sheriff's officer, Jim Engel, was able to remove both of them from the car before it was completely engulfed in flames.

Duling, 46, was able to escape the accident uninjured, and while neither Leo or Paul Zerr were burned in the accident, they were taken to Citizens Medical Center in Colby. Nolette said today that the Zerrs were transferred by plane to St. Anthony's Hospital in Denver. Condition reports on the brothers are not available.

## No more 'heads up!'



MICHELLE L. HAWKINS/Colby Free Press

City employees Ron Kogler and Wheat Lippelmann were out this morning, as the temperatures were warming up, working on new bleachers for the ball diamonds. Two new sets of bleachers are in the works for this year. Director of Public Works, Gerry Bieker, said the new bleachers will have tin backs and roofs to prevent people from getting hurt from fly-balls from the other diamonds.

## In the city of Colby

# New ordinance will affect private wells

By PATTY DECKER  
Free Press Editor

An ordinance addressing permits for private wells in the city was discussed at the Colby City Council meeting earlier this week.

When completed, the new ordinance will require anyone planning to drill private wells to register with the city through its uniform plumbing code, said Carolyn Armstrong, city manager.

Although there is no approval process, she said, the form will indicate where the wells are and how deep so that the city has a way to track locations.

The cost for registering wells was set at \$15 and the city's attorney, Joel Kriss, will be bringing back a final draft for approval at a future meeting.

The council also accepted the airport board's recommendation to solicit bids for the airport manager contract due to expire in June of

2003.

Armstrong said the board had received proposals from interested people and asked the council to consider advertising the position. Mark Ostmeyer is currently the airport manager.

In other business:

- The city hired Alicia Moore, who is a new accounts payable clerk.
- Darrel Follis, councilman, was selected by the council to serve on the Thomas County

Commissioner's Recycle Committee, which is a newly formed entity that will look at regional recycling.

• Paperwork for the viaduct removal and intersection project has been completed, according to information Armstrong received from the state, and bids are expected to begin in April.

The next council meeting is scheduled for 7:30 p.m., Tuesday, March 18, in council chambers. For questions, call 462-4410.

## Hospital, doctor matter is before Appeals Court

By PATTY DECKER  
Free Press Editor

Citizens Medical Center, Inc. is asking the Kansas Court of Appeals to overturn a decision made by a district court judge in Thomas County that would have barred a Colby doctor from seeing patients at its facility.

In a 40-page document submitted to the Court of Appeals in the latter part of January, Carol Bonebrake of Topeka, who represents the hospital, said that the District Court of Thomas County abused its discretion by denying the hospital's summary suspension and additionally by refusing to order Dr. Victor H. Hildyard II to post a bond during the pendency of that injunction.

In not allowing the hospital to enforce the summary suspension, Bonebrake said, the facility is being held hostage while the peer review proceedings are in progress. She argued that the judge interfered in the hospital's decision to suspend the doctor, who is alleged to have used offensive language with staff and also put patient care at risk.

Conversely, Michael O'Neal, representing Hildyard, said in his response during the latter part of February that the lower court did not abuse its discretion in denying the hospital's motion to dissolve the temporary restraining order and require posting of bond.

O'Neal also argued that the appeal should be dismissed for lack of jurisdiction and because the issues raised by the hospital should be considered "moot."

Bonebrake also claimed in her brief that Hildyard's actions, based on testimony by Janine Colson, the risk manager at Citizens Medical Center, that he violated the Federal Emergency Medical Treatment and Active Labor Act (EMTALA), which at the time of the oral argument with the district judge, was still under investigation.

"The hospital was required to submit a plan of correction," she told the appeals court, "and if the plan of correction is not accepted, Citizens Medical Center, Inc.,

stands to lose its Medicare program funding which totals in the neighborhood of \$15 million a year."

On the other hand, O'Neal said that in a written report from the receiving physician in Hays regarding the alleged EMTALA violation, there was nothing to suggest that the means of transportation to the Hays facility was inappropriate.

"The Colby hospital," he said earlier this week, "didn't bother to request this opinion or learn the true facts before self-reporting. We received a similar opinion from Dr. LaDonna Regier, the hospital's chief of staff."

For those unfamiliar with what EMTALA is, reference has been made that this is considered "patient dumping."

Prior to the hospital filing the appeal, Judge Jack L. Burr had twice ordered the hospital to give Hildyard privileges. The first attempt to suspend the doctor's privileges at the hospital was in April after a hospital employee alleged inappropriate conduct to Michael Boyles, the chief executive officer. Boyles, in turn, filed a temporary restraining order, which was overturned by the judge. The second time was in September when again Burr denied the hospital's motion to suspend privileges.

In his ruling, Burr said the restraining order previously granted will remain in force and effect until such time as Hildyard's administrative remedies pursuant to the Medical Staff and Hospital Bylaws have been exhausted, at which time the temporary restraining order will automatically dissolve.

In his October decision, Burr also said that the hospital is temporarily enjoined from enforcing the summary suspension of Hildyard's clinical privileges and membership to medical staff. He also denied the hospital's request for bond during the pending of the restraining order.

No date has yet been scheduled for when the Kansas Court of Appeals will review the hospital's request to overturn the judge's decision and the opposing argument.

## Powell points at Saddam

WASHINGTON (AP) — Secretary of State Colin Powell accused Iraqi leader Saddam Hussein of deliberately trying to divide the U.N. Security Council and "split us into arguing factions." Powell declared that the effort must fail as he prepared to cajole the council anew to

back force to disarm Iraq.

Powell, who is at the United Nations today, said that Saddam had thrown away his "one last chance" to avoid the "serious consequences" the world body had threatened last November for Iraqi failure to disarm.

# More air refueling tankers take off from Wichita air base

WICHITA (AP) — More than 10 KC-135 air refueling tankers took off at one-hour intervals Wednesday from McConnell Air Force Base in the largest deployment yet for the 22nd Air Refueling Wing during Operation Enduring Freedom.

The 150 air crew and maintenance personnel on board bring to

about 800 the total number of base personnel relocated in the past few weeks to an undisclosed base, which people here jokingly call "McConnell Middle East" because so many from the Wichita base are being sent there.

About 90 percent of the base's operations personnel and 75 of its maintenance people have been de-

ployed to the undisclosed base, said Lt. Jenny McDonald, a base spokeswoman.

"It indicates the civilian leaders of our government want as many people in the theater as they can," said Col. Steve Wayne, 22nd Operations Group commander.

This is the largest deployment of McConnell personnel since Desert

Storm, Wayne said.

About 40 of the 67 air refueling tankers normally based at McConnell will be relocated to the theater of operations.

The last two planes in the latest deployment will leave Thursday, McDonald said.

On one of them will be Col. Gary Elliott, who is leaving behind his

wife Debbie, their 14-year-old son Jason, and 18-year-old daughter Amanda.

"We've gone through this routine so many times, it's old hat," Elliott said.

But for those times when e-mail is not enough, Elliott filled a compact disc with hundreds of digital photos of his family.

## Briefly

### Orchestra to perform Sunday

The Pride of the Prairie Orchestra will be performing, "Into the Joy of Spring," at 3:30 p.m., Sunday, in the Colby High School auditorium. The orchestra will be under the direction of Juliann Groom and featured soloists include David Mruzek, Sharon Kriss, Denise Shoff, Tremon Kizer, and Andrew Salvador.

The orchestra is supported by its many Friends of the Orchestra and admission is through Friends of the Orchestra membership or tickets are available at the door.

### 'Unity Tree' is school program

Colby Grade School first grade students will present a music program entitled, "The Unity Tree," at 1:15 p.m. and 7 p.m., on Thursday, March 13. Both performances will be held in the grade school auditorium under the direction of Jennifer Koel, primary music teacher.

For questions, call 465-5100.

### Vocal concerts set for Monday

The Colby Middle and High School vocal departments will be presenting their "Spring Masterworks Recital" on Monday at 7:30 p.m. in the high school auditorium. The choirs will be performing selections they sang at the music festival and also demonstrating several of their daily classroom activities. A reception sponsored by the music boosters will be held in the commons area after the concert's conclusion.

### Can still enroll your child

Enrollment for next year's kindergarteners was held Feb. 28 at the Colby Elementary School. For those who missed this pre-enrollment, Terrel Harrison, principal, is asking parents and/or guardians to stop by the school office, 210 N. Grant, as soon as possible to enroll your child. Harrison said to bring the child's immunization records, birth certificate and social security number for the enrollment. Any children residing in the Colby School District and who will be five years old on or before Aug. 31, 2003 is eligible to enroll.

### Storm spotter meeting scheduled

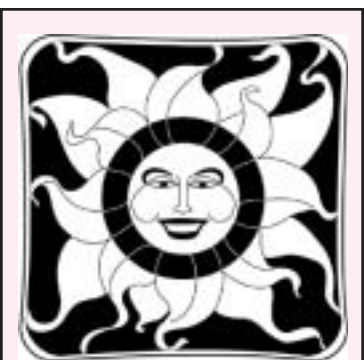
The National Weather Service will be conducting storm spotter training in the Little Theater room of the Colby Community Building on Tuesday, March 11. The meeting will start at 7 p.m. and is open to the public free of charge.

### Walk Kansas sign-up ends soon

Registration for the Walk Kansas Program will be accepted until Friday. Walk Kansas is a fitness program sponsored by Kansas State University Research and Extension. The program will run from March 15 through May 9. Teams are formed and participants walk the equivalent of the mileage it would be to walk across the state of Kansas, or 423 miles. For information call 462-4587.

### Landfill hours noted

The Thomas County landfill's winter hours are: Monday through Friday, 9 a.m. to 5 p.m.; Saturdays, 9 a.m. to 4 p.m.; Sundays, 1 to 4 p.m.



### More warm

Tonight...Becoming mostly clear. Lows in the upper 20s. West wind around 15 mph. Friday...Partly sunny and continued warm. Highs in the mid 60s. West wind 15 mph becoming south late. Friday night...Mostly clear. Lows in the lower 30s. Saturday...Mostly sunny. Highs in the mid 60s. Saturday night...Mostly clear. Lows in the upper 20s. Sunday...Mostly clear. Highs in the mid 60s.

#### The numbers

Wednesday's high, 31  
Low this morning, 5  
Soil temperature, 33  
Year ago, 49 and 21  
Month's snowfall, trace  
Month's precipitation, 0.03  
Records, 77in 1934 and -19in 1948



