



COLBY FREE PRESS

Doctor's case goes to Kansas high court

By **Patty Decker**

Free Press Editor

The state Board of Healing Arts has asked the Kansas Supreme Court to lift the stay of revocation order on a Colby doctor's license.



V. Hildyard

Mark Stafford, the board's general counsel, filed a motion last week with the high court for writ of mandamus, which if granted, would reinstate the board's final order in August revoking the license of Dr. Victor H. Hildyard, 58, a family practitioner at Colby Medical and Surgical Center.

The board in June cited Hildyard as "professionally incompetent" and a danger if allowed to practice. At its August board meeting, the board voted to revoke his medical

license. District Judge Jack Burr of Goodland stayed that order two days later, allowing Hildyard to continue working while appealing the suspension.

By appealing that order to the Supreme Court, the board, in effect, said the doctor is too much of a danger to patients to continue in practice. Hildyard's attorney disagreed.

The Colby doctor had been embroiled in controversy since the board of Citizens Medical Center first attempted to kick him off the hospital staff in April 2002. The battle has divided the Colby community since. The fight shifted to the Board of Healing Arts when a complaint was filed against the doctor in August 2004.

In the appeal to the high court, Stafford wrote because the board has regulatory authority over doctors it licenses, it has an obligation to protect the public.

He said the board, in its final order in August, determined Hildyard practiced below the normal stan-

"The board (of healing arts) is not making a personal attack against Dr. Hildyard, but rather protecting its rights within the letter of the law."

Mark Stafford, general counsel

dard of care "to a degree constituting ordinary negligence on multiple counts."

Those instances, Stafford said, included dishonorable and unprofessional conduct, mismanaging two obstetrical cases, one of which ended in death of the fetus; giving eight patients steroids in amounts far exceeding standards; and signing blank patient progress notes.

In the appeal, Stafford claimed the district court did not have discretion to stay the revocation order, based on the judge's findings.

"This is not a personal attack," he said, "but procedural in that the rules were not followed in issuing

the stay. The board is not making a personal attack against Dr. Hildyard, but rather protecting its rights within the letter of the law."

Mike O'Neal of Hutchinson, representing Dr. Hildyard, noted in an initial order, the boards' hearing officer, Edward Gaschler, had cleared the doctor of any wrong doing in medical-related issues.

The board wrote its members arrived at different findings, adding Gaschler, a lawyer, does not possess any medical expertise while board members do.

"It was likely proper for him (Gaschler) to use the evidentiary standard," the board stated in its fi-

nal order, adding the board is "entitled and expected" to rely upon its members' expertise in determining whether the record establishes practices below the normal standard of care.

O'Neal charged the board's final order was a "valiant attempt to backfill" as a way to justify its vote to revoke the license in June.

He said one of the two obstetric cases dated back to 1998 and the steroid cases were from 2000-04.

"They substituted their judgment after only looking at records for the judgment of the hearing officer, who not only had the records, but say and heard the witnesses," he said. "He found no deviation."

In the steroid cases, O'Neal said, the board claims Hildyard over-treated the patients.

"These are the cases our expert said were cases where there was no other effective form of treatment," he said, adding Gaschler agreed these patients required the treatments.

"Not one resulted in a bad outcome from the steroids," he said, noting that some had end-stage diseases for which this was the only way to relieve the suffering.

"The board would take that away from them," he said.

In his appeal, Stafford noted Judge Burr, in his order to say the revocation, ruled he couldn't tell which party was likely to succeed based on the information he had, thus a hearing would be necessary to decide the issue.

O'Neal said, the court did not believe a substantial threat existed from allowing Hildyard to practice.

Stafford; however, said the court did not have discretion based on the findings and the judge did not satisfy all the elements to grant a stay in the first place.

According to the statute Stafford was referring to, he said those elements included:

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Pheasant season bonds area family

By **Tisha Cox**

Colby Free Press

The start of pheasant season Saturday will bring the hunters to Thomas County. The sport also brings a small group of current and former soldiers, thanks to one family.

Colby's Nancy Rundel said her brother, Lt. Col. Roger Linder, stationed at Fort Leavenworth, brought a group of soldiers and Army retirees o hunt in Thomas County. They plan to come against this year.

"Colby is a good place to go," Linder said. "We came out there last year and people welcomed us with open arms."

A group of 12 came in 2005 — seven active duty soldiers, one retired and family members. This year, 14 are making the trip. Linder would like to make it a yearly event. Rundel said they hunted on land belonging to the family of her husband, Tom Rundel.

Linder started hunting at the age of 14. Now 44, he has hunted everything from pheasants and deer to recently bagging a bull elk in Colorado.

He teaches majors logistics, force management and transportation at the U.S. Army Command and General Staff College at Fort Leavenworth. By specialty, Linder is also a transportation officer.

Opening weekend last year the

group harvested 38 birds.

"The hunting is rumored to be nearly as good as last year, with almost as many birds. We'll see what we do," Linder said.

For Rundel, the weekend is a chance to see her brother, and more.

Rundel will feed the group a meal on Saturday, and helped come up with places for them to hunt. She said the hunting trip is a chance for the men to bond, and have a good time.

And for her, helping organize the event and cooking a meal is a way to say "thank you" to the soldiers for what they do.

Rundel's father was in the Army for more than 21 years, and her family has a history in the military. Finding a way to show appreciation to the soldiers comes naturally.

"It's fun to have the soldiers out, because it is an interesting experience, and the family gets to see each other," she said. "It's a family thing," she said.

As a way to show their appreciation, the group will bring Army coins.

"They try to bring something to give to the people that let them hunt," Rundel said.

Linder said the group is happy to be head to Colby.

"There's a lot of excitement," Linder said. "Folks are really looking forward to coming out that way."

A perilous play



TISHA COX/Colby Free Press

Katie Strange, left, played "Mom" and Cyndi Rothfuss, right, played "Lulu" during a rehearsal of the Colby High School play "The Perils of Lulu" Wednesday at the high school auditorium.

The play will be performed Thursday and Friday, Nov. 9 and 10 at the high school. The Thursday performance will be at 7 p.m. Friday will feature dinner at 6 p.m. with play at 7:30 p.m.

Miss Kansas 1997 still thankful for what she learned, opportunities

Editor's Note: This is the first of a two-part series about two former Northwest Kansas women who were Miss Kansas. Sherri Mayer of Brewster was crowned Miss Kansas in 1987, and Lesley Moss of Hoxie won the title in 1997.

By **Jan Katz Ackerman**

Colby Free Press

Two former northwest Kansas women will mark milestones of when they became unique representatives of Kansas.

Sherri Mayer of Brewster was crowned Miss Kansas in 1987, and Lesley Moss of Hoxie won the title in 1997.

In June, Mayer, now Sherri Armstrong of Lakin, will celebrate her 20th anniversary as a title holder. Moss, now of Chicago, will celebrate her 10th year anniversary. "Although I do not know Shari well, I have met her before a couple times," Moss said.

The first time the two met was when Moss was 14 years old and Armstrong was volunteering at a Special Olympics event in Colby. Armstrong was posing for pictures with some of the athletes and Moss asked for a photo opportunity of her

own.

"I remember thinking two things," Moss said. "She was very pretty, — sure does wear a lot of red lipstick, and — wow, she must be famous, she is Miss Kansas."

Moss said at that time, she had no idea she would one day be Miss Kansas.

"It just goes to show you that you never know what life has in store for you," Moss said.

Moss, 33, is the daughter of Fred and Kristine Moss of Hoxie. After graduation from Hoxie High School, Moss went to Kansas State University where she earned degrees in public relations and broadcast journalism, minoring in theater with an emphasis in Spanish. Moss is director of marketing at FinanSure, a student financial service company based in Chicago.

Making the decision to participate in the Miss Kansas pageant was not difficult for Moss.

She said the organization not only offers young women a chance



L. Moss

to earn scholarship money for college, it allows them to develop leadership skills.

"Being Miss Kansas did not change my education and career plans," Moss said. "But having the job of Miss Kansas for a year certainly made me more prepared for the business world in that I understood the discipline that was required to accomplish some of my goals."

Moss said during her reign she logged more than 60,000 miles traveling to all 105 Kansas counties. In addition, Moss traveled to 14 other states as a representative of Kansas.

"The job of Miss Kansas is much more than what it looks like," she said.

Moss said besides representing several organizations, their sponsors, contributors and volunteers is a very public way, she also acted as spokesman for the Kansas Children's Service League. Moss said she served as a "one woman business" promoting her own personal platform of community leadership.

"So, there is no such thing as not being 'on', but the experience was truly amazing," Moss said.



Leslie Moss, 1997

A full-time career woman, Moss said she uses training learned as Miss Kansas in her current job.

"The schedule and job requirements forced me into being very organized," she said, "which has translated to my ability to juggle many projects and deadlines as the director of marketing at my company."

She said as she now hires and mentors members of her own business team she is am able to recognize and nurture innate leadership skills of those with which she works.

Keeping in contact with the Miss America Organization, Moss, occasionally judges pageants. Concerned about the future of other young women, Moss, as part of the Miss Kansas Pageant, sponsors the Lesley Moss Preliminary Swimsuit Award. This scholarship award is given to the contestant which scores highest in the swimsuit competition.

Moss said while life as a Miss Kansas winner has no comparison to her life today she is grateful for the "once in a lifetime" experience she was awarded.

State pageants held across Kansas

For the next four months, young women across Kansas will compete for titles which could ultimately earn them the crown of Miss Kansas. Local pageants such as Miss Dodge City and Miss Boot Hill, and February's Miss Topeka and Miss Capital City will culminate with the Miss Kansas Pageant June 10 in Pratt.

The Miss Kansas Organization is a nonprofit organization formed in 1937 and is similar to the Miss America Organization.

The Miss Kansas pageant is the preliminary step to the national pageant. Participation in the Miss Kansas Pageant not only offers young women an opportunity to win scholarship money for college, it gives them lifetime experience.

Those experiences include learning how to plan and manage their time, volunteer for community service projects and speaking extemporaneously, gracefully and with self-confidence.

The Miss Kansas pageant is open

to female Kansas residents between the ages of 17 and 24. The young ladies must have completed high school by the time of the state competition which takes place each June in Pratt. The ladies must be single and never married, of good moral character and United States citizens.

Miss Kansas winners who have gone on to become Miss America include Deborah Bryant, 1966; Debra Barnes, 1968; and Tara Halland, 1997.