

Attorneys use statutes to defend position on doctor's license case

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- That the board was likely to prevail when the court finally disposed of the matter.
- Without relief, the doctor would suffer irreparable injury.
- The stay, allowing Hildyard to practice, would not substantially harm other parties.
- The threat to the public health,

safety, welfare relied on by the board is sufficiently serious to justify the agency's action in this circumstance.

"Those elements have not been met by the court and; therefore, the stay of revocation could not be prevailed on by the court," Stafford said.

"It is our understanding that the irreparable injury element is not economical, but again the court did

not base its decision on those elements in statute."

O'Neal charged that the board will "stop at nothing" to continue what he called its harassment of the doctor.

"Judge Burr made a specific finding that there was no basis to believe Dr. Hildyard was a danger to patients," O'Neal said. "Not once during the prolonged Board of Healing Arts complaint process was

there any suggestion that Dr. Hildyard wasn't competent to practice medicine."

He said the board could have tried to limit or suspend the doctor's practice during the complaint process, but didn't use that procedure.

"The board's actions are desperate," he said, "and I'm not sure why they are pursuing this so aggressively when the Legislative Post Audit report that recently came out

said they should be putting their resources to better use."

Judge Burr said Monday that in his 28 years on the bench, this is the first case he has handled involving the Board of Healing Arts. He said the petition to the Supreme Court asks for an "extraordinary order" and unless the high court intervenes, a hearing set Tuesday, Nov. 28, involving Dr. Hildyard and the board will go forward.

Stafford said this is a "rare" petition and one that he has never forwarded to the Supreme Court but did to protect the the board and the letter of the law. The Supreme Court can either throw out the petition, ask O'Neal to respond to the board's petition, rule on the technicality, or any other number of options, Stafford said. As for how long it will take the Supreme Court, Stafford said he had no idea.

Pratt Livestock tests new cattle identification system to combat problems

PRATT (AP) — Modern technology is invading the traditional cattle auction, as the industry tries to respond to concerns about the possibility of a widespread animal disease or a terrorist attack on the nation's food supply.

That effort was obvious Monday at the Pratt Livestock auction ring, where 500 of the 6,000 head of cattle wore electronic identification tags in their ears. The cattle were among the first to be part of a federal animal tracking pilot project involving 15 of the state's sale barns.

The button-size tags in the cows' ears emit radio signals. The cows have a computer chip that stores the animal's 15-digit identification number. Tags also can contain health and other information that follows the animal for the rest of its life.

When the cattle left the ring, they went through a chute outfitted with scanners that sent the information from the tags to a computer.

The project is funded by a \$441,000 grant given to Kansas Animal Health Department and Kansas State University by the U.S.

Agriculture Department this spring. The grant also will be used to study the efficiency of different radio frequency ear tags and the cost of an animal identification system for livestock markets.

The federal agency awarded a total of \$3 million to states to conduct field trials of different tracking systems. The government wants to eventually be able to locate each of the nation's millions of head of cattle within 48 hours of some type of disease outbreak or terrorist attack.

"We're wide open," Kansas

Livestock Commissioner George Teagarden said of a potential disease outbreak. "Agriculture is vulnerable throughout the United States. We don't have razor-wire fences around our operations, and anyone can drive down a road and get to livestock across a fence."

For the past eight months, Bryan Rickard, the state animal health department's National Animal Identification System program manager, has been working with sale barns to install the technology.

The studies are being conducted at sale barns in Salina, Pratt,

Atchison, La Crosse and Clay Center.

"It's been quite a learning experience," Rickard said. "At some places it's worked well and at others not so well."

Producers pay \$2 a piece for electronic ear tags, Rickard said.

But the scanning portal is the biggest investment. Setting up the two lanes with four scanners at Pratt Livestock cost about \$22,000.

A total of about 2,000 traceable cattle will go through Pratt Livestock's sale ring in October and November, Rickard said. He will continue to track the cattle from the sale barn to feedlots and packing plants until the study ends in March.

Pratt Livestock manager Jake Lewis said the project has been a

learning experience.

"One reason we wanted to be part of this was to get information for producers on how this all would work," he said. "And it's educational for us as well."

Ranchers such as Kenny and Jared Glenn, who run about 300 cows near Cunningham, want to be part of the future. At Monday's sale, the Glens' cattle averaged around \$1.25 a pound. It wasn't premium price, but Jared Glenn said the buyer wanted cattle with tracking capabilities. He will tag next spring's newborns with electronic tags. "I think the industry is going to depend on (animal tracking) before long," he said. "It's something that needs to be done to protect the industry."

Cows providing power for Vermont college campus

MONTPELIER, Vt. (AP) — Green Mountain College is seizing the power of cow dung.

The 760-student school, located along the Vermont-New York line, started Thursday to get half of its electricity from farms that run generators powered by methane gas extracted from cow manure.

The college will pay an extra \$48,000 on its \$250,000-a-year electricity bill for the privilege, which will help it reduce its reliance

on non-renewable energy that pollutes the environment.

"It's a perfect fit," said college President John F. Brennan. "We're an environmental college. We're dedicated to environmental applications and renewable energy."

College and utility officials gathered at Blue Spruce Farm in Bridport, 35 miles north of campus, to announce the agreement. The farm is the site of Central Vermont Public Service Corp.'s first cow

power generator, which its owners fired up nearly two years ago.

The power company, which harnesses and delivers the power, allows customers to take 25 percent, 50 percent or all of their electricity from the cow power program. The program has been so successful that the farm has installed a second generator.

The utility, which has signed up more than 3,500 other customers for cow power, has provided grants

to four other farms to help them pay for generators, and more are in the works.

"We're hoping by the end of 2010 to have 12 farms and 7,500 to 10,000 customers" involved in the program, said power company spokesman Steve Costello.

Blue Spruce Farm has about 1,000 milking Holsteins and 500 young stock in high-tech barns that feature "alley scrapers" — much like big squeegees on wheels.

Trojans lose last match

The Colby Community College volleyball team lost Wednesday in Hutchinson in four games 24-30, 30-26, 22-30, 14-30.

The Lady Trojans are expected to host a first-round playoff game next week because of finishing second in

the conference. The KJCC Conference has not yet released first-round match-ups.

The Lady Trojans finish the regular season at 25-17, 6-2 in the conference.

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