



COLBY FREE PRESS

8 pages

Colby doctor's license reinstated by board

By Patty Decker

Free Press Editor

The Kansas State Board of Healing Arts in Topeka reinstated a Colby doctor's medical license at its regular meeting Saturday. Dr. Victor H. Hildyard, 59, a family practitioner at Colby Medical and Surgical Center, and his attorney, Mike O'Neal of Hutchinson, reached an agreement with the state board staying the revocation order that took effect more than four months ago.



Hildyard

"Dr. Hildyard's reinstatement is effective today," O'Neal said. "He looks forward to

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Mike O'Neal, attorney
Hutchinson

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As for Hildyard, O'Neal said Hildyard was overwhelmed with the continued support from the community.

"I am extremely grateful for and humbled

by the huge outpouring of support from patients and friends during this unfortunate ordeal," Hildyard said.

Mark Stafford, general counsel to the state board, said "the board is very hopeful that Dr. Hildyard will use this opportunity to provide competent professional services

to the community in an honorable manner."

The order of reinstatement imposes limitations and conditions on the doctor's license that are designed to address the problems identified in the August 2006 order of revocation, Stafford said.

"These limitations were the result of a cooperative effort by the Board and the doctor to allow his return to practice."

The key terms of the agreement resolving the dispute, O'Neal said and, according to the Consent Order, involved releasing the Kansas State Board of Healing Arts and its individual members from any claims for damages from the investigation and acts leading the board's decision to revoke.

Hildyard also agreed to dismiss his pending appeal in consideration of the reinstatement of his license to practice medicine. He also agreed to appropriate clinical and psychological evaluations, limitations on man-

aging labor and deliveries, monitoring of his steroid practice and continuing medical education coursework.

"The consent order," O'Neal said, "acknowledges the ongoing dispute between Dr. Hildyard and the board (of healing arts) over legal issues that arose during the case."

O'Neal cited the action taken by the board overturning the hearing officer's findings in favor of Hildyard on all standard of care issues and the decision of the board to disregard the burden of proof the parties had originally agreed would apply at the hearing level.

"I believe that ultimately Dr. Hildyard would have prevailed on most, if not all issues raised on appeal," O'Neal said.

"Had the decision been ours alone to make, the appeal would proceed," O'Neal

See "DOCTOR," Page 3

Cleaning up Colby



PATTY DECKER/Colby Free Press

Christian Wilson, left, and Cory Sager, both of Boy Scout Troop 141, along with Mark Kendrick, a Colby Rotarian, background, were among many volunteers from both the Rotary and Boy

Scouts cleaning up trash on the south side of town. Garbage pickup started at 7:30 a.m. with most completing their area before noon.

Prairie dog battle in Logan County going to court

By Jan Katz Ackerman

Colby Free Press

A battle waged between Logan County officials and a minority of landowners over the control the prairie dog population is going to trial.

Commissioners Doug Mackley, Carl Uhrich and Nick Scott in January filed paperwork in Logan County District Court to force compliance with state law which gives county commissioners authority to chemically treat prairie dog holes.

According to court documents filed Wednesday in Logan County District Court in Oakley, both sides have agreed to take their battle before Senior Judge Jack Lively of Coffeyville. A two-day bench trial has been set for Aug. 21-22.

Logan County landowners Larry and Elizabeth Haverfield of Russell Springs; Robert G. Barnhardt, Jr. of Bucklin; Donald and Lillian Becker of Winona, Dixie Surratt of Panhandle, Texas and Maxine Blank of Willard, Utah claim state law protects them from lawsuits such as the one filed by the commissioners.

In August, the commissioners told all Logan County landowners starting Oct. 1, any landowner having a formal complaint filed against them about out of control prairie dogs would have 15 days to comply with state law mandating the animals be controlled.

As of December 2006, 47 residents complained about one or more of the defendants. Logan County Attorney Andrea Wyrick

filed a lawsuit on behalf of the commissioners to enforce compliance. In January, the commissioners asked Lively, the judge appointed to the case by Kansas Supreme Court Chief Justice Kay McFarland, to force the landowners to control prairie dogs on their land.

According to Uhrich, about 18,000 acres of Logan County land is infested with prairie dogs. According to Mike Mitchner of the Kansas Wildlife and Parks Department at Pratt, Kansas has about 130,000 acres of land infested with prairie dogs.

Wichita attorney Randall Rathbun represents the landowners in the lawsuit and their claim state law protects them from what they are calling a "nuisance" lawsuit. In February, Rathbun said state law protects and encourages development and improvement of farmland for protection of food and other agricultural products.

The Haverfields, Barnhart and the Beckers also claim prairie dogs are an "at risk species" and have been listed as a candidate for the federal endangered and threatened wildlife and plants list three times since 2000.

The Haverfields and Barnhart have, according entered into an agreement with the United States Department of Interior to allow reintroduction of the black-footed ferret onto their property as a way to control prairie dogs. They claim the county trying to force them to eradicate prairie dogs is a "deprivation of a valuable property right."

Orscheln named business of year during Chamber event

By Tisha Cox

Colby Free Press

The 2006 Colby/Thomas County Chamber of Commerce celebrated its accomplishments over the past year Saturday. The event was held at City Limits Convention Center in Colby.

The chamber's community service and ambassador business awards were presented by new chamber president Harold Sulzman. Pat Mallory received the community service award.

Shawn Yost, manager of Or-

scheln Farm and Home Supply was the business person of the year.

The community service award recognizes individuals for their service to the community.

"This recipient is a man with great character, high morals and values and cares for his neighbor as he would



Yost

himself," Sulzman said. Mallory has served on the Thomas County Economic Development board, Colby Community College board of trustees, Thomas County Historical Society and is a Colby city councilman.

The business person award is given to someone who has made a contribution to the county through a new business or expansion of a current business.

Yost has been in Colby since 2004 and oversaw the move of Orscheln from its building on Country Club Drive to the former

Wal-Mart building on Range Avenue last year. The move quadrupled the size of the business' store.

He is a member of the Thomas County Fair Board and was just elected to the chamber board.

Outgoing and new board members were recognized. Off the board are Brian Staats, Charles Schwanke and Leta Lee.

New board members are Linda Smith, Yost and Tina Harris was elected to another term.

Outgoing president Todd Stramel gave a report of the past

year.

He said there has been high turnover in the chamber executive director position, but the chamber hired current director Holly Stephens a year ago.

To help, Stramel said the board developed a handbook for the position.

"It will allow the director to do the job better and more effectively," he said.

The board also has its own comprehensive handbook.

During the past year, the board placed an emphasis on businesses

in Thomas County outside of Colby. They visited almost all of the businesses in the county — more than 300 in all.

Membership in the chamber went up, with 16 businesses joining. Stramel said that was a 10 percent increase.

Sulzman also spoke.

He said he looks forward to helping the chamber with its goals over the coming year.

"I look forward to a great year with the chamber," he said.

The chamber serves more than 170 members in Thomas County.

Health department budget improving

By Tisha Cox

Colby Free Press

The Thomas County Health Department's budget is finally getting back in the black.

Lisa Molstad, health department administrator, said the department began the year with a \$56,000 deficit. She has spent the past few months reviewing the budget and working on ways to reduce the defi-

cit. The operating budget for 2007 is \$122,111. The department's operating budget comes from grants and tax money. The issue was with the county health fund, money that comes from the county. The department has six sources of income — five from the state and one funded by Thomas County.

She explained the root of the deficit was salary distribution. The problem was money from the

county health account was not debited to the state accounts. The concern is the county account will need to be reimbursed with state money.

After her hiring in December, the commissioners charged Molstad with going over the history of the department's funds.

"That's what I've done," Molstad said. "It has a history of a deficit back to 2005." The amount won't be brought down to zero by the end of

the budget year.

"It's impossible to do that," Molstad said. Instead, the deficit will be reduced as much as possible, and this month the department will finish in the red.

"We have to be accountable to the taxpayers on the money that we're spending," she said.

Commissioner Ken Christiansen said Molstad's progress with the budget is ahead of schedule.

Colby Free Press wins

The Colby Free Press won first place in headline writing in its division in the Kansas Press Association's Award of Excellence contest.

Awards were presented Saturday during the Kansas Press Association convention held Thursday through Saturday in Topeka. The Colby Free Press is in the

daily division I category.

Colby Free Press Publisher John Van Nostrand won third place in editorial writing.

Colby Free Press Editor Patty Decker received an honorable mention for her ongoing coverage of the dispute between the Kansas Board of Healing Arts and the Dr. Victor Hildyard.