

Smoothing the way



Scott Aeschliman and his crew from Burlington ran cement for new sidewalks and curb and gutter at the First United Methodist Church at the end of July. Paxton Building tore up the old side-

walk. The church board had decided the pavement needed to be replaced, said Gerald Paxton.

Photo by Pat Schiefen/The Goodland Star-News

Colby doctor appealing decision

By Patty Decker

Colby Free Press

A Colby doctor is appealing the state Board of Healing Arts' decision to revoke his medical license, asking the district court to let him practice until the case is resolved.



Hildyard

The board based its decision Saturday on two obstetrical cases, seven steroid cases, and charges of unprofessional behavior involving language and presigning blank progress notes.

The board had ordered the licesne of Dr. Victor H. Hildyard, 58, a family practitioner for more than 30 years in Thomas County, lifted on Tuesday. However, the doctor will continue practicing following a stay issued by District Judge Jack Burr Tuesday, said Mike O'Neal of Hutchinson, Hildyard's lawyer.

"Dr. Hildyard is still in business," O'Neal said.

In its final order, the board concluded that Hildyard practiced below the established standard of care to a degree constituting ordinary negligence on multiple occasions and on repeated instances involving steroid injections. The same conclusion was reached regarding two obstetrical patients.

The boards' presiding officer

hearing the case, Edward Gaschler, had cleared the doctor of any wrong-doing regarding all medical-related issues.

The board wrote they arrived at different findings from the initial order, adding Gaschler does not possess any special expertise regarding the medical profession.

"It was likely proper for him (Gaschler) to use the evidentiary standard," said the final order, adding that the board does possess that expertise and is entitled and expected to rely upon that in determining whether the record establishes practices below the standard of care.

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

"It took them (the board) this long to come up with reasons to disagree with the hearing officer. That's weak."

O'Neal said one of the two obstetrical 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 saw and heard the witnesses," he said. "He (Gaschler) found no deviation."

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

"These are the cases our expert

said were cases where there was no other effective form of treatment.

"Not one resulted in a bad outcome from the steroids."

O'Neal said some of the steroid patients had end-stage diseases for which this was the only treatment to relieve the suffering.

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

The next step, following Burr's decision to stay the revocation of the license, will be an appeal, he said.

O'Neal said he has 50 days to submit a written argument and the board has 30 days after that.

"A hearing before the court is about 80-plus days away," O'Neal said. "The court will then take the matter under advisement, review the extensive record and rule, and a decision to uphold or overturn could take as long as four months."

Depending on whether the judge upholds or overturns the decision, he said, either party may appeal to the Kansas Court of Appeals.

The final order was mailed Monday, said Mark Stafford, general counsel for the board. Hildyard faced 19 charges, 16 of which related to malpractice.

"The board concluded that Dr. Hildyard's license should be revoked based on evidence that he is a substantial threat to the public's health and welfare," Stafford said. The decision was made after the board, meeting in Topeka, heard arguments in a telephone conversa-

tion including O'Neal, who asked that the board not to lift Hildyard's license until he could appeal.

"The telephone conference call had only to do with a motion to stay the board's order until we had filed an appeal with the district court," O'Neal said.

The board decided on two orders after a closed session, Stafford said.

"First, they denied the stay, which would have allowed Hildyard to continue to practice medicine during the appeal process," he said. "The second order was the final order stating the reasons for revoking the doctor's license."

Stafford said the board had already issued a verbal order at its June meeting.

"Even with the verbal order," he said, "the order isn't effective until written and these last couple of months gave (the doctor) time to prepare, and as a practical matter due to the record being so large, it took the board time."

Stafford said the final order is about 17 pages long.

Stafford had no comment regarding the two-month wait in filing the final order since the board ruled Hildyard was a "substantial threat."

"I believe Mike O'Neal will address that in his appeal to the district court," Stafford said.

The judge, in ruling to stay the order, in effect overturned that part of the board's order and allowed Hildyard to continue practicing.

Salary contract to be voted on

By Pat Schiefen

The Goodland Star-News

The teachers union negotiating team and the Goodland School Board agreed Tuesday on terms for a contract for the 2006-2007 school year, giving teachers a \$625-a-year pay raise.

The board voted to approve the contract at a special meeting at 7:15 a.m. Thursday, and the teachers were to vote on it at 7:30 a.m. this morning.

The teachers has asked for an increase of \$850 per year on the base pay. At negotiations Tuesday at the board room at the district administration office, the board countered with a \$625 increase on base. The teachers representatives went into caucus to discuss the offer and on returning, accepted the board's offer.

Superintendent Shelly Angelos said the \$625, about a 2 percent increase to base pay, would cost the district \$83,400 in new money. The base salary for a starting teacher is \$30,875.

In teacher contract negotiations the room has two tables facing each other. The negotiating team for the school board, the superintendent, and the district clerk are on one side with the National Education Association team for the teachers on the other. Everyone is very serious. Behind the negotiators were teachers keeping track of what is said. Most have brought something to do, perhaps a book or their computer. They also bring munchies to share with each other.

The other real stickler to the contract was the issue of personal leave.

The teachers wanted to be able to convert two days of sick leave into personal leave, not have to use personal leave if they are unable to make it to school because of weather. The union asked that the maximum a teacher should have to pay if he or she needs to be gone after his leave has been exhausted would be the cost of a substitute.

President Jane Philbrick said that the teachers are valuable in the classroom. She said that the board would look at personal leave issues since it was apparent that it was an important issue.

Mary Porterfield, head negotiator for the teachers, said that if a teacher needs to be gone more than he or she has leave for, if it costs a day of wages, that will create even more stress on that teacher as well as a financial burden. She said the regular teacher still ends up doing the work.

The compromise reached was that the board would do a year-long study to find out the financial impact to the district if teachers could convert two days of sick leave into personal leave. Also the district would study to the need for additional personal leave due to weather.

The board and the teachers agreed on 187 days for the school year: 171 classroom days, two parent-teacher conferences, 5.5 work days, 7.5 in-service training days and one technology day. Porterfield reminded the board that they only had a half day scheduled for the year. Angelos said the calendars were still being changed.

Trail date delayed till after evaluation

By Jan Katz Ackerman

Colby Free Press

The trial for a man alleged to have raped an 8-year-old Thomas County girl in July won't take place until after a psychological evaluation.

Melvin W. Myers, 59, was arraigned Wednesday in Thomas County District Court on five sex-crime charges.

He was arrested at a residence in the 3400 block of County Road B on July 14.

Myers' attorney, Doug Spencer of Oakley, asked District Judge Glenn Schiffner to order a psycho-

logical evaluation to see whether Myers is competent to stand trial.

Spencer said he questions Myers' ability to understand the proceedings against him and to properly assist in his defense.

Myers pleaded not guilty to rape, aggravated indecent liberties with a child, two counts of aggravated criminal sodomy and aggravated indecent solicitation of a child.

Despite a state law which guarantees Myers the right to a trial within 90 days of his arraignment, because of the defense request, no trial date will be set until after the psychological evaluation.

New face added to advertising team

Crystal Ford, a native of Burlington, has joined Anne Selfridge in the advertising and sales department for *The Goodland Star-News*.

Ford, who started work Monday, will be handling businesses on the west side of Main Avenue. She said she glad to be in Goodland and would like to help anyone with their advertising needs.

She was born in Burlington and grew up in eastern Colorado and western Kansas. She graduated from high school in Greeley, Colo., and took classes from Pikes Peak

Community College.

Before moving to Goodland, she lived in Colorado Springs, where she worked for home mortgage and loan companies. Most recently, Ford worked for Wells Fargo.

Ford said she wanted to move back to the area to raise her son, Cameron, 5, in a small-town environment and be near her family in Burlington.

She said Cameron will attend kindergarten at North Elementary School. Ford said her life revolves around her boy.

Ford said of her job, "I like it and everybody I've met."



Ford



Selfridge

corrections

The Goodland Star-News will correct any mistake or misunderstanding in a news story. Please call our office at (785) 899-2338 to report errors. We believe that news

should be fair and factual. We want to keep an accurate record and appreciate you calling to our attention any failure to live up to this standard.

<p>Aug. 18-24 You, Me & Dupree</p> <p>PG-13: Sexual content; brief nudity; crude humor; language; drug reference</p>	<p>Bring this AD to the theatre for \$1 OFF on a large popcorn & 2 med. drinks EXP. 12/31/06</p>	<p>Nightly 7:00 Sunday Matinee 1:30 Movie Bucks Make Great Gifts! www.goodlandnet.com/movies</p> <p>Sherman 1203 Main - Phone 899-6103</p>
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If you need a 2006 Alumni Directory, please call Peggy Bahe at (785) 899-5433.

Dr. Brown and Staff would like to invite you to their 5 year Anniversary Party on August 18, from 11 a.m. to 2:30 p.m. CST. Come meet our new Hygienists Lisa House and Mikayla O'Dea. Appetizers, dessert and drinks provided.

Great Plains Family Dentistry
201 W. Broadway - Leoti, KS
(888) 374-7900 fax (620) 375-4588

Richardson's Homestead Realty

New listing
1016 Harrison



Spacious tri-level....Main floor offers large living room, dining room, eat-in kitchen; upper level three bedrooms, 1 1/4 baths and the lower level has fourth bedroom, big family room, laundry and bath. This home has had lots of remodeling including two all new bathrooms. The kitchen features Nemechek cabinets, new flooring, dishwasher, stove and microwave. There's a double car attached garage, central heat and air, no-paint steel siding and brick, sprinkler system in beautifully landscaped yard. \$104,900. Please call Donna Moore for your tour of this home.

Please take a minute to consider some of my other fine listings:

- 807 Cherry....Brick ranch with 2 bedrooms, 1 1/2 baths
- 803 College...Three bedroom ranch, big garage
- 801 Harrison....5 bedrooms, 2 1/2 baths
- 1522 Caldwell...3 bedrooms, 2 baths, New garage
- 1533 Caldwell...2 bedrooms, 1 1/2 baths, Family room
- 1208 Colorado...3 bedrooms, 2 baths, carport
- 1304 Harrison...5 bedrooms, 2 baths, double garage
- 326 Sycamore...4 bedrooms, 3 1/4 baths, 2 fireplaces
- 302 Spruce...4 bedrooms, 2 1/4 baths, great room
- 1612 Cherry 2 bedrooms, fireplace, garage
- 1509 Cherry 3 bedrooms, basement, garage
- 805 Harrison 4 bedrooms, 2 baths, basement

It would be my pleasure to help you find your new home! Please give me a call with any questions or to schedule an appointment to see the homes of your choice. Thanks, Donna Moore Email: donnam@eaglecom.net or dmoore@st-tel.net

<p>Terry Richardson 899-3093 terryr@eaglecom.net</p>	<p>Donna Moore 899-6159 donnam@eaglecom.net</p>	<p>Cynthia Butts 899-3944 gldrealtor@yahoo.com</p>
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