

MINUTES OF THE PUBLIC HEALTH AND WELFARE COMMITTEE

The meeting was called to order by Chairman Vicki Schmidt at 1:30 p.m. on March 15, 2011, in Room 546-S of the Capitol.

All members were present.

Committee staff present:

Nobuko Folmsbee, Office of the Revisor of Statutes
Melissa Calderwood, Kansas Legislative Research Department
Iraida Orr, Kansas Legislative Research Department
Carolyn Long, Committee Assistant

Conferees appearing before the Committee:

Frank Whitchurch, Prescription Solutions
Representative Tom Burroughs
Erik Sartorius, City of Overland Park, KS

Others attending:

See attached list.

The Chair opened the hearing on **SB 2125—Professional regulated sports act; civil penalties, violations, fees and rules and regulations.** Staff said this bill would allow the Athletic Commission, operated by the Department of Commerce, to issue fines of up to \$10,00 for violations of any rules and regulations authorized under the Kansas Regulated Sports Act. It creates a procedure for collecting fines and sets up a formal appeals process. The Boxing Commissioner would not be allowed to perform the duties of an Inspector and the Athletic Commission would now be allowed to appoint a Chief Inspector. It would also allow the Athletic Commission to collect a fee of up to 2.0 percent of the gross revenues received by a promoter and by any media network that televises a regulated sports contest. The fees would be used to pay for the costs of administering and enforcing the requirements of the Kansas Regulated Sports Act. It would also allow the Athletic Commission to regulate amateur mixed martial arts events. New definitions include grappling, noncompetitive sparring, and pankration, and updates existing definitions for professional full-contact karate, professional kickboxing, professional mixed martial arts, professional wrestling, and sparring.

The Chair welcomed Representative Tom Burroughs. Speaking in favor of the bill, Representative Burroughs stated that the proposed bill amends the Kansas Professional Regulated Sports Act. In 1980 the legislature abolished the Kansas Athletic Commission due to so few professional boxing matches in Kansas. However, the audit concluded that there was a definite need for some type of regulation. In 2006 the commission was established and this amendment will allow it to reach its full potential (Attachment #1).

Erik Sartorius, representing the City of Overland Park, stated that while the city does not have a position on the majority of the bill, they would like an amendment that would provide local governments the option of whether or not to review the sporting events by allowing local governments to continue the current practice of approving contests by resolution, or they could require a license to be obtained, or both (Attachment #2).

Written testimony was presented by Ed Klumpp, Kansas Sheriff's Association (Attachment #3)

There being no further conferees, the hearing on **HB 2125—Professional regulated sports act; civil penalties, violations, fees and rules and regulations** was closed.

The Chair then opened the hearing on **SB 211—Relating to dispensing prescriptions.** This bill would allow a pharmacist to provide a three-month supply of a legend drug that is not a controlled substance or psychotherapeutic drug when a practitioner has written a prescription that includes a sufficient number of refills for a three-month supply.

CONTINUATION SHEET

The minutes of the Public Health and Welfare Committee at 10:30 a.m. on March 15, 2011, in Room 546-S of the Capitol.

Frank Whitchurch, Prescription Solutions, said this legislation would reduce monthly trips to the pharmacy, reduce the load on physicians and pharmacists by saving the staff costs associated with the many phone calls which current law requires and would reduce pharmacy costs by dispensing one time in 90 days instead of every 30 days (Attachment #4).

Mike Larkin, Kansas Pharmacists Association, presented written testimony indicating the KPhA is neutral on this bill but would like the committee to consider that there may be times when a physician has designed a complicated dosing regimen for a patient to test the drug's efficacy and it shouldn't be later changed by a pharmacist (Attachment #5).

There being no further conferees, the hearing on **SB 211** was closed.

The next meeting is scheduled for March 16 2011.

The meeting was adjourned at 2:20 p.m.

SENATE PUBLIC HEALTH AND WELFARE COMMITTEE GUEST LIST

DATE: Tuesday, March 15, 2011

NAME	REPRESENTING
Eldonna Chesnut Justin	KPHA
Dottie Davis	Kansas Public Health Association
Kim Nabbs	KPHA
Heather Irving	KPHA
Ryan Heiman	KPHA
John W. Kephart	KPHA
Paul Davis	United Health Corp
Mark T. Drampton	KPHA
Ron Gaches	GBA
Deb Billingsley	KBOP
D'Jean Hendricks	DoFA (DLP) Shadowing
Nancy Zogelman	Polsinelli
Leigh Beck	Capitol Strategies
Kim Engelman	KUMC
Dan Morin (Nancy Zogelman's lackey)	KS Med Society
Melissa Ward	Hein law firm

HOUSE OF REPRESENTATIVES

TOM BURROUGHS

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TOPEKA

ASSISTANT DEMOCRATIC LEADER

COMMITTEE ASSIGNMENTS

RANKING DEMOCRAT: GENERAL GOVERNMENT BUDGET
 COMMITTEE

MEMBER: FINANCIAL INSTITUTIONS COMMITTEE
 INSURANCE COMMITTEE
 LEGISLATIVE BUDGET
 LEGISLATIVE POST AUDIT
 JT COMMITTEE ON STATE-TRIBAL
 RELATIONS
 KANSAS ATHLETIC COMMISSION

TESTIMONY ON HB 2125

MADAM CHAIR VICKY SCHMIDT, SENATOR BRUNGARDT, SENATOR KELLY AND MEMBERS OF THE COMMITTEE

THANK YOU FOR THIS OPPORTUNITY TO BRING BEFORE YOU TODAY HB 2125 WHICH AMENDS THE KANSAS PROFESSIONAL REGULATED SPORTS ACT.

A LITTLE HISTORY; IN JUNE 1980 THE LEGISLATURE ABOLISHED THE FORMER KANSAS ATHLETIC COMMISSION. THE MAIN REASON GIVEN BY LEGISLATIVE POST AUDIT WAS "SO FEW PROFESSIONAL BOXING MATCHES IN KANSAS (17 EVENTS DURING 1978). IN ADDITION, ADMISSION TAX RECEIPTS FOR BOXING COULD NOT SUPPORT THE OPERATIONS OF A REGULATORY AGENCY." HOWEVER, THE AUDIT CONCLUDED THAT THERE WAS A DEFINITE NEED FOR SOME TYPE OF REGULATION. IN 2006, WE ESTABLISHED A COMMISSION WITH OVERWHELMING LEGISLATIVE SUPPORT AND BELIEVE THAT THE AMENDMENTS IN THIS BILL WILL ALLOW IT TO REACH ITS FULL POTENTIAL.

THE KANSAS ATHLETIC COMMISSION IS CONTINUALLY CHALLENGED TO MEET INDUSTRY EXPANSION. THE PROPOSED PROVISIONS WILL COMPLIMENT AND STRENGTHEN KANSAS'S BOXING AND MIXED MARTIAL ARTS AND BETTER PREPARE IT TO COMPETE FOR BIG NAME EVENTS SUCH AS A WORLD CHAMPIONSHIP.

THE PROPOSED AMENDMENTS TO THE KANSAS PROFESSIONAL REGULATED SPORTS ACT IDENTIFY AND DIFFERENTIATE TYPES OF COMPETITIVE EVENTS (MIXED MARTIAL ARTS, GRAPPLING ARTS, PANKRATION), PROVIDE FOR MORE LOCAL CONTROL, BETTER DEFINE AND REGULATE AMATEURS, ESTABLISH A MEDIA FEE, AND INSTITUTE PENALTY PROVISIONS.

AS THE INDUSTRY OF PUGILISM HAS EVOLVED, IT IS NO LONGER JUST A MAN'S SPORT. THE DISCIPLINES ARE AS DIVERSE AS THE PARTICIPANTS WHO HAVE CONTRIBUTED TO ITS GROWTH IN POPULARITY. THE PROLIFERATION OF SPORTS NETWORKS HAS PROVIDED FOR NEW REVENUE, MARKETING AND ADVERTISING OPPORTUNITIES AS THE NUMBER OF VENUES AND EVENTS HAS INCREASED ACROSS THE STATE.

I SUBMIT TO YOU THAT KANSAS HAS A RICH BOXING HISTORY AND HAS TRULY EMBRACED AND BENEFITED FROM MIXED MARTIAL ARTS. THE PROPOSED AMENDMENTS STRENGTHEN THE KANSAS PROFESSIONAL REGULATED SPORTS ACT AND IN TURN BETTER ALLOW IT TO SERVE, PROTECT, AND REGULATE BOTH PARTICIPANTS AND SPECTATORS.

ON BEHALF OF THE KANSAS ATHLETIC COMMISSION, I ASK FOR YOUR CONSIDERATION AND FAVORABLE PASSAGE OF HB 2125. THANK YOU! I WILL STAND FOR QUESTIONS.

Senate Public Health & Welfare

Date 3-15-2011Attachment 1



ABOVE AND BEYOND. BY DESIGN.

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Testimony before the
Senate Public Health & Welfare Committee
Regarding House Bill 2125
By Erik Sartorius

March 15, 2011

The City of Overland Park appreciates the opportunity to appear before the committee and present testimony on House Bill 2125. While the City does not have a position on the bulk of this legislation, we would like to offer an amendment concerning one portion of the bill.

Under current law, prior to the holding of any of the types of contests overseen by the Kansas Athletic Commission, a city or county must adopt a resolution approving the holding of such contests within their jurisdiction. House Bill 2125, as drafted, would instead provide for local governments, if they chose, to institute a licensing process the holding of such contests within the boundaries of the local government.

The City of Overland Park does not oppose the creation of a licensure option for local governments. At the same time, the preference of the governing body has been to review these contests individually. We believe that removing the option of adopting a resolution would remove a level of oversight that is strongly preferred by the City's governing body.

Attached to this testimony is an amendment we seek for HB 2125. This amendment would provide local governments the option of whether or not to review these sporting events. Local governments would be allowed to continue the current practice of approving contests by resolution, or they could require a license to be obtained, or both. Additionally, a local government could choose to put none of these structures in place.

We respectfully ask for inclusion of this amendment should the committee chose to recommend House Bill 2125.

Senate Public Health & Welfare
Date 3-15-2011
Attachment 2

HB 2125 proposed amendment

HB 2125 as drafted on page 6:

Sec. 7. K.S.A. 2010 Supp. 74-50,189 is hereby amended to read as follows: 74-50,189. The commission shall not issue any license to hold regulated sports contests in the state of Kansas, unless:

(a) Such regulated sports contests are sponsored by a promoter licensed by the commission;

~~(b) the governing body of the city in which such contests are to be held has adopted a resolution approving the holding of such contest; or if such contests are to be held in the unincorporated area of a county, the board of county commissioners of such county has adopted a resolution approving the holding of such contests. If required by the governing body of the city, the promoter shall obtain a license from the governing body to hold such contest; or if such contests are to be held in the unincorporated area of a county, if required the promoter shall obtain a license from the board of county commissioners of such county;~~

HB 2125 Proposed amendment:

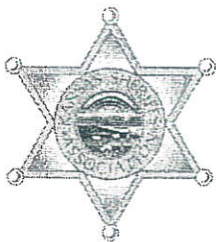
Sec. 7. K.S.A. 2010 Supp. 74-50,189 is hereby amended to read as follows: 74-50,189. The commission shall not issue any license to hold regulated sports contests in the state of Kansas, unless:

(a) Such regulated sports contests are sponsored by a promoter licensed by the commission;

(b) The promoter has obtained, if either or both are required by the governing body of the city, or if such contests are held in the unincorporated areas of a county, the board of county commissioners of such county:

(1) approval of the event by a resolution adopted by the governing body of the city in which such contests are to be held; or if such contests are to be held in the unincorporated area of a county, a resolution adopted by the board of county commissioners of such county approving the holding of such contests, or

(2) a license from the governing body of the city to hold such contest; or if such contests are to be held in the unincorporated area of a county, if required a license from the board of county commissioners of such county;



Kansas Sheriffs Association

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Sheriff Sandy Horton, Executive Director

March 15, 2011

Senate Health and Welfare Committee

REF: Support for HB2125

Senator Schmidt and distinguished members of the Committee

The Kansas Sheriff's Association is supportive of HB 2125 and believes it is sound public policy to provide oversight and regulation to amateur and professional mixed martial arts, grappling arts, and kickboxing contests. Furthermore, the most qualified organization to administer the regulations is the Kansas athletic commission.

The growing popularity of mix martial arts alone warrants the development of appropriate rules, and regulations, to ensure safeguards are in place for the participants and the integrity of the contests remains intact. HB 2125 provides the Kansas athletic commission with the statutory authority to license, suspend, or discipline contestants or promoters who refuse to comply with the standards set forth.

In conclusion, The Kansas Sheriff's Association encourages the members of the committee to vote favorably on HB2125 and forward the bill to the House for further consideration.

Senate Public Health & Welfare

Date 3-15-2011

Attachment 3

**Senate Public Health and Welfare
Testimony in Support of
Senate Bill 211**

Frank Whitchurch
Manage Pharmacy Operations
Pharmacist in Charge
Prescription Solutions

Chairperson Schmidt , Members of Senate Public Health and Welfare Committee

My name is Frank Whitchurch. I am a licensed pharmacist in the state of Kansas and have been practicing pharmacy for almost 40 years. When I started practicing community pharmacy the only resources available to me were a typewriter and references to consult about drug therapy. Over the years I have seen many positive changes occur in pharmacy. We now monitor our patient's drug therapy using the latest computer equipment running state of the art programs which check for drug interactions not only with other drugs but with food and various disease states. We consult a patient profile each time we fill or refill a patient's prescription checking for frequency of refill and interactions with previous drug therapy

Pharmacists working with other members of the health care team deliver world class health care to Kansas patients.

However as we all know this level of care is not delivered without significant costs. The debate centered on controlling health care costs occurs not only nationally but in our state as all parties seek a solution that does not diminish the level of care provided.

The bill you have before you for consideration is a small but significant step toward reducing health care costs. Many physicians write prescriptions for a 30 day supply of a drug with multiple refills. The prescriber may not know that their patient is spending the winter in Arizona or going on a vacation that lasts longer than a month. They may also not know that their patient has an insurance benefit that pays for a 90 day supply in a retail pharmacy or at a mail service pharmacy. This bill would, with some limitations, allow pharmacists to use professional judgment to dispense up to a 90 day supply of medication when there are refills written on the prescription that allow it. It would, in other words, allow for up to a 90 day supply of maintenance medication to be dispensed at one time.

(OVER)

Senate Public Health & Welfare
Date 3-15-2011
Attachment 4

The bill you have before you would help our patients by

- Reducing monthly trips to the drug store, saving gasoline and time
- It would reduce the load on physicians and pharmacists by saving the staff costs associated with the many phone calls which current law requires
- It would reduce pharmacy costs by dispensing one time in 90 days instead of every 30 days

In summary this bill would allow a Kansas pharmacist to review a patient's drug therapy and history and make a decision for the benefit of their patient. It would reduce the direct cost to the patient by allowing the pharmacist to increase the quantity dispensed when it makes sense to do so. It would reduce health care costs by reducing the load on physicians and staff making more time for those calls with clinical significance.

I urge the committee to look favorably on this bill and I would be happy to stand for any questions.



Senate Committee on Public Health and Welfare

Testimony on Senate Bill 211
from the Kansas Pharmacists Association

Submitted by Mike Larkin, KPhA Executive Director

March 15, 2011

Chairman Schmidt and Members of the Committee:

Thank you for allowing the Kansas Pharmacists Association to provide testimony today on Senate Bill 211 concerning the dispensing of prescriptions in Kansas. The Kansas Pharmacists Association is neutral on this bill; however, please consider the following during your deliberations.

Passage of Senate Bill 211 has the potential to save time and ease aggravation for both patients and pharmacists by allowing the pharmacist to fill prescriptions for up to 90 days.

However, while we have the utmost confidence in the professional judgment of Kansas's highly trained pharmacists, there may be times when a physician has designed a complicated dosing regimen for a patient--to test the drug's efficacy, for example--that shouldn't be later changed by a pharmacist. Senate Bill 211 has the potential to assume the physician's reasoning for prescribing a 30-day dosage by allowing a pharmacist fill the prescription for up to 90 days. If a pharmacist fills a 90-day supply of a drug that the doctor only intended for 30 days, and if the drug did not work for the patient during the initial 30 days, then the remaining 60 days of the filled prescription would be wasted.

We appreciate the opportunity to provide this testimony. Thank you.

Kansas Pharmacists Association
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Date 3-15-2011

Attachment 5