

Approved: February 8, 2005

Date

## MINUTES OF THE HOUSE HEALTH AND HUMAN SERVICES COMMITTEE

The meeting was called to order by Chairman Jim Morrison at 1:33 P.M. on February 7, 2005, in Room 526-S of the Capitol.

### Committee members absent:

Representative Brenda Landwehr- excused  
Representative Mario Goico- excused  
Representative Patricia Kilpatrick- excused

### Committee staff present:

Melissa Calderwood, Kansas Legislative Research Department  
Mary Galligan, Kansas Legislative Research Department  
Rena Jefferies, Revisor of Statutes' Office  
Gary Deeter, Committee Secretary

### Conferees appearing before the committee:

Dr. Paul Harrison, Chair, Governor's Advisory Committee on Trauma  
George McCrary, Kansas Health and Fitness Association (proponent)  
Scott Huston, President, Kansas Health and Fitness Association (proponent)  
Jason Brittan, Citizen (proponent)  
Wade Ferguson, Gold's Gym, Merriam, Kansas (Written only, proponent)

### Others attending:

See attached list.

The Chair announced that a copy of *U.S. News and World Report* for January 31 - February 7, 2005, was made available to give members a background for the hearings on February 9 and 10.

The minutes for February 2 and 3 were approved.

Dr. Paul Harrison, Chair, Governor's Advisory Committee on Trauma, updated the committee regarding the Trauma Registry. ([Attachment 1](#)) He said the registry was implemented to prevent unnecessary death and disability resulting from trauma, the leading cause of death among younger adult populations, noting that a trauma system makes efficient use of facilities and resources and can decrease preventable deaths and medical costs. He stated that the registry was authorized by statute in 1999, placed under the oversight of the Kansas Department of Health and Environment, presently consists of 24 members appointed by the Governor, and continues development and refinement as more hospitals and Emergency Medical Services are brought into the system and trained in the collection of data. He explained that a trauma system is designed to take advantage of the "golden hour" that often is the difference between life or death, or between limited life and full recovery. He said the committee consists of appropriate medical specialties and is divided into 6 regional trauma councils. He said one current problem is tracking a patient who is transferred from one hospital to another while honoring privacy issues. The Chair thanked Dr. Harrison for his report.

## CONTINUATION SHEET

MINUTES OF THE House Health and Human Services Committee at 1:33 P.M. on February 7, 2005 in Room 526-S of the Capitol.

The Chair opened th hearing on [HB 2204](#) and welcomed George McCrary, representing the Kansas Health and Fitness Association and owner of the Baldwin Athletic Club. ([Attachment 2](#)) Mr. McCrary cited statistics showing the health concerns of obesity, the 2<sup>nd</sup> highest cause of preventable deaths in America, noting obesity's link to diabetes, cardiovascular disease, and hypertension. He stated that most health-care plans are actually "sick-care" plans that offer after-the-fact treatments for disease. He said modern health clubs offer a wide variety of services that encourage good diet, physical fitness, exercise programs and other health-building activities, quoting statistics from a Michigan study listing benefits and dollars that could be realized by businesses and government entities.

Scott Hutson, President, Kansas Health and Fitness Association and owner of Maximus Fitness and Wellness Center in Topeka, also spoke as a proponent of the bill. ([Attachment 3](#)) He said the U. S. Surgeon General's call to prevent and decrease obesity, published in 2001, identified ways to reduce obesity, among which were healthy eating habits and physical exercise. He said that the sales tax exemption does not put dollars in owners' pockets, but provides an incentive for Kansas citizens in becoming more physically fit.

Jason Brittan, a citizen from Wichita, spoke as a proponent of the bill. ([Attachment 4](#)) He said that exercise has enhanced his life and promoted his health. He commented that the most difficult part of an exercise regimen is getting started; the bill will offer an incentive to make it easier for an individual to begin a more healthful lifestyle.

Wade Ferguson, Gold's Gym, Merriam, Kansas, provided written testimony as a proponent. ([Attachment 5](#))

Members asked conferees questions as follows:

Mr. McCrary said that the sales tax exemption would provide 2/3 of one month's fees over the course of a year. He said that if the exemption is granted, he will notify all members that their fees were being reduced.

John Peterson, representing the Kansas Health and Fitness Association, said exempting health clubs from sales tax would cost the State General Fund \$1.7 million, \$1.8 million for all funds. A member commented that based on those figures, the health-club industry generated about \$30 million per year.

Mr. McCrary replied that fitness clubs have family memberships, which would provide children access to services similar to the YMCA. Mr. Hutson observed that family memberships allow parents to set a good example for children and pass on to them a healthier lifestyle.

Several members expressed concern about giving a tax exemption to a for-profit business. Mr. Peterson commented that most sales-tax abatements help organizations cut their spending costs. Unlike most other exempt organizations that forego sales tax on purchases, health clubs would still pay sales tax on all their purchases; this bill would grant an exemption only for the fees charged the consumer. It would help businesses only indirectly, but would directly help the consumer save money, noting that of the 75 organizations that are granted a sales-tax exemption in Kansas, 30 are not-for-profit. Further, he noted that

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the bill has positive health implications.

Mr. McCrary said that Baldwin has no YMCA or recreation center; if a person wants fitness training, his athletic club is the only choice.

As other questions were posed, Greg Ferris, Executive Director, Kansas Health and Fitness Association, introduced himself, saying he had helped the conferees by providing research for them. He said the tax exemption would be important to about 5% of health-club members, noting the Michigan study showed if 1 in 20 people became and remained physically active, the state could avoid \$575 million in costs over a period of 4 years; thus the initial sales tax cost of the bill would ultimately provide a cost-benefit the state. He further commented that insurance companies are beginning to have preferential rates for those who exercise, and he cited General Mills and other unspecified companies that save from \$100 to \$300 per year per employee by encouraging employee fitness.

The chair closed the hearing on **HB 2204**.

Staff provided a briefing on four bills to be considered tomorrow:

**HB 2153** would amend the Long-term Care Ombudsman Act by requiring that reports of abuse and neglect be made to the Secretary on Aging rather than to the Department of Health and Environment (KDHE); replacing Social and Rehabilitative Services and KDHE with the Department on Aging as the agency with which the Ombudsman must collaborate; and exempting certain information sent to the Secretary of the Department of Aging from the Open Records Act. Ms. Galligan suggested the committee may want to update the citation to the Open Records Act.

**HB 2154** repeals sections of the statute by removing provisions of the hearings process that are superseded by the Kansas Administrative Procedures Act.

**HB 2225** would amend one statute in the Pharmacy Act regarding renal dialysis facilities. The bill would repeal the requirement that the Board of Pharmacy assist dialysis facilities in locating a consulting pharmacist in certain situations.

**HB 2155** amends existing law to allow a pharmacist to refill a drug prescription (except for schedule 2 drugs) on an emergency basis after attempting to contact the prescribing physician and after determining that such a refill is needed to protect the health and safety of the individual.

The meeting was adjourned at 3:03 p.m. The next meeting is scheduled for Tuesday, February 8, 2005.