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1/4/12

Wednesday, January 4, 2012

The Times

FLOYD COUNTY

1/4 - 4 2012

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Volume 86, Issue 11 - 75 Cents

Free heart and EKG screening Jan. 23

MINNIE — King's Daughters Medical Center is offering a free healthy heart and EKG screening beginning at 10 a.m. Monday, Jan. 23, on the KDMC Auxiliary Mobile Health Unit at the Minnie branch of the Floyd County Public Library, 8324 Kentucky Route 122.

A Kentucky Heart Institute provider will review test results.

The screening includes an EKG, total cholesterol, blood pressure, blood sugar and blood oxygen levels, and is sponsored by King's Daughters in cooperation with the Kentucky Heart Foundation. Appointments are required and may be made by calling 1.866.HEARTKY (432-7859). No fasting is required.

Heart disease is the leading cause of death in the U.S., accounting for more than 34 percent of all deaths annually. Every 38 seconds, an American dies of cardiovascular disease, according to the American Heart Association.

Early detection is key to reducing the impact of heart disease, said Tracy Woods of King's Daughters Community Relations department. "When it comes to heart disease, knowledge is power," she said.

An EKG is a test that

See HEART | A2

Governor puts halt to hospital merger

Deal would have combined St. Joe with Jewish, UofL

Jack Latta
Staff Writer

FRANKFORT — A plan to merge several Kentucky Hospitals and the University of Louisville was axed last Friday by Gov. Steve Beshear after

concerns were raised with regard to several key political issues.

Earlier this year, Jewish Hospital & St. Mary's HealthCare/Jewish Hospital HealthCare Services, along with Catholic Health Initiatives and its Kentucky-

based operation, Saint Joseph Health System, the University of Louisville Hospital/James Graham Brown Cancer Center and the University of Louisville had agreed to merge into a statewide health services organization.

On Friday, Beshear objected. "Significant legal and policy concerns have been raised about this proposed merger, including constitutional and public policy questions about the influence of a religious

institution, especially regarding reproductive issues," said Beshear in a released statement. "In addition, if for some reason in the future the merger

See MERGER | A3



Snow Days

The first snowfall of the season meant the first snow day of the year for local students, as light snow, wet roads and freezing temperatures combined to make for hazardous driving conditions. Schools dismissed at 1:30 p.m. Monday, and classes were called off Tuesday and Wednesday.

photo by Jack Latta

Nominations being accepted for East Ky. Leadership Awards

Ralph B. Davis
Managing Editor

PRESTONSBURG — When the 25th annual East Kentucky Leadership Conference is held in Prestonsburg April 26 and 27, one of the highlights of the event will be the annual awards banquet.

During the banquet, awards will be presented to those who have made their mark on Eastern Kentucky. According to a statement issued by the East Kentucky Leadership Foundation, which oversees the conference, those who receive awards include those whose "work is inspirational and represents some of the 'best of our region'; their contribution has broad appeal or impact on the region, they live in or have strong ties to the area, they have not received wide recognition for their efforts, they are living and the organization is functional."

Nominations are now being accepted for the East Kentucky Leadership Awards, and the deadline to nominate someone is Feb. 15.

Persons and organizations can be nominated in the following categories:

- Culture/Arts — Given in recognition of outstanding contribution to the advancement of culture/arts in the region.
 - Media — Given in recognition of outstanding achievement in the field of news publication and/or broadcasting.
 - Organization — Given to recognize groups that have organized to provide a needed service to the region.
 - Public Individual — Given to recognize an individual whose public service is dedicated to the betterment of the region.
 - Private Individual — Given to recognize an individual whose private service is dedicated to the betterment of the region.
 - Tony Turner Award — Given to an individual, group or organization that has demonstrated major contributions to the betterment of the region. This is a very special award that is not given every year.
- Anyone interested in nominating a person or organization for any of the above awards can obtain a nomination form by contacting Mike Mullins, chair of the East Kentucky Leadership Conference Awards Committee by calling (606) 785-5475, emailing mmullins@hindmansettlement.org, faxing (606) 785-3499, or mailing 71 Center Street, Box 844, Hindman, KY 41822.

Noted native author Jack Justin Turner dies

Jack Latta
Staff Writer



Jack Justin Turner

LEXINGTON — A Floyd county native, noted professor and author of several works set in his native Appalachia died last week at the age of 74.

Dr. Jack Justin Turner, of Maytown, died Dec. 29, at Central Baptist Hospital in Lexington.

Turner was born and raised in Langley, the son of Virgil Osmer (V.O.) and Virginia Casey Turner. Dr. Turner leaves behind his beloved wife of 51 years, Judy (Gibson) Turner, his high school sweetheart who he met at Maytown High School, where

Judy was a Cheerleader for the Wildcats and Turner was a star basketball player. As a senior at Maytown High School, Turner reportedly scored 41 points and took down 33 rebounds while beating neighboring Garret High School on an impossible last-second shot.

Turner and his wife were known to spend their time in Maytown on their farm, which had reportedly been with the family since 1858.

Turner graduated from Berea College before going on to earn his Ph.D. at the University of Kentucky. He was a professor of International Relations at Middle Tennessee State University in Murfreesboro, Tenn., where he was honored as Professor Emeritus following his retirement.

Turner was the author of several books, including "The Sheriff's Murder Cases, The Foxes and the Hounds, Big Medicine River Days, and The Sheriff of Frozen's Murder Cases. Turner's soon-to-be-published stories

See TURNER | A2

2 DAY FORECAST Today

Partly Cloudy

High: 38 • Low: 18

Tomorrow

Partly Cloudy

High: 45 • Low: 27

For up-to-the-minute forecasts, see floydcountytimes.com

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Groups to mark 15th anniversary of the Battle of Middle Creek

Jack Latta
Staff Writer

MIDDLE CREEK — One hundred fifty years later, Floyd County eyes turn once more toward Middle Creek, as locals commemorate a clash between the Union and Confederate armies.

On a cold winter morning the Jan. 10, 1862, Union and Confederate forces battled at the forks of Middle Creek. The outcome of the battle would establish Union dominance of the Big Sandy River and eventually provide a career stepping-stone for the Union Commander James A. Garfield, who would eventually become President of the United States.

At 2 p.m., Sunday, Jan. 8, the Friends of Middle Creek will conduct a ceremony commemorating the battle's sesquicentennial at the

Middle Creek National Battlefield, located at the junction of Routes 114 and 404 near Prestonsburg. Anyone who had a relative who died at the Battle of Middle Creek is invited to share the name and life of their fallen soldier.

"We will be having a flag raising, donated by Woodmen of the World, and with the assistance of the Allen Central ROTC," said Floyd Davis, Ast. Adjutant of the Friends of Middle Creek.

"The Battle of Middle Creek was the largest battle in Eastern Kentucky, and determined control of the Mount Sterling/Pound Gap Road," said Davis. "That doesn't sound like much today, but at the time, that was the only improved road through the area."

Davis says while there won't be an

See BATTLE | A2

The Holidays Are Over

Despite chilly temperatures, Prestonsburg city workers started the week off with the annual chore of removing Christmas decorations.

photo by Ralph B. Davis

Early Morning Breakfast Special

7 a.m.-11 a.m., Monday-Friday

(1) 2 Eggs, Bacon or Sausage & Biscuits or Toast served w/Jelly3.89

(2) 2 Pancakes, Bacon or Sausage4.19

(3) Country Gravy and Buttermilk Biscuits3.19

(4) Oatmeal (good for the heart) & Toast w/Jelly3.19

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7 a.m.-11 a.m. Saturday - Sunday

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Turner

From Page A1

included Bluegrass Days, the sequel to The Foxes and the Hounds, and The Sheriff of Hell's Murder Cases, as well as a nonfiction book, Maytown Magic and Mayhem: Fifty Years of Mountain Basketball. Turner is also the author of several scholarly writings.

For his writing Turner has been called the "Louie Lamour of the High Hill Country," and his reviews have been favorable, with one reviewer saying, "In The Sheriff's Murder Cases, Justin Turner's voice rings so true that one might think the author is actually channeling the spirits of his early 20th century characters. Seldom does a book transport a reader so surely to another place and time."

According to relatives, Turner researched his

stories fastidiously over several decades, and was arguably more knowledgeable about the factual history of southeastern Kentucky and its people than anyone who has ever written about the area. He loved Kentucky's hill country, and was an advocate for giving that respect it deserves, but he felt, seldom receives.

A close friend remarked of Turner's passing, "No one can replace Jack Justin Turner. His mother had it right when she wrote 'I shall not make a poem to my son. He is one, towering above the rest, My best.'"

Turner's funeral was held Sunday, Jan. 1, at Hall Funeral Home in Martin, and he was buried at Davidson Memorial Gardens, at Ivel.

OBITUARIES



Jack Justin Turner
Jack Justin Turner, 74, died Thursday, Dec. 29, 2011, at Central Baptist Hospital in Lexington, Kentucky.

Born and raised in Langley, the son of Virgil Omer (V.O.) and Virginia Casey Turner, Dr. Turner leaves his beloved wife of 51 years, Judy (Gibson) Turner, whom he met at Maytown High School, where Judy was a cheerleader for the Wildcats and Justin their star basketball player. Dr. Turner graduated from Berea College, earned his Ph.D. at the University of Kentucky and was a professor of International Relations at Middle Tennessee State University in Murfreesboro, Tenn., which honored him as Professor Emeritus after his retirement.

In addition to numerous scholarly writings, Dr. Turner was the author of three published novels, The Foxes and the Hounds; Big Medicine River Days; The Sheriff's Murder Cases, and The Sheriff of Frozen's Murder Cases. Soon-to-be-published works include Bluegrass Days, the sequel in The Foxes and the Hounds trilogy; The Sheriff of Hell's Murder Cases, and a nonfiction book, Maytown Magic and Mayhem: Fifty Years of Mountain Basketball. Dr. Turner researched his stories fastidiously over several decades, and arguably was more knowledgeable about the factual history of southeastern Kentucky and its people than anyone who has ever written about the area. He loved

the Kentucky hill country, and was a powerful advocate for giving that part of Appalachia the respect it deserves but seldom receives.

In addition to his wife, Dr. Turner leaves behind several hundred successful former students, and numerous friends and family members who were grateful to have known a person one friend called "a living miracle." Another close friend remarked upon hearing of Dr. Turner's passing, "No one can replace Jack Justin Turner. His mother had it right when she wrote 'I shall not make a poem to my son/He is one/ Towering above the rest/ My best.'"

Funeral services for Jack Justin Turner were held Monday, January 2, at Hall Funeral Home in Martin, with burial following at Davidson Memorial Gardens, at Ivel.

Helen M. Flanery

Helen M. Flanery, age 84 of Hebron, formerly of Martin, wife of the late Isaac Flanery, passed away on Saturday, Dec. 31, 2011, at her residence.

She was born March 1, 1927 at Blackey, Ky., the daughter of the late George and Elizabeth Stuart Symon. She was retired from Triangle Market, in Martin, and a Member of the First Assembly of God. She was preceded in death by her parents; husband, Isaac "Ike" Flanery; three brothers, Bob, Bill and George Symon; and two sisters, Ann Raines and Christine Adams.

Survivors include, one son, Danny Flanery, of Allen; three daughters, Peggy Sue Flanery, of Martin, Janet Horn, of Maineville, Ohio, and Sherry Ward, of Hebron; seven grandchildren; and 12 great grandchildren.

Funeral Services were conducted Tuesday, Jan. 3, in the Hall Funeral Home Chapel, in Martin, with Rev. Lori Vanucci officiating. Burial followed in the Dingus Family

Cemetery, in Martin.

Alma M. Keathley

Alma M. Keathley, 69, of Grethel, died December 29, 2011, at her residence.

She was July 1, 1942, in Pike County, the daughter of the late Waldon and Katie Newsome Hamilton. Married to Buford Keathley, she was a homemaker and a member of the Little Dove Old Regular Baptist Church.

In addition to her husband, she is survived by one son, James Keathley, of Galveston; two daughters, Laura Jean Blankenship and Oma Kay Akers, both of Galveston; two brothers, James Hamilton and Avron Hamilton, both of Harold; two sisters, Kathrene Hamilton Bryant, of Virgie, and Daphne Johnson, of Craynor; nine grandchildren; several great grandchildren; and one on the way.

In addition to her parents, she was preceded in death by one son, Johnny Keathley; three brothers, Johnny Hamilton, Abel Hamilton and Arnold Lee Hamilton; and three sisters, Iva Mae Hamilton, Lack Hamilton and Mabel Hamilton.

Funeral services for Alma M. Keathley were held Sunday, Jan. 1, at Little Dove Old Regular Baptist Church, at Harold, with Old Regular Baptist Ministers officiating. Burial followed at Keathley Cemetery (Brannham's Creek), at Harold.

Donald (Donnie)

Lee Chaffin Jr.

Donald (Donnie) Lee Chaffin Jr., age 49, of Wasilla, Alaska, formerly of Floyd County, passed away of natural causes Monday, Dec. 26, 2011, at his home in Wasilla.

He was born March 6, 1962, in Martin, the son of Donald Chaffin Sr. and the late Betty Lou Hale Chaffin. He was a member of the Stephens Branch Missionary Baptist Church and a 1980 graduate of Betsy Layne High School. Donnie enjoyed hunting,

and all sports, as well as visiting with his family and friends. He was especially fond of his nieces and enjoyed being their "Uncle Donnie."

In addition to his father, Donald is survived by one brother, Michael Chaffin, of Eagle River, Alaska, and one sister, Kathy (Rex) Williams, of Lakewood, Ohio.

Donald was preceded in death by his mother, Betty Lou Hale Chaffin.

Funeral services for Donald Lee Chaffin, Jr. were held Saturday, Dec. 31, in the Hall Funeral Home Chapel, with Bob Varney officiating. Burial followed in the Hale Cemetery, in Martin.

Herbert Gary

Wright

Herbert Gary Wright, 61, of Prestonsburg, died Friday, Dec. 30, 2011, at Highlands Regional Medical Center.

He was born Feb. 13, 1950, to the late Edgar Lee and Josephine Wallen Wright. He worked as a Coal Miner and Boom Truck Operator for Unisign, and was a Mason. He was the husband of Bertha Burchett Wright.

He was preceded in death by one son, Gary Lee Wright.

He is survived by two sons, Kevin Richard Wright and Brian Keith Wright, both of Prestonsburg, three brothers, Charles Wright and J.B. Wright, both of Prestonsburg, and Ricky, Donald Wright, of Staffordsville; two sisters, Edna Jo Mollett, of Staffordsville, and Ocie Lee Maynard, of Prestonsburg; six grandchildren, Gary Wayne, Kaitlyn, Madison, Landon Lee, Ashley and Kamron; one great-grandchild, Nickala; an uncle, John "Dad" Wallen; and two aunts, Emma Grace Wallen and Mary Wallen.

Funeral services were held Tuesday, Jan. 3, at Nelson Frazier Funeral Home, with Paul Coleman and Nathan Thomas officiating. Burial followed the service at the Family Cemetery at Emma.

Battle

From Page A1

official reenactment, there will be muskets and cannon fire. "There will be plenty of bangs and booms."

Members will also walk the Garfield trail, retracing the route of the union soldiers as part of the commemoration.

In conjunction with the sesquicentennial, the

Friends of May House will be joined by the Friends of Middle Creek in celebrating Old Christmas at the May House, beginning at 5 p.m. Free tours will be given and light refreshments will be served. Everyone is welcome.

For more information, contact Floyd D. Davis by phone at (606) 886 6323.

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Applications are due by Feb. 1, 2012

For more information, call 1-800-851-7512, ext. 83575, or visit www.uky.edu/SocialWork/prospective/master/offcampus/hcc/welcome.htm.

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Heart

From Page A1

checks for problems with the electrical activity of your heart. It also is used to check the health of the heart, especially when conditions such as high blood pressure, high cholesterol and diabetes are present.

To be eligible, participants must be at least 50 years of age and not participated in a KDMC heart/vascular screening in the past 12 months. Additional screening criteria may apply, which allow us to see those at greatest risk for heart disease.

KDMC is a locally controlled, not-for-profit, 465-bed regional referral center, offering comprehensive cardiac, vascular, medical, surgical, maternity, pediatric, rehabilitative, psychiatric, cancer, neurological, pain care, wound care and home care services. For additional information, visit us online at kdmc.com or call 1.888.377.KDMC (5362).

www.floydcountytimes.com

Floyd County Animal Shelter

Pet of the Week

The Celebrities of the Week are **GRACE AND SHERI** LEAMASTER and "NEW YEARS SPECIAL", a 10 week old St. Bernard Mix. New Year's Special has been helping Sheri and Grace at the Volunteer Lawyers for Appalachian Kentucky, providing pro bono legal representation for low-income residents throughout Eastern Kentucky.

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Food prices fall in fourth quarter, but still up 8.8 percent for year

LOUISVILLE — The latest Marketbasket Survey, conducted by the Kentucky Farm Bureau Federation in December 2011, indicates that average retail food prices in supermarkets across the state have decreased by 1 percent during this last quarter. According to the survey, the total cost of 40 basic grocery items was \$115.90. This reflects a decrease of \$1.16, or 1 percent, from the same list of items reported in the previous quarter.

While the Marketbasket Survey now reports two consecutive quarters with decreasing prices to close out the year, the fourth quarter total for 2011 is still \$6.69, or 6.1 percent, higher than the same reporting period in 2010, and \$1.62, or 10.1 percent, higher than the third quarter of 2009. This chart illustrates the quarter-by-quarter trends over the previous three years. Additionally, the average Marketbasket Survey total from all four quarters of 2011 was \$116.34 — an increase of \$9.39, or 8.8 percent, over the previous year's average total of \$106.95. This chart illustrates the annual average price total trends over the previous three

years.

Of the six food groups recorded in the survey — beef, dairy, fruits and vegetables, grain, pork, and poultry — the fruits and vegetables category showed the greatest total decrease with an average price drop of 7.0 percent. The beef category made the largest average increase of 1.9 percent. Idaho potatoes had the greatest single-item decrease with an average price drop of \$0.84 per 10 lbs, and the highest single-item increase was ribeye steak, climbing an average of \$0.78 per pound. Overall, 20 of the 40 items in this survey experienced decreases in average price, one was unchanged (one pound whole wheat bread), and 19 items increased.

The Marketbasket survey's top five average price decreases reported for items in the fourth quarter of 2011 were:

- Idaho Potatoes, from \$4.42 per 10 pounds to \$3.98 per 10 pounds down 84 cents or 17.4 percent
- Vanilla Ice Cream, from \$3.64 per half-gallon, down \$3.12 per half-gallon, down 52 cents or 14.3 percent
- Whole Smoked Ham, from \$2.95 per pound to \$2.55 per pound, down 40 cents per pound or 13.6 percent

- Red Delicious Apples, from \$1.76 per pound to \$1.46 per pound, down \$0.30 per pound or 17.0 percent

- Whole Fryers, from \$1.37 per pound to \$1.08 per pound, 29 cents per pound or 21.2 percent

- Ribeye Steak, from \$9.59 per pound to \$10.37 per pound, up 78 cents per pound or 8.1 percent

- Mild Cheddar Cheese, from \$4.42 per pound to \$4.91 per pound, up 49 cents per pound or 11.1 percent

- Cut-Up Fryers, from \$1.68 per pound to \$1.98 per pound, up 30 cents per pound or 17.9 percent

- American Cheese, from \$3.39 per 24 slices to \$3.67 per 24 slices, up 28 cents per pound or 8.3 percent

- White Bread, from \$1.39 per pound to \$1.67 per pound, 28 cent per pound or 20.1 percent

While Kentucky retail food prices in 2011 mirrored national trends and increased noticeably during the first half of the year, the fourth quarter's 1 percent decrease deviates slightly from what has been

reported nationwide. Based on the U.S. Department of Labor's Bureau of Labor Statistics' most recent Consumer Price Index data released in mid-December (which reflects figures through November 2011), national food prices increased by 0.1 percent in the last reported month and climbed a total of 4.6 percent over the past 12 months.

Though food prices have a myriad of market factors that impact total retail pricing, many price boosts can be directly linked to the necessary role that energy and transportation have in food production — and their associated changes in cost, too. The Bureau of Labor Statistics reports that all energy costs have gone up 12.4 percent while gasoline prices have increased by 19.7 percent over the last 12 months.

Despite the rise in retail food prices experienced

nationwide, Americans continue to enjoy some of the lowest food prices in the world and spend only about 10 percent of their disposable income on food each year. U.S. food costs remain far lower than that of other countries thanks in large part to agricultural efficiencies utilized in America. Putting those efficiencies to use currently allows the average U.S. farmer to produce enough food and fiber to provide for about 154 people. In 1980 each farmer only produced enough food and fiber for 115 people, and that output drops to just 19 people when looking back to 1940.

Yet while more food is now being produced on less land, the farmer's share of the retail food dollar in America is down. According to the U.S. Department of Agriculture's new Food Dollar Series, a farmer earns less than 16 cents per

dollar spent on food, down significantly from the 31 cents earned as recently as 1980.

Kentucky Farm Bureau Federation has conducted its regional Marketbasket survey over the past four decades as a tool to reflect local retail food pricing trends and their relationship to what farmers receive for their raw commodities. Cities reporting on the Kentucky Farm Bureau Marketbasket Survey for the fourth quarter of 2011 include: Augusta, Bardstown, Bowling Green, Brandenburg, Campbellsville, Danville, Eddyville, Elktion, Flemingsburg, Gamaliel, Glasgow, Grayson, Harrodsburg, Hopkinsville, Lexington, Louisville, Madisonville, Mayfield, Mumfordsville, Owensboro, Paducah, Powderly, Richmond, Russellville, Somerset and Walton.

Merger

From Page A1

partners were forced to separate, the potential costs of that unwind could be significant and have a detrimental impact not only on University Hospital, but also on the taxpayers of this state.

Beshear consulted with Attorney General Jack Conway, former State Auditor Crit Luallen, and officials from the various medical centers saying he appreciated the efforts of those involved to improve Kentucky's healthcare services.

Governor Beshear states that the loss of control in a public asset is very troubling. "University Hospital is a public asset with an important public mission, and if this merger were allowed to happen, U of L and the public would have only indirect and minority influence over the new statewide network's affairs and its use of state assets."

Since beginning talks in March 2010, the organizations involved had reportedly explored many subjects with regard to the merger including equity, governance, the role of academic medicine in a new entity, similarities of purpose among the parties, and more.

In a recent report by Northwestern University economist David Danove, University Hospital could "face a dire financial future" if a planned merger with two Kentucky hospital systems did not go through, but admitted that the deal

could also pose risks to University's mission as a safety net hospital for the poor.

Beshear offered thanks to U of L and its partners, but said in the end that the risks were simply too great. "I have determined that this proposed transaction is not in the best interest of the Commonwealth and therefore should not move forward. In my opinion the risks to the public outweigh the potential benefits."

How the proposed merger would have affected St Joseph - Martin, or how the Governor's actions might affect the hospital in the future are uncertain. Calls to St Joseph - Martin were not immediately returned.

Saint Joseph Health System includes Flaget

Memorial Hospital, Bardstown; Saint Joseph - London; Saint Joseph - Hartford; Saint Joseph Hospital and Saint Joseph East, Lexington; Saint Joseph - Berea; Saint Joseph - Jessamine; and Saint Joseph - Mount Sterling. The system has 1,012 licensed beds, approximately 5,000 employees and approximately 1,300 physicians on its medical staffs.

Beshear says he is committed to assisting the facilities to provide quality care to the poorest and most vulnerable citizens.

"These hospitals provide critical services, and we stand ready to help them fulfill their missions and succeed in a changing health care economy."



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Viewpoint

Worth Repeating ...

A liberal is a man who is right most of the time, but he's right too soon.

— Gregory Nunn

Amendment 1

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; abridging the freedom of speech, or of the press; or the right of the people to peaceably assemble, and to petition the government for a redress of grievances.

Guest View Increasing minimum wage helps working families

Christine L. Owens

While working families struggle to make ends meet in this sluggish economy, there is a bright spot on the horizon: On Jan. 1, the minimum wage will increase in eight states, raising wages for more than 1.4 million low-wage workers. The increases in Arizona, Colorado, Florida, Montana, Ohio, Oregon, Vermont and Washington are a result of state laws that adjust the minimum wage upward each year to keep pace with the rising cost of living.

As a result, individuals who do the hard work of cleaning and securing office buildings, providing day care and driving food will not fall further behind as prices for food, gas and utilities continue to rise. The increase not only helps hard-working men and women provide for their families, but also boosts the overall economy. When Franklin Roosevelt first established the federal minimum wage during the Great Depression in 1938, he emphasized that a strong wage floor is "an essential part of economic recovery." The same is true today.

When low-wage workers have more money in their pockets, they have little choice but to spend it immediately on basic necessities like groceries, clothing and school supplies. And as demand for goods and services grows, businesses expand and hire, the increased spending resulting from the minimum-wage bumps in eight states on Jan. 1 will lead to an additional \$366 million in economic output and create the equivalent of more than 3,000 jobs, according to an analysis by the Economic Policy Institute. That's a shot in the arm our economy desperately needs.

The minimum-wage increase is especially important when so many better-paying jobs in sectors like construction, manufacturing and finance

have disappeared, and many families are left supporting themselves with lower-paid service-sector jobs. An analysis by the National Employment Law Project found that while the majority of jobs lost during and after the recession were in mid-wage occupations, roughly three-quarters of the jobs added since job growth resumed are in low-wage occupations.

And things aren't going to improve any time soon: The Bureau of Labor Statistics estimated that seven of the 10 occupations with the most job growth between 2008 and 2018 will be low-paying positions. While we know our economy will have an increasing number of positions in home health care, food preparation and customer service, these jobs don't have to pay poverty wages. At one time, many manufacturing jobs that we now yearn for were dangerous, low-wage and undesirable. But we turned them into good jobs, with safer work places, higher pay, and voice for workers.

Eight states will take a step in the right direction on Jan. 1 when they raise minimum wage rates to keep pace with inflation. But while more than 1.4 million workers will see their wages increase Jan. 1, millions more must depend on the stagnant federal minimum wage of just \$7.25, or \$15,000 a year for full-time work. The American people know this isn't right: A national poll conducted in November found that more than two-thirds of Americans support raising the minimum wage to \$10 an hour. It's a deeply popular idea that can help boost the economy while not adding to state or federal budget deficits.

It's time for Congress and state legislatures across the country to take a cue from these state leaders and raise and index the minimum wage.

Christine L. Owens is the Executive Director of the National Employment Law Project.



A Legislative Perspective

Rep. Greg Stumbo
Speaker of the House

Each year, the General Assembly's work is split into two distinct areas: Its legislative session, which begins in January, and the interim, which starts in late spring and runs toward the end of the year.

Although the public's attention is understandably more focused on the time when legislators are debating the budget and any laws that might be adopted, the latter period is important as well, because this is when my colleagues and I get a chance to take a closer look at the issues facing the state.

During that time, 15 joint House and Senate committees meet monthly, along with eight other committees that are dedicated to monitoring specific areas of state government, such as Medicaid, administrative regulations and government contracts.

There are special, but temporary, task forces as well. This past year, we had two, with one looking at ways to curb childhood obesity and the other exploring ways we can further improve the state's criminal statutes.

In the other committees, the issues ranged from the recent success Kentucky has seen economically to the challenges faced by some in our youngest generation. In the Appropriations and Revenue Committee, we learned from the Cabinet for Economic Development that the number of new jobs that pass year after year outpaced last year by more than 20 percent.

Since 2009, when the state's tax incentives were overhauled, more than 350 companies have received at least preliminary approval from the cabinet, with the potential investment pegged at \$3.5 billion. These projects could generate

as many as 20,000 jobs and protect 7,300 more.

With that good news in mind, the Economic Development and Tourism Committee heard from several different groups about other positive changes being seen across the state.

The new KFC Yum! Center in Louisville, for example, saw a phenomenal first year. According to an international trade publication, it ranked 42nd among the top 50 venues in the world in ticket sales.

Our bourbon industry, meanwhile, remains in high spirits. Production is up 50 percent since 1999 and are now more barrels aging in Kentucky than people — and the bourbon trail that began that same year has attracted nearly two million tourists to our distilleries in the last five years alone. Kentucky bourbon can now be bought in 126 countries, which is three more than McDonald's, and yet there are only 3,200 people directly involved in production.

Another area where we have seen great success is online learning. Our Education Committee learned earlier this year that the Kentucky Community Technical College System is first among the southern states in the percentage of students earning credits online. The number of credit hours awarded to KCTCS students has risen from 200,000 in 2005 to about 800,000 now. Overall, about a third of all postsecondary students in Kentucky have taken at least one course online.

Many of those students are able to afford these classes thanks in part to lottery-based scholarships they earned in high school. According to testimony the president/CEO of the Kentucky Lottery gave the State Government Committee, sales topped \$1 billion since the first ticket was sold in 1989. About \$8 billion of that has been returned in prizes,

and the state has received the lion's share of the rest. Of that, about \$1.6 billion has gone directly to KYES scholarships and college grant programs.

One of the more prominent laws to come out of this year's legislative session was the easing of restrictions on firearm sales. The state fire marshal told our Licensing and Occupations Committee that the number of vendors predictably went up as a result, from 400 last year to 674. Though there were a greater number of nuisance calls around the Fourth of July, there wasn't any noticeable increase in fireworks-related fires or serious injuries.

Both our Judiciary and Health and Welfare committees spent part of their year focusing on problems facing our youth. The Judiciary Committee learned that, between 2005 and 2010, more than 2,700 children 19 and younger found themselves caught up in the judicial system. Some in the courts believe these children would be better served through social services.

The Health and Welfare Committee, meanwhile, focused its attention on how the state can better protect young children from being abused or even killed. There were 42,000 cases of potential abuse investigated last year, and 29 percent of those were substantiated. That's well above the national average of 26 percent.

These examples are only a few of the more prominent that have come up since last spring, and in many cases, they will help guide bills that are filed for the upcoming legislative session, which begins this week. I will of course keep you updated on its progress in the weeks ahead.

If you would like to leave me or any legislator a message during this time, please call 800-372-7181. For those with a hearing impairment, the number is 800-896-0305.

House Week in Review

Rep. Hubert Collins

It was nearly 15 years ago when we lawmakers made a promise to ourselves and every Kentuckian to improve educational achievement in the state with the passage of a sweeping postsecondary education reform bill known as House Bill 1. Today, Kentucky is making steady progress toward the goals the 1997 bill required the commonwealth to meet by 2020.

One goal to be achieved under HB 1 was creation of an efficient, coordinated postsecondary education system that would meet the needs of the education level of Kentucky adults. The Council on Postsecondary Education (CPE), which HB 1 gave the responsibility to develop a plan to accomplish the goals in HB 1, decided to make doubling the number of bachelor's degree holders in Kentucky by 2020 part of the plan. A new stage was set, and work began.

Today, according to a report given by the CPE to the Interim Joint Committee on Education this fall, that work is paying off.

Kentucky ranked first in the nation in improvement of degree completion and undergraduate credential rates between 2000 and 2009, according to the CPE report. Our rate of degree completion by adults age 25 to 64 improved more than any state in the country, as did our six-year graduation rate at four-year public and private schools, and the number of undergraduate credentials awarded each year to 18- to 24-year olds with no college degree. We also ranked second

nationwide in improvement of degree completion among young adults, third nationally in improvement of three-year private institutions, and fifth nationally in improvement of the number of undergraduate credentials awarded that took a year or more to earn.

Now, according to CPE President Bob King, Kentucky has a new strategic agenda to help the commonwealth enhance its efforts over the next three years. Called "Stronger by Degrees", the agenda is designed to help the CPE meet its existing goal to "double the number" of degree holders while addressing four target areas: College readiness, student success, efficiency and innovation, and research, economic and community development.

For each area, a percentage of improvement is expected between now and 2015 under the Stronger by Degrees plan. For example: In the area of college readiness, the CPE expects a 31 percent improvement among Kentucky high school graduates and 23 percent improvement among GED graduates. In the area of student success, the CPE hope to reduce graduation rate gaps for low-income, underprepared and underrepresented minorities by 35 to 50 percent by 2015, while increasing conference degrees and credentials by 31 percent for associate's degrees and 16 percent for bachelor's degrees. For research, economic and community development, the CPE hopes to increase the number of credentials in science, technology, math, engineering

and health fields by 12 percent through 2015 (among other improvements), while a 26 percent improvement in online learning and 12 percent improvement in degree productivity (relative to education) is planned in the area of efficiency and innovation.

Making all of this work will take money—about \$25 million for fiscal year 2014, according to the CPE. This "performance funding" would be a financial incentive for colleges and universities to improve degree production, graduation rates, and transfers from two-year to four-year colleges and universities. It would also help to close achievement gaps of underprepared students. In such a tight budget cycle, whether or not the funding will be granted is very uncertain, but I will be watching closely to see how this request proceeds.

Educational progress, as well all know, is not a quick fix. It takes time for policy makers and educators to see what works, what does not work, and what more must be done to bring about desired results. But with HB 1 as our compass and new strategies at work to get us to our destination, state lawmakers remain hopeful that the commonwealth will make good on our 15-year-old promise to the CPE.

By the time you receive this article the 2012 Regular Session will have convened in Frankfort. I will have updates on our first session week in Frankfort for you in my next column. Until then, enjoy this first week of the New Year!

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Bobcats beat Beechwood in PIT

STEVE LeMASTER
SPORTS EDITOR

PIKEVILLE - Betsy Layne blew by Beechwood 74-49 on Friday to post a 3-1 record in the Pikeville Invitational Tournament.

Five Betsy Layne scorers reached double figures as the Bobcats improved to 9-1.

Beechwood dropped to 3-6 after absorbing the loss.

Landon Hale led Betsy Layne with a team-high 17 points. Dylan Meade scored 14 points and Cody Luster added 12 for the Bobcats.

Andrew Roberts and Peyton Case contributed 11 points apiece for Betsy Layne in the PIT matchup.

Roberts led Betsy Layne on the boards, grabbing seven rebounds.

A first-year Bobcat, Meade was named to PIT All-Tournament Team.

As a team, Betsy Layne claimed 32 rebounds. The Bobcats hauled in 26 of their rebounds on the defensive end.

Betsy Layne gained an advantage early and never relinquished the lead.

The Bobcats limited Beechwood to 15 points in the first half. Betsy Layne outscored Beechwood 17-8 in the opening quarter and took a comfortable 38-15 lead into intermission.

Betsy Layne remained in control throughout the second half. The Bobcats toted a 58-31 lead out of the third quarter.

Other scorers for Betsy Layne were Dustin Rogers (four points), Blake Spencer (two points), Tanner Martin (two points) and Charles Daniel (one point).

Senior forward Corey Cruse paced Beechwood with a game-high 24 points. Cruse was the only Beechwood scorer to reach double figures. Max Nussbaum netted seven points and Carter Richardson chipped in six for the Tigers.

Betsy Layne excelled offensively, shooting 57.4 percent (27-of-47) from the field. The Bobcats were 5-of-13 from 3-point range.

Betsy Layne connected on 15-of-25 free throws.

Pikeville won its latest invitational tournament, edging longtime 14th Region powerhouse Hazard 56-55 in the championship game.

Betsy Layne will visit Johnson Central Thursday. Tip-off for the Betsy Layne-Johnson Central game at the JCHS Fieldhouse is set for 7:30 p.m.

PIKEVILLE INVITATIONAL TOURNAMENT

Betsy Layne 74, Beechwood 49

Beechwood (3-6): Nussbaum 7, Cruse 24, Richardson 6, Frewitt 3, Estrella 4, Randolph 3, McKenzie 1.

Betsy Layne (9-1): Roberts 11, Hale 17, Meade 14, Case 11, Luster 12, Daniels 1, Spencer 2, Rogers 4, Martin 2. Beechwood..... 8 716 18-49 Betsy Layne.....17 21 20 16-74

Rebels upend Wolfe County

STEVE LeMASTER
SPORTS EDITOR

PIKEVILLE - After trailing at the end of each of the first three quarters, Allen Central went on a 23-9 in the final period to push past Wolfe County on Wednesday in the opening round of the Pikeville Invitational Tournament at the T.W. Oliver Memorial Gymnasium. Allen Central battled back to beat Wolfe County 67-59.

With the win, Allen

Central improved to 5-6, halting a two-game losing streak.

The Rebels shot 59 percent from the field, converting on 19-of-32 attempts. Allen Central exited the tournament game 7-of-20 from 3-point range. The Rebels were 8-of-10 from the free throw line.

Braxton Tackett paced Allen Central with a game-high 24 points. Tackett led a trio of Allen Central scorers in double figures. Seth

Jarrell scored 15 points and Jacob Prater added 14 for the Rebels.

Tyler Cole and Micah Harlow rounded out the Allen Central scoring with eight and six points, respectively.

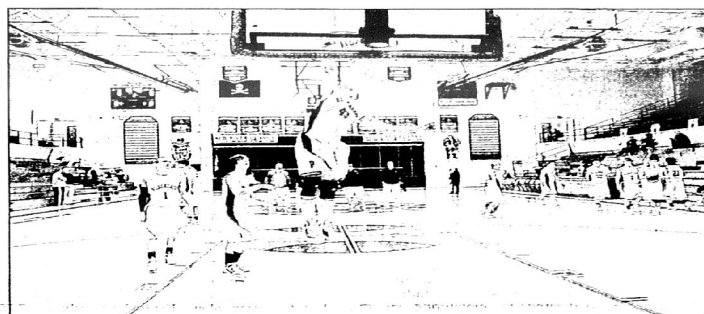
Prater pulled down a team-high eight rebounds for the Rebels. Cole, another steady performer, contributed seven rebounds in Allen Central's victory.

Allen Central survived

See REBELS | A6



Braxton Tackett (11) soared for a layup during Allen Central's Pikeville Invitational Tournament game.



Senior Joseph Jamerson hit the game-winning shot to lift Prestonsburg over Menifee County in the final round of Powell County's Red River Classic.

Blackcats outlast Menifee County in OT

STEVE LeMASTER
SPORTS EDITOR

STANTON - Senior forward Joseph Jamerson hit the game-winning shot in overtime on Thursday as Prestonsburg outlasted Menifee County 86-84 in the Red River Classic at Powell County. The Blackcats defeated Menifee County for their second straight win in the Powell County tournament.

Determined Prestonsburg edged Menifee County 6-4 in the overtime period.

At the conclusion of the contest, Jamerson was named Player of the Game.



First-year head coach James DeRossett guided Prestonsburg to a pair of wins last week in the Red River Classic at Powell County.

Prestonsburg, which improved to 5-6 overall, shot 53.1 percent (34-of-64) from the field. The Blackcats also fared well beyond the arc,

connecting on 9-of-18 3-point field goal attempts. Prestonsburg was 9-of-15

See OUTLAST | A6

No. 18 Union rallies past Pikeville

Times Staff Report

BARBOURVILLE - A 12-point lead with under six minutes to play proved to be not enough as the University of Pikeville Bears lost at No. 19 Union College Friday 72-69 in the Bulldog Holiday Classic.

A layup by freshman Sydni Waincott with 5:50 left put the Bears on top 64-52. But Union proceeded to score 20 of the next 22 points to pull away for the win.

Six different Bulldogs scored during the run, which didn't end until freshman Christin Haney hit a three with one second left. Senior Kara Pile had six for the Bulldogs, while junior Lindsey Waters made four free throws in the final 25 seconds to help seal the deal.

Pikeville (4-11) controlled most of the game, and when junior Lanae Shouse-Stacy scored on a layup with 2:47 left in the first half the lead was a fat 18 (39-21). The Bears were on top 43-31 at the half.

The lead was as large as 14 in the second half, and Union didn't gain the second-half lead until only 55 seconds remained in the contest.

UPIKE's balanced attack was led by Haney and freshman Whitney Belle Jackson with 13 points each. Haney had five rebounds and a pair of steals while Jackson added 1 six boards. Waincott followed with 12 points.

Freshman guard Kayla Smith led the Bears with 10 rebounds, four of them off the offensive glass. The 21 offensive rebounds helped the guests to a 47-43 advantage on the backboards. Union (11-2) was led by Waters, who poured in 28 points and grabbed 14 rebounds. Pile added 17 points and eight rebounds on the day she scored her 1,000th point.

Pikeville will be back in action on Thursday (Jan. 5) when it hosts Campbellsville University. The first game of a Mid-South Conference doubleheader, the game will tip off at 6 p.m.

Pikeville holds off Webber International

Times Staff Report

BABSON PARK, Fla. - Senior Andrew Young poured in 20 points and junior Trevor Setty after an injury on Thursday. The Bears now have six days to prepare for Campbellsville University, which visits the Expo Center on Thursday, Jan. 5. Pikeville took a 40-27 lead to halftime and stretched it to 20, 47-27, on a free throw by junior

Chris Watson with 17:36 left. It was the biggest lead of the game. But the Warriors battled back and led by a single point on three different occasions. The game was tied 11 times, but when Setty hit a jumper with 3:04 left, the Bears went ahead 65-64 and would maintain a lead the rest of the game. With 10 seconds left Setty hit one of two from

the line to make it a 72-69 lead. The Warriors got a basket from Luke Marlur with one second left but could not draw even. Young scored his 20 points on 8-of-10 shooting from the field. Setty tossed in 17 and grabbed 10 rebounds, leading the Bears to a 44-23 dominance on the glass. Webber (5-5) was led

by senior Dave Marlur, who had 20 points to go with seven assists, six rebounds and three steals. Junior Johnson Mesidor followed with 14 points while Luke Marlur tossed in 11 off the bench. Pikeville shot 46.8 percent from the floor but made only 11-of-20 from the free throw line. That was compared to Webber sinking 25 of its 41 tries from the stripe.

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Betsy Layne beats Wolfe County, returns to win column

STEVE LeMASTER
SPORTS EDITOR

PIKEVILLE — After suffering its first loss of the season, Betsy Layne bounced back with a win on Thursday, defeating Wolfe County 72-51 in the Pikeville Invitational

Tournament at T.W. Oliver Memorial Gymnasium. Hazard dealt Betsy Layne its first loss in the 2011-12 season on Wednesday, defeating the Bobcats 66-53. Betsy Layne gradually pulled away from Wolfe County for the win. The offensive-heavy Bobcats

shot 50 percent (26-of-52) from the field. Betsy Layne was 5-of-14 from 3-point range and shot 71.4 percent (15-of-21) at the foul line. Dylan Meade paced Betsy Layne with a game-high 19 points. Landon Hale scored 11 points and Cody Luster contributed 11

for the Bobcats. Peyton Case and Andrew Roberts narrowly missed double figures, finishing with nine points apiece. Betsy Layne's balanced scoring attack featured nine different scorers with Garran Newsome (six points), Dustin Rogers

(three points), Charles Daniels (three points) and Coby Harmon (two points) also producing. Roberts ranked as Betsy Layne's leading rebounder, registering eight rebounds. Hale had five rebounds for the Bobcats. Betsy Layne registered

15 assists opposed to 13 turnovers in the winning effort. Wolfe County suffered its third straight loss. Allen Central and Beshevo defeated the Wolves in games played earlier in the Pikeville Invitational Tournament.

Bears fall to Lions

Times Staff Report

BABSON PARK, Fla. — The University of Pikeville saw an 11-point lead evaporate in the final 6-1/2 minutes of play Thursday afternoon and lost to Emmanuel (Ga.) College 72-62. The game was played as part of a classic at Webber International University, against whom the Bears will play on Friday at 2 p.m. Pikeville (8-5) led by 11 as many as four times, and held the edge for the final occasion with 6:37 to play after a jump shot by senior Kyan Hines made it 57-46 with 6:37 to play. But the Lions turned the game around quickly.

They outscored the Bears 18-1 in the next 4-1/2 minutes. Senior Asmatiek Fields scored the first four of the stretch and his basket with 2:01 to play made it 64-58. Fields led all players with 21 points and seven rebounds on the day. The Bears got as close as four twice down the stretch but never got closer, with the Lions scoring the final six points to hold their only double-digit lead of the game at the end. Pikeville struggled shooting the basketball all day, finishing 39.6 percent overall and only 5-of-20 from the arc. Emmanuel (8-5), did the same, connecting on

38.9 percent from the floor and 25 percent from the line. But where Pikeville was only 15-of-24 from the free-throw line, Emmanuel finished the contest 26-of-35. Fields was joined in double figures by two teammates. Senior Graham Maxwell tossed in 13 points and had five rebounds, while freshman Jeremy Burgess came off the bench for 10 points and four boards. Senior Andrew Young led the Bears with 14 points on 6-of-11 shooting from the floor. Junior Trevor Setty finished with 13 points and was one of three Bears with five rebounds in the loss.



Eighth-grader Dalton Frasure (35) is a talented newcomer for the Prestonsburg boys' varsity basketball team.

Outlast

From Page A1

Four different Prestonsburg scorers reached double figures. Freshman guard Jarrin Hall paced Prestonsburg with a team-high 17 points. Following Hall in the Prestonsburg scoring column, junior guard Bryson Williams chipped in 15 points for the Blackcats. Jamerson and eighth-grader Dalton Frasure added 14 points apiece as Prestonsburg prevailed in Powell County's annual tournament. Menifee County outscored Prestonsburg 24-18 in the opening quarter and led 40-34 at halftime. The Wildcats clung to a 60-

59 lead at the end of the third quarter. Ten different Prestonsburg players dented the scoring column. Jarred Jarrell seven points while Cody Bentley and Trey Stapleton tossed in six apiece. Others scorers for the Blackcats were Adam Crisp (four points), Grant Anderson (two points) and Wesley Robinson (one point). Senior guard Shawn Welch poured in a game-high 37 points to lead Menifee County. Gerald Walton, a senior forward, tossed in 22 points and junior guard Drew Swartz added 17 for the Wildcats. Menifee County, which went 1-2 in the Red River Classic, dropped to 4-9 overall.

Prestonsburg was visiting Lawrence County at press time Tuesday night. **RED RIVER CLASSIC AT POWELL COUNTY Prestonsburg 86, Menifee Co. 84 (OT)** Prestonsburg (86): Jarrell 7, Bentley 6, Hall 17, Williams 15, Anderson 2, Robinson 1, Stapleton 6, Frasure 14, Jamerson 14, Crisp 4. Menifee County (84): Swartz 17, Williams 3, Welch 37, Ramsey 4, Quillen 1, Walton 22. Prestonsburg.....18 16 25 21 6-86 Menifee County.....24 16 20 20 4-84

Pikeville women fall to Tennessee Wesleyan

Times Staff Report

BARBOURVILLE — The University of Pikeville fell behind by nine points in the first half and could do no better than play even afterwards in a 67-58 loss to Tennessee Wesleyan College Thursday night. Pikeville (4-10) shot only 32.2 percent for the game in a contest that saw some fairly even team stats posted. The Lady Bulldogs made only 34.9 percent from the floor.

While the Bears sank only 31.3 percent from the arc, TWC was 36.4 percent. Tennessee Wesleyan (7-4) edged the Bears on the glass 46-43, with both teams turning it over 20 times. Pikeville was 15-of-22 from the line; the Lady Bulldogs 15-of-23. Senior Jennifer Grant came off the bench to hit 4-of-7 from the arc and lead the Bears with 12 points. Freshman Whitney Belle Jackson tossed in 10

for the Bears, who had six players score at least six points. One of them was freshman guard Kayla Smith, who pulled down a team-high eight rebounds. Junior Heather Gibson led the balanced Lady Bulldog attack with 13 points. Senior guard Leah Frazier followed with 12 while junior Lauren Murr came off the bench for 10. Sophomore Cody Hauck added seven points and a game-high nine rebounds.



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Wildcats sweep weekly awards

Times Staff Report

LEXINGTON — The University of Kentucky men's basketball team swept the Southeastern Conference weekly awards as announced by the league office on Monday. Michael Kidd-Gilchrist, a 6-foot-7, 232-pound freshman guard from Somerdale, N.J., was named SEC Player of the Week after averaging 21.0 points, 12.5 rebounds and 2.5 assists in wins over Lamar and fourth-ranked Louisville. Kidd-Gilchrist followed his career-high 18-point night against Lamar with a career-game against intrastate rival Louisville, where he posted his second career double-double with career highs in points (24) and rebounds (19). For his efforts against UoL, he was named the game's MVP by the Bluegrass Sports Commission. His 19 rebounds was a UK-UoL series record.

Anthony Davis, a 6-foot-10, 222-pound freshman forward from Chicago, Ill., was named SEC Freshman of the Week after averaging 14.0 points, 11.5 rebounds, six blocks, 1.5 steals and one assist in wins over Lamar and fourth-ranked Louisville. Davis blocked 12 shots on the week and is on pace to destroy the UK single season blocks record. He hit a career-high 12 free throws in the win over Louisville, finishing with 18 points and 10 rebounds while blocking six shots for the second-straight game and tying his career high in steals with three. It marks the fifth time Kentucky has swept the weekly awards since the freshman of the week award was introduced in 2006 and the fourth time under UK head coach John Calipari. The award is Davis' second this season, and the first for Kidd-Gilchrist. The Wildcats have now won four SEC weekly awards this year.



Michael Kidd-Gilchrist named Player of the Game

Times Staff Report

LEXINGTON — The Bluegrass Sports Commission (BSC) today named Kentucky's Michael Kidd-Gilchrist the Most Valuable Player of Saturday's men's basketball game between the University of Kentucky and the University of Louisville. The Wildcats won the game 69-62. Kidd-Gilchrist, a freshman, had 24 points and 19 rebounds in leading his team to victory in one of college basketball's biggest rivalries. "We are proud to present this award to Michael Kidd-Gilchrist," said BSC Executive Director Terry Johnson. "In a very intense rivalry game, Michael stood out with an incredible all-around effort." Kidd-Gilchrist will receive a trophy in recognition of his achievement. The award was given to former UK forward and current New York Knick Josh Harrellson in 2010. **Rebels** From Page A1 14 turnovers en route to the win. The Rebels are not slated to meet Wolfe County again this season. The Rebels exited the Pikeville Invitational Tournament 5-8 following back-to-back losses to Hazard and Greenup County. Allen Central is scheduled to host Prestonsburg tonight in a key 58th District/Floyd County Conference game.

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Legals

NOTICE OF INTENTION TO MINE Pursuant to Application Number 836-5659, Renewal No. 1

In accordance with KRS 350.055, notice is hereby given that FCDC Coal, Inc., P.O. Box 1200, Robinson Creek, Kentucky 41560 has applied for a renewal of a permit to an existing underground coal mining and reclamation operation located 0.25 mile south of Dana in Floyd County. The proposed operation will disturb 3.40 surface acres and will underlie 1,770.16 acres, and the total area within the permit boundary will be 1,773.56 acres.

The proposed operation is approximately 0.50 miles south from KY Route 1420's junction with Hunts Fork County Road and located adjacent to Prate Creek.

The proposed operation is located on the McDowell USGS 7 1/2 minute quadrangle. The surface area to be disturbed is owned by The Elk Horn Coal Company, LLC. The operation will underlie land owned by The Elk Horn Coal Company, LLC, Carl Mitchell, et al., Timothy Reynolds, Noah Vance, Willis Tackett, Walker and Ella Hall, Crit and Daisy Mitchell, Samuel Hamilton and Clifford Reynolds.

The application has been filed for public inspection at the Department for Natural Resources, Prestonsburg Regional Office, 3140 South Lake Drive, Prestonsburg, Kentucky 41653. Written comments, objections, or requests for a permit conference must be filed with the Director of the Division of Permits, #2 Hudson Hollow Complex, U.S. 127 South, Frankfort, Kentucky 40601. This is the final advertisement of the application. All comments, objections, or requests for a permit conference must be received within 30 days of today's date.

PUBLIC NOTICE

Notice is hereby given that Mark Bates, 4329 Cabala Ct., Lexington, KY 40515 has filed an application with Energy & Environment Cabinet to fill in a bottom. The property is located on Int 122 & 680 in McDowell 1/4 mile upstream on left bank of the 2nd culvert on his property Left Beaver Creek. Any comments or objections concerning this application shall be directed to Kentucky Division of Water Surface Water Permits Branch 200 Fair Oaks Lane # 111 Frankfort, KY 40601 phone 606-564-3410.

Legals

NOTICE OF INTENTION TO MINE Pursuant to Application Number 858-564 owned - ment No. 6

In accordance with the provisions of KRS 350.070, notice is hereby given that Czar Coal Corporation, 81 Enterprise Drive, DeBord, Kentucky 41214 has applied for an amendment to an existing underground coal mining and reclamation operation located 2.5 miles south-east of Odds in Martin, Floyd and Johnson Counties. The amendment will add 21.16 acres of surface disturbance and add 2,729.89 acres of underground mining that overlies existing underground permitted boundary, making the total area within the permit boundary will be 1,215.56 acres.

The amendment area is approximately 2.5 miles south of Kentucky Route 33 junction with Big Sandy Regional Airport Road and located in Sycamore Creek of Daniels Creek and Crooked Branch of Johns Creek.

The proposed amendment is located on the Thomas and Lancer U.S.G.S. 7-1/2 minute quadrangle maps. The amendment is to add a face-up area in the Coalburg seam and add slope up to the Van Lear seam and add underground mining areas that overlie currently permitted underground areas. The surface area affected by this amendment is owned by Cochontas Development Corporation. The operation will underlie land owned by Cochontas Development Corporation, New South Mining Company, Inc., Jerry Howell, William Crider, Charles & Della Bradley, Gene Porter, Leslie, John Claude Burchett, Sammy Lafferty, et al., Frank & Harold Buskirk and Virgie Burchett - Heisler.

The amendment application has been filed for public inspection at the Department for Surface Mining Reclamation and Enforcement's Prestonsburg Regional Office, 3140 South Lake Drive, Prestonsburg, Kentucky 41653. Written comments, objections, or requests for a permit conference must be filed with the Director, Division of Permits, #2 Hudson Hollow, U.S. 127 South, Frankfort, Kentucky 40601.

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- Life Insurance

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The champion of painkillers

Charles Ornstein and Tracy Weber
ProPublica

The news about narcotic painkillers is increasingly dire: Overdoses now kill nearly 15,000 people a year — more than heroin and cocaine combined. In some states, the painkiller death toll exceeds that of car crashes.

The head of the Centers for Disease Control and Prevention has declared the overdoses from opioid drugs like OxyContin an epidemic. And a growing group of experts doubts that they work for long-term pain.

But the pills continue to have an influential champion in the American Pain Foundation, which describes itself as the nation's largest advocacy group for pain patients. Its message: The risk of addiction is overblown, and the drugs are underused.

What the nonprofit doesn't highlight is the money behind that message.

The foundation collected nearly 90 percent of its \$5 million funding last year from the drug and medical-device industry — and closely mirrors its positions, an examination by ProPublica found.

Although the foundation maintains it is sticking up for the needs of millions of suffering patients, records and interviews show that it favors those who want to preserve access to the drugs over those who worry about their risks.

Some of the foundation's board members have extensive financial ties to drugmakers. ProPublica found, and the group has lobbied against federal and state proposals to limit opioid use. Painkiller sales have increased fourfold since 1999, but the foundation argues that pain remains widely undertreated.

The group says industry money has had no effect on its advocacy.

"I'm convinced with every shred of my body that our interest is improving the lives of people affected by pain," said Will Rowe, the foundation's chief executive, "and we want to do that the best way we can."

The problem isn't opioids, Rowe and other group leaders say. It's poorly trained doctors who prescribe them too easily or in excess.

Yet, critics say the Baltimore-based foundation is making it harder to address a major public-health problem.

"If you were a drug company, wouldn't it be smart to make it look like you had a patient-oriented group?" said Dr. Gary Franklin, a Washington state official who tussled with the foundation over new restrictions on high-dose painkillers.

Its funding makes the group "one and the same" with the pain industry, Franklin said.

In stories this year, ProPublica has detailed the close entanglements between

pharmaceutical companies and groups representing doctors. Reporting showed that the positions of societies representing specialty physicians often reflected the views of their major funders.

The American Pain Foundation falls into a different category — health advocacy. It harnesses the power of patient stories to sway politicians, state medical boards, judges and government health regulators, emphasizing that it represents grassroots voices.

ProPublica's review found that the foundation's guides for patients, journalists and policymakers play down the risks associated with opioids and exaggerate their benefits. Some of the foundation's materials on the drugs include statements that are misleading or based on scant or disputed research.

The group has intervened in court cases in ways that appear to counter its stated mission. In one example, it sided with Purdue Pharma, its longtime funder, to block a 2010 class-action case filed by Ohio patients who had become doctors from prescribing them, the company's blockbuster painkiller, OxyContin.

And the foundation mobilizes patients to send "outraged" email messages to news organizations that run stories it believes reinforce "stigmas and stereotypes" about the risks of pain medication. Its board includes some patients but also doctors who are paid to speak and consult for drug companies.

Rowe, however, said the group has relied on their funding for survival and a public-relations executive whose firm represents them.

Last year, one board member was the lead author of a study about a Cephalon drug, Cephalon sponsored the study, and its employees were co-authors. The study found that the drug, Fentanyl, was "generally safe and well-tolerated" in non-cancer patients even though it is only approved for severe cancer pain.

Dr. Andrew Kolodny, a New York psychiatrist who heads Physicians for Responsible Opioid Prescribing, said the foundation has built credibility with politicians and regulators who may not be aware of the extensive industry ties.

"I don't think they realize that in many ways the American Pain Foundation is a front for opioid manufacturers," Kolodny said.

Rowe, however, said it can be hard for critics to understand the mindset of patients whose pain is so severe they are willing to risk serious side effects to gain relief.

"Policymakers can go to bed at night and say, 'Well, I protected society,'" by restricting access to a risky painkiller, he said. "The person with pain or the person

with cancer could say, 'You know, I'm sorry, I'm living with this, and I want to take this chance.'"

The System Is Awash in Opioids

In the late 1980s and early '90s, physicians who cared for pain patients excitedly embraced opioids as a low-risk treatment for suffering.

Derived from the opium plant, opioids reduce the perception of pain by attaching to opioid receptors in the brain, spinal cord and elsewhere in the body.

"We bought into this idea that opioids would be effective and that the risk of addiction would be low," said Dr. Jane Ballantyne, a longtime pain expert and a professor at the University of Washington.

But along the way, pain doctors spilled some blood. Ballantyne began decrying the increasingly widespread use of opioids and questioned whether the drugs worked. Others, like the foundation's leaders, said the drugs were being unfairly maligned, making pain patients feel like criminals and discouraging doctors from prescribing them.

Despite the debate, sales of the drugs have skyrocketed.

Last year, \$8.5 billion worth of narcotic painkillers were sold in the United States, according to the prescription-tracking company IMS Health. Enough of the drugs were prescribed last year to "medicate every American adult around the clock for a month," the CDC said.

"Right now, the system is awash in opioids, dangerous drugs that get people hooked and keep them hooked," said CDC Director Thomas Frieden in a recent news briefing.

Some of the pills have become household names: Vicodin, Percocet, OxyContin. On its own, OxyContin, an extended-release painkiller, accounted for \$3.1 billion in sales last year, up from \$762 million in 2006, according to IMS Health.

There's little dispute that many people endure chronic pain. In the past many doctors, especially those providing primary care, ignored pain as a condition that warranted its own treatment.

A report from the prestigious Institute of Medicine last summer said 116 million American adults suffer from chronic pain. The report also cited legal and regulatory barriers to opioids, especially for cancer and end-of-life pain. The findings are lauded by the foundation as underscoring the concern about undertreatment.

In an email to ProPublica, however, the report's chairman said the study panel took a broad look at chronic pain and didn't examine the use of opioids with "rigor or detail."

"It does seem like the issue of opioid use is worthy of a separate study," wrote Dr. Philip A. Pizzo, dean of Stanford University's medical

school.

Guides Offer Reassurance About Pain Drugs

The American Pain Foundation's website offers publications for patients, policymakers and even journalists. Each depicts the benefits of opioids, and each is underwritten by the makers of those drugs.

Its patient guide, paid for by four companies, discusses several treatments for pain. It says such pain relievers as aspirin, ibuprofen and naproxen commonly cause gastrointestinal bleeding or ulcers, delay blood clotting, decrease kidney function and may increase the risk of stroke or heart attack. And it warns patients to use these pain pills at the lowest dose and stop them unless clearly needed.

The side effects of opioids, on the other hand, are minor, and most go away "after a few days," the foundation's guide says. The underuse of opioids, it says, has been responsible for much unnecessary suffering.

Patients, it says, shouldn't worry if they need more of a drug. They are not developing an addiction.

"Many times when a person needs a larger dose of a drug," the guide says, "it's because the pain is worse or the problem causing their pain has changed."

Another guide, written for journalists and supported by the same four companies, likewise is reassuring. It notes in at least five places that the risk of opioid addiction is low, and it references a 1995 article in Scientific American, saying fewer than 1 percent of children treated with opioids become addicted.

But the cited article does not include this statistic or deal with addiction in children.

"I would much prefer that they would put in there something that could be substantiated by a real reference," said Dr. Leonard Paulozzi, a CDC medical epidemiologist specializing in drug overdoses. "That would present a much less rosy picture of the risk."

A recent report by the National Institute on Drug Abuse said estimates of addiction among chronic pain patients using opioids range from 3 percent to as high as 40 percent.

One foundation-related publication this year provided a case study of how physicians could convince patients that the drugs are not addictive.

In an e-newsletter paid for by a drug company, Florida family physician Louis Kuritzky summed up the advice he'd give to a patient with knee pain: "We have learned that when patients have important pain problems like you do, they can use such medications successfully over the long term without any major risk of addiction."

This advice is contradicted by a respected medical review organization that looked at research on the use of opioids for osteoarthritis of the knee or hip. The Cochrane Collaboration concluded that "the small to moderate benefits of opioids are outweighed by large increases in the risk of adverse events" and that drugs should not be routinely used.

Kuritzky said he had not read the Cochrane review but believes that the downside of opioids is "very, very small" based on his experience with his patients.

"There are many issues where you will see wise men and women differ about the right answer to a difficult and important question," he said.

Rowe, the foundation's chief executive, acknowledged that his publications need updating. He pointed to additional materials on the group's new PainSAFE website, which include a booklet describing the risks. But the foundation continues to post outdated guides and even refers to them in newer materials.

And while the PainSAFE site discusses the risks more completely, it is based on the assumption that the drugs have proven to work well for chronic pain sufferers. The site says studies have shown opioids improve daily function and quality of life for such patients. In contrast, a new guide by the New York City Department of Health and Mental Hygiene says there is "insufficient evidence" that pain relief is sustained or function improves.

Dr. Lewis Nelson, chairman of the federal Food and Drug Administration's Drug Safety and Risk Management Advisory Committee, said he believes the foundation's guides can't help but be biased.

"If you're talking drug company money and you're working as an advocacy group for patients, I think by definition you're biased," said Nelson, an emergency room physician in New York. "I take everything they say with a grain of salt."

Fighting in Court for Painkiller Access

The foundation doesn't just offer advice about opioids; it takes its arguments into court. In 2005, it filed a friend-of-the-court brief in the U.S. Fourth Circuit Court of Appeals in support of Dr. William Hurwitz, a pain doctor in Virginia who had been convicted on 50 counts of drug trafficking.

The doctor had been accused of prescribing a single patient as many as 1,600 Roxicodone pain pills one day. Hurwitz allegedly had prescribed that patient alone more than 500,000 pills between July 1999 and October 2002.

The foundation and its allies argued that the jury instructions in the case didn't distinguish between criminal behavior and mistakes by a well-intentioned physician. "It is not drug dealing to prescribe opioids to patients that might be 'suspected' addicts or substance abusers," the foundation and two other groups wrote in a brief.

Rowe said the foundation intervened in the case on principle, fearing the drugs would be "demonized." The appeals court threw out the conviction, but Hurwitz was retried and convicted on 16 counts of trafficking.

Yet earlier, the foundation opposed several pain patients who had sued Purdue Pharma in an Ohio county court for allegedly obscuring the risks of OxyContin.

The foundation filed a friend-of-the-court brief backing Purdue, arguing that the health of all pain patients would be harmed if the class-action lawsuit went forward because doctors would become fearful of prescribing opioids.

Ohio was plagued by "opiophobia" and "opiophobia" to a brief co-authored by the foundation and two smaller pain nonprofits. "Consequently many, if not most of the state's residents had been deprived of adequate pain care," it said.

The Ohio Supreme Court decided in 2004 not to allow a class action.

In a separate federal case in 2007, Purdue pleaded guilty to misbranding OxyContin "in an effort to mislead and defraud

physicians and consumers," (20) according to a statement from prosecutors. The company agreed to pay \$600 million in penalties. Three top officials also pleaded guilty to misbranding and agreed to pay \$34.5 million.

Two months after the conviction, however, then-foundation chairman Dr. James Campbell praised Purdue in a statement to a U.S. Senate committee.

"I believe Purdue and its management deserve recognition for their contribution to the welfare of these many patients," Campbell wrote. Prosecuting the executives, he wrote, sent a "chilling message to those who dare to develop high-risk drugs for important diseases."

Campbell mentioned his foundation in his remarks. Rowe said the former board chairman was not speaking for the group, and stressed that strict rules keep funders from influencing its work. The foundation is working to diversify its support, Rowe and others said.

Nevertheless, the group often finds itself on the same side as drugmakers in state and federal debates over how to regulate painkillers.

In 2009, the FDA suggested changes to address concerns about the risks of long-acting opioids, recommending that physicians and pharmacists be certified to ensure they had been educated about those risks.

Although foundation officials blame poorly educated physicians for the growing problem with opioids, the officials joined with other pain groups and drugmakers to assail the plan.

The FDA backed off key elements of its proposal last year and said doctors could voluntarily attend courses about the risks.

That move was criticized by an FDA advisory committee, which voted overwhelmingly that it wasn't enough to stem the tide of overdose deaths.

"We need to look at 14,000 people dying on an annual basis, that's more than we lost in Iraq and Afghanistan since 2001 in active duty," Dr. Michael S. Finkelstein, an advisory panel member and director of the prevention center at the University of Colorado in Denver, said during the meeting.

Little Evidence That Narcotics Work for Chronic Pain

Missing from the American Pain Foundation literature is any suggestion that the drugs don't work for many chronic pain sufferers.

Recent editorials in medical journals and scientific reviews cite little evidence of long-term benefit.

Most of the clinical trials for opioids to treat chronic pain have lasted less than 16 weeks and excluded patients with a history of substance abuse, psychiatric illness and depression, who are at increased risk for opioid misuse and abuse," three physicians wrote in an editorial this year in the Archives of Internal Medicine.

"How can a therapy be considered if there's no evidence that it works and there's evidence of lots of side effects?" Dr. Mitchell Katz, one of the authors and director of the Los Angeles County Department of Health Services, said in an interview.

Rowe said he knows plenty of patients for whom the drugs work, "and their lives are together because they use them."

The foundation's board chairman and president, Dr. Scott Fishman, is stepping down at the end of the month. In a statement to ProPublica, he said his views have evolved and he has moved to appropriate places of chronic opioid therapy," wrote Fishman, chief of pain medicine at University of California, Davis.

"Nonetheless, I have always believed that patients in pain in the United States need strong patient advocacy, which APF has offered."

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