

CALIFORNIA HORSE RACING BOARD

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MEDICATION, SAFETY AND WELFARE COMMITTEE MEETING

of the California Horse Racing Board will be held on Wednesday, May 24, 2017, commencing at **12:30 p.m.**, in the **Baldwin Terrace Room** at the **Santa Anita Park Race Track, 285 West Huntington Drive, Arcadia, California**. Non-committee Board members attending the committee meeting may not participate in the public discussion, official committee vote, or committee closed session.

AGENDA

Action Items:

1. Report and update by the University of California, Davis on the **CHRB/University of California, Davis Necropsy Program** for fiscal year 2015-2016.
2. Report and update on the fatality review program, which establishes a voluntary review process for every equine fatality that occurs within a CHRB inclosure.
3. Report and update on the new **Association of Racing Commissioners International (ARCI) model rule for the Veterinarian's List**.
4. Report and update on **medication surveillance during training**.
5. Report and update on the **proposed development of a CHRB rule to require continuing education for trainers as a condition for license renewal**.
6. **General Business:** Communications, reports, requests for future actions of the Committee.

Additional information regarding this meeting may be obtained from Jacqueline Wagner at the CHRB Administrative Office, 1010 Hurley Way, Suite 300, Sacramento, CA 95825; telephone (916) 263-6000; fax (916) 263-6042. A copy of this notice can be located on the CHRB website at www.chrb.ca.gov. *Information for requesting disability related accommodation for persons with a disability who require aids or services in order to participate in this public meeting, should contact Jacqueline Wagner.

**MEDICATION, SAFETY AND WELFARE
COMMITTEE**

Madeline Auerbach, Chairman

Alex Solis, Member

Rick Baedeker, Executive Director

Jacqueline Wagner, Assistant Executive Director

CALIFORNIA HORSE RACING BOARD

MAY 24, 2017

**MEDICATION AND
TRACK SAFETY COMMITTEE**

There is no package material for Item 1

STAFF ANALYSIS
REPORT AND UPDATE ON THE FATALITY REVIEW PROGRAM, WHICH
ESTABLISHES A VOLUNTARY REVIEW PROCESS FOR EVERY EQUINE FATALITY
THAT OCCURS WITHIN A CHRB INCLOSURE.

Medication, Safety and Welfare Committee
May 24, 2017

BACKGROUND

Business and Professions Code section 19440 provides that the California Horse Racing Board (CHRB) shall have all powers necessary and proper to enable it to carry out the purposes of this Chapter. Business and Professions Code section 19444(c) further states that in performing its responsibilities, the Board may conduct research to determine more fully the cause and prevention of horse racing accidents, the effects of drug substances on the race horses, and the means for detection of foreign drug substances. Additionally, CHRB Rule 1527, General Authority of Stewards, gives the Stewards at each racetrack the general authority and supervision over all licensees and other persons attendant on horses, and also over the inclosures of any recognized meeting. CHRB Rule 1541, Power to Order Examination of Horse, also gives Stewards the specific authority to order an examination of any horse within the inclosure at any time by such persons as they see fit. CHRB Rule 1560, Duties of the Official Veterinarian, requires that the Official Veterinarian at each race track report to the Board the names of all horses humanely destroyed or which otherwise expire at the meeting and the reasons there for. Finally, CHRB Rule 1846.5, Postmortem Examination, requires a postmortem examination of every horse which dies or is euthanized within an area under the jurisdiction of the Board at a designated diagnostic laboratory.

Currently, under CHRB Rule 1846.5, a postmortem examination (also referred to as a "necropsy") is performed in a diagnostic laboratory operated by the California Animal Health and Food Safety laboratory system on every horse that dies within the inclosure in California. Additionally, Safety Stewards regularly interview jockeys and trainers whenever a horse suffers a fatal injury on the racetrack in training or competition. Finally, inquiry into the cause and circumstances behind an equine fatality also arises when a law or rule violation is suspected. Nevertheless, a thorough review of a horse's recent training and medication history is rarely conducted in the absence of suspicious or illegal circumstances, and consequently there is little opportunity for the CHRB to identify trends and behaviors that could help prevent future injuries.

To date, several racing jurisdictions, including New York and Kentucky, have implemented voluntary equine fatality review programs with the purpose of better understanding the circumstances leading up to a fatal injury, with the long-term goal of reducing overall injuries. These fatality review programs are geared towards fact gathering and educating all involved parties, and have generally received positive reception. Importantly, the fatality review process allows for the exchange of information which can be educational for the trainer as well as the CHRB.

The CHRB developed proposed regulations for a postmortem review with specific requirements in the past. In May 2015, the Medication and Track Safety Committee considered an initial draft of proposed Rule 1846.6, Postmortem Examination Review. At that time, the Committee indicated that they wanted language added that would further assure licensees that this process is purely meant for education and research purposes only, and would not be used as a basis for punishing misconduct. Accordingly, staff revised proposed Rule 1846.6 to add such intent language, and also made several minor additions to clarify procedural details. The Committee considered this revised version of proposed Rule 1846.6 at their August 2015 meeting, where they approved the item to go before the full Board.

At its September 2015 Regular Board meeting, the Board expressed concerns about the effect the review panel would have on investigations, as well as potential conflicts in timing between the two processes. The Board also indicated that the regulation should expressly state that documents provided by licensees will not be retained by the Board. Finally, the Board stated that the reports generated by the postmortem examination review panel should be provided to both the trainer and owner, as opposed to either-or. Staff amended the text language to address the Board's requests and concerns.

At its October 2015 Regular Board meeting, the Board approved the revised version of proposed Rule 1846.6 to go out for 45-day public notice. During the comment period CHRB received comments in opposition to the proposal. After consulting with other jurisdictions conducting fatality review programs, the Board postponed a final vote on Rule 1846.6 to instead develop a more voluntary and informal program.

ANALYSIS

The CHRB's new fatality review program establishes a voluntary review process for every equine fatality that occurs within a CHRB inclosure under the Board's jurisdiction. The fatality review will be conducted by the Equine Medical Director and/or a designated Official Veterinarian and a Safety Steward. The trainer of the deceased horse will be invited to the fatality review and will be asked to bring relevant training, medication, and veterinary histories in his/her possession. Any documents the trainer brings to the fatality review meeting will be returned to the trainer and not retained by the CHRB. The trainer may also bring other licensees, such as the horse's attending veterinarian or owner, as well as any other requested parties. In addition, the CHRB will review all relevant records that it has on the horse, including the necropsy report, accident reports, and examination records. The fatality review will be conducted between sixty and ninety days after the fatality to ensure that the final necropsy report and other laboratory tests have been completed, and also to allow some time to pass for a more objective discussion.

The creation of a fatality review program is meant to improve and encourage equine safety and welfare on the race track. The purpose of the program is to conduct a review into the circumstances surrounding an equine fatality in order to gain an understanding of all events that may have contributed to the incident. The act of conducting a postmortem examination review honors the deceased horse, provides case-specific recommendations to the horse's connections in order to prevent future injuries, and sends an unequivocal message to racing stakeholders and the general public that reducing equine fatalities is a major priority for the CHRB.

The fatality review is intended to be an educational process for trainers and veterinarians, and will further advance the Board's research into the cause and prevention of horse racing accidents. A major goal of the fatality review is to establish a more interactive process to investigate and understand equine fatalities more thoroughly, and, importantly, to provide feedback to licensees that may be of use in improving safety.

The CHRB has been an innovator in racing necropsy programs and is considered a model program internationally. In collaboration with Dr. Susan Stover's Veterinary Orthopedic Research Laboratory at UCD-SVM, the program has developed a wealth of knowledge on racing injuries. The fatality review program is an opportunity to share that information more directly so as to reduce all injuries, and not just fatalities.

RECOMMENDATION

This item is presented to the Committee for discussion.

STAFF ANALYSIS
REPORT AND UPDATE ON THE NEW ASSOCIATION OF RACING COMMISSIONERS
INTERNATIONAL (ARCI) MODEL RULE FOR THE VETERINARIAN'S LIST.

Medication, Safety and Welfare Committee
May 24, 2017

BACKGROUND

The Official Veterinarian's List is an important regulatory tool that ensures the safety of both horse and rider. Most jurisdictions have provisions in their rules that provide for the use of a Veterinarian's List, as well as reciprocity with lists from other jurisdictions. Nevertheless, due to extensive nuances between each state's regulations, there has not been a consensus on the requirements for horses being entered and/or released from these lists. Consequently, horses that are on a Veterinarian's List in one jurisdiction may still be allowed to race in another jurisdiction depending on that state's standards. The InCompass RTO system allows for the sharing of Veterinarian's List information between jurisdictions, but again, without consistent application, these lists do little to achieve national uniformity.

The amendments to the Model Rules that were recently approved by the ARCI (attached) will allow jurisdictions to better manage and mutually enforce rest periods for horses featured on any Official Veterinarian's List. The new protocols will promote collaboration among racing officials in different jurisdictions to ensure that a health issue causing a horse to be placed on a Veterinarian's List will be fully resolved before the horse returns to competition. The new protocol will also provide regulatory officials adequate latitude to distinguish horses observed as unsound and/or infirm from horses that are the subject of a regulatory action related to drug testing and enforcement or reported therapeutic treatments. Horses will be required to pass a physical inspection by a regulatory veterinarian and successfully complete a timed workout with post-workout sample(s) being submitted for testing. Violations will be subject to the same penalties as those established for post-race tests in each jurisdiction.

In California, CHRB Rule 1866, Veterinarians List, presently gives the Official Veterinarian authority to place horses on the Veterinarian's List that, in their professional opinion, are "unfit to compete in a race due to veterinary treatment, physical distress, injury, lameness, unsoundness or infirmity." While there is general consistency in diagnoses, CHRB Official Veterinarians often vary in how they administer the Veterinarian's List from track to track. Although some policies arise under Rule 1437, Conditions of a Race Meet, others are carried out individually by each Official Veterinarian. Differences in racing schedules, horse management practices, and the relative risk of injury between breeds are also factors. Even within single breeds, there can be inconsistencies that cause confusion when horses are transferred from one race track to another.

Should the Committee choose to move forward with amending CHRB Rule 1866 to reflect the substantive aspects of the ARCI Model Rule, staff will draft proposed text that incorporates all pertinent provisions for this Committee to review. At that time, the Board and staff will also have an opportunity to re-examine other elements of Rule 1866, and potentially enhance existing procedures to better protect horses and riders, and also allow for a more consistent statewide administration of the Veterinarian's List.

RECOMMENDATION

This item is presented to the Committee for discussion.

Current CHRB Veterinarian's List Regulation

1866. Veterinarians List.

(a) The official veterinarian shall maintain a Veterinarian's List of those horses determined to be unfit to compete in a race due to veterinary treatment, physical distress, injury, lameness, unsoundness or infirmity.

(1) When a horse is placed on the Veterinarian's List, the trainer of such horse shall be notified within 72 hours.

(b) A horse placed on the Veterinarian's List as:

(1) sick;

(2) having received veterinary treatment-shockwave therapy;

(3) injured;

(4) unsound; or

(5) lame, may not workout for 72 hours after being placed on the list without the permission of the official veterinarian.

(c) The official veterinarian may require any horse placed on the Veterinarian's List to undergo a veterinary examination prior to resuming training at any facility under the jurisdiction of the Board.

(d) A horse placed on the Veterinarian's List shall be removed from the list only after having established or demonstrated to the satisfaction of the official veterinarian or the racing veterinarian that the horse is then raceably sound and in fit physical condition to exert its best effort in a race.

(1) A horse placed on the Veterinarian's List as lame or unsound for the first time within a 365 day period must stay on the Veterinarian's List for a minimum of 10 days before the horse is eligible to be removed from the list.

(2) A horse placed on the Veterinarian's List as lame or unsound for the second time in 365 days must stay on the Veterinarian's List for a minimum of 30 days before the horse is eligible to be removed from the list.

(3) A horse placed on the Veterinarian's List as lame or unsound for the third time in 365 days must stay on the Veterinarian's List for a minimum of 60 days before the horse is eligible to be removed from the list.

(4) A horse placed on the Veterinarian's List as lame or unsound for the fourth time in 365 days must stay on the Veterinarian's List for a minimum of 180 days before the horse is eligible to be removed from the list.

(e) A horse may be required to perform satisfactorily in a workout or qualifying race to demonstrate its physical fitness, and if so a blood and/or urine post-work test sample shall be taken from the horse and the provisions of this article shall apply to such official workout in the same manner as to a scheduled race.

(f) For the purpose of this regulation, "workout" means an exercise session near full speed, or close to full speed.

ARCI Revised Model Rule

ARCI-011-030 Physical Inspection of Horses

B. Veterinarian's List

- (1) The official veterinarian shall maintain the Veterinarian's List of all horses which are determined to be unfit to compete in a race due to illness, physical distress, unsoundness, injury, infirmity, heat exhaustion, Positive Test or Overage, administration of a medication invoking a mandatory stand down time, administration of shock-wave therapy, positive out of competition test or any other assessment or determination by the regulatory veterinarian that the horse is unfit to race. Positive Test or Overage, physical distress, unsoundness, infirmity or any other medical condition.
- ~~(1)~~(2) Horses so listed are ineligible to enter-start to-in a race in any jurisdiction until released by an official veterinarian or racing veterinarian, except when there is an unforeseen administrative issue in removing the horse from the Veterinarian's List of another racing jurisdiction.
- ~~(2)~~(3) A horse may be removed from the Veterinarian's List when, a minimum of seven days has passed from time the horse was placed on Veterinarian's List, in the opinion of the official veterinarian, the condition which caused the horse to be placed on the veterinarian's List is resolved and the horse's status is returned to that of racing soundness.
- (4) A horse placed on the Veterinarian's List for unfit to compete in a race due to illness, physical distress, unsoundness, injury, infirmity, heat exhaustion, or any other assessment or determination by the regulatory veterinarian that warrants withdrawal from the race shall be removed from the list only after the following has been met:
- a. establish or demonstrate to the satisfaction of the official veterinarian or the racing veterinarian that the horse is serviceably sound and in fit physical condition to exert its best effort in a race or pass the Assessment of Racing Condition by the official veterinarian and/or the racing veterinarian,
 - b. provide a published work of a minimum of four furlongs at 0:52 observed by the official veterinarian and/or the racing veterinarian for horses that are listed as unsound or lame; other listed reasons above may be required to work at the discretion of the official veterinarian. Prior to such work, a

- declaration in writing must be provided by the attending veterinarian as to the fitness of the subject horse.
- c. submit to a post-work biologic sample collection for laboratory confirmation for compliance with ARCI-011-020 at the expense of the current owner unless otherwise provided in the local jurisdiction. Violations of ARCI-011-020 shall result in penalties consistent with ARCI-011 Equine Veterinary Practices, Health and Medication.
- (5) A horse placed on the Veterinarian's List for Positive Test or Overage, administration of a medication invoking a mandatory stand down time, administration of shock-wave therapy, positive out of competition test or any other veterinary administrative withdrawal shall be removed from the list only after the following has been met:
- a. establish or demonstrate to the satisfaction of the official veterinarian or the racing veterinarian that the horse is serviceably sound and in fit physical condition to exert its best effort in a race or pass the Assessment of Racing Condition by the official veterinarian and/or the racing veterinarian and
- b. at the discretion of the official veterinarian, provide a published work of a minimum of four furlongs at 0:52 observed by the official veterinarian and/or the racing veterinarian and submit to a post-work biologic sample collection for laboratory confirmation for compliance with ARCI-011-020 at the expense of the current owner. Violations of ARCI-011-020 shall result in penalties consistent with ARCI-011 Equine Veterinary Practices, Health and Medication.
- ~~(3) Horses working to be released from the Veterinarian's List are to be in compliance with ARCI-001-020 and are to be subjected to post-work biologic sample collection for laboratory confirmation or compliance.~~
- ~~(4) Horses may be released from the Veterinarian's List only by authorization of an official veterinarian or the racing veterinarian.~~
- ~~(5) Horses having generated a Positive Test or an Overage for an RCI Class I, II, III, or IV substance shall be required to generate a negative test at the expense of the current owner prior to being entered for the first start following the positive test.~~

ARCI-010-015 Declarations And Scratches

Declarations and scratches are irrevocable.

- (6) Entry of any horse which has been scratched, or excused from starting by the stewards, because of a physical disability or sickness shall not be accepted until the expiration of three-seven racing days after such horse was scratched or excused and the horse has been removed from the Veterinarian's List by the official veterinarian.

ARCI-010-030 Horses Ineligible

A horse is ineligible to start in a race when:

- (9) its name appears on the Starter's List, Stewards' List or Veterinarian's List— except when an unforeseen administrative issue in removing the horse from the Veterinarian's List of another racing jurisdiction, however the horse is eligible to be entered while on the Veterinarian's List subject to section ARCI-010-030(B) as long as no other horse is excluded from the race;
- (10) it has not raced in 12 months since its previous start until the horse has been subjected to the protocols within ARCI-010-030(B)(4);
- (11) it is a first-time starter four (4) years of age or older until the horse has been subjected to the protocols within ARCI-010-030(B)(4);

Additionally, the following Protocol has been developed in conjunction with the racing regulatory veterinarian's group to help facilitate the implementation of the above rule.

Protocol for regulating Model Rule ARCI-011-030 Physical Inspection of Horses B. Veterinarian's List

The following protocol was developed to assist with consistent implementation of the Veterinarian's List rules and regulations. The language below is for informational purposes to explain areas of the rule that may be unfamiliar to regulators.

Section B. (1)

Defines the purpose of the official veterinarian's list – the intent is for all jurisdictions to utilize the list in the same manner. The official veterinarian is defined by each individual jurisdiction's rules or regulations.

Section B. (2)

The intent is for any horse on a list to be ineligible to race until the veterinarian has cleared the horse to race. The clause "except when there is an unforeseen administrative issue" refers to situations of technology failure or inability to contact the veterinarian who placed the horse on the list. All efforts should be made and documented that contact was attempted prior to allowing a horse to race. The horse must still undergo the protocols outlined in this document prior to being allowed to race.

Section B. (3)

Once a horse is placed on the veterinarian's list, he is required to remain on the list for a minimum of 7 days before given an off date regardless of the cause

Section B. (4)

All parts of section 4 refer to horses placed on the list for some form of 'unfitness' including illness. All three subsections are required for removal of the horse from the veterinarian's list. The "Assessment of Racing Condition" is defined in the model rules under section ARCI-011-030 Physical Inspection of Horses A. Assessment of Racing Condition. It covers the basic parts required for a 'pre-race'

inspection including but not limited to observation in motion, palpation, protocols for a scratch and more.

A workout is required for these horses with a minimum time of four furlongs in 0:52. The veterinarian can require a longer work. The four furlong minimum was agreed upon due to limitations of some racetracks that are unable to conduct five furlong works effectively.

With regards to the required post-work biologic sample collection – the rule references another section of the model rules ARCI-011-020 Medications and Prohibited Substances. This section refers to the comprehensive post-race testing protocols including penalties. Therefore the post-work biologic sample should comply with your jurisdictions full post-race screen, not just a specific portion of the screening.

Additionally, if a Positive Test or Overage occurs in the above mentioned sample, the trainer/owner will be subject to the corresponding penalty. Note: Positive Test and Overage are both model rule defined terms. Their definitions can be found at ARCI-001-010 Terms.

Section B. (5)

All parts of section 5 refer to horses placed on the list for some form of ‘regulatory action or violation’. The first subsection is required and the subsection ‘b.’ is at the discretion of the veterinarian. Again, the “Assessment of Racing Condition” is defined in the model rules under section ARCI-011-030 Physical Inspection of Horses A. Assessment of Racing Condition, which in essence are the pre-race exam protocols.

While subsection ‘b.’ is at the discretion of the veterinarian, it is recommended that horses receiving a Positive Test or Overage, mandatory stand-down for a particular medication or Out of Competition test violation, should be subjected to a biologic sample test for that particular medication until that medication has cleared the horse’s system.

CALIFORNIA HORSE RACING BOARD

MAY 24, 2017

**MEDICATION AND
TRACK SAFETY COMMITTEE**

There is no package material for Item 4

CALIFORNIA HORSE RACING BOARD

MAY 24, 2017

**MEDICATION AND
TRACK SAFETY COMMITTEE**

There is no package material for Item 5