

CALIFORNIA HORSE RACING BOARD

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MEDICATION, SAFETY AND WELFARE COMMITTEE MEETING

of the **Medication, Safety and Welfare Committee** of the **California Horse Racing Board** will be held on **Wednesday, September 18, 2019**, commencing at **10:00 a.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. Discussion of the **practice of maintaining track surfaces before, during, and after rain storms and the safety implications, if any, on racing and training.**
2. Discussion regarding **annual fitness testing and other safety measures for jockeys and drivers.**
3. Discussion regarding the proposed addition of **CHRB Rule 1503.5, Continuing Education for Trainers and Assistant Trainers**, to require continuing education as a condition of renewal of license for trainer and assistant Trainer.
4. **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**

Gregory L. Ferraro, DVM, Chairman

Alex Solis, Member

Rick Baedeker, Executive Director

Jacqueline Wagner, Assistant Executive Director

STAFF ANALYSIS
DISCUSSION OF THE PRACTICE OF MAINTAINING
TRACK SURFACES BEFORE, DURING, AND AFTER RAIN STORMS
AND THE SAFETY IMPLICATIONS, IF ANY, ON RACING AND TRAINING

Medication, Safety and Welfare Committee Meeting
September 18, 2019

ISSUE

The 2018-19 rainfall season in California saw above normal precipitation, with the Los Angeles area receiving approximately 126 percent of normal rainfall and the Bay area receiving approximately 109 percent of normal rainfall. Excessive rainfall has safety implications for track surfaces during and after rain storms. Under Board Rule 1473, Renovation of Dirt Racetrack, and Rule 1474, Maintenance of Dirt Racetrack, racing associations are responsible for regular and continuous maintenance of the racing surface subject to limitations created by periods of inclement weather.

ANALYSIS

California's racing associations conduct regular testing of their tracks' surfaces to ensure track consistency and uniformity for both training and racing. After the 2018-19 rainfall season, the maintenance of track surfaces before, during and after rain storms remains an important area of concern, as there are ongoing safety implications for horse and rider. Industry representatives are prepared to current practice regarding the maintenance of track surfaces before, during and after rain storms.

RECOMMENDATION

This item is presented for Committee discussion. The Committee may wish to hear from industry representatives.

STAFF ANALYSIS
DISCUSSION REGARDING ANNUAL FITNESS TESTING
AND OTHER SAFETY MEASURES FOR
JOCKEYS AND DRIVERS

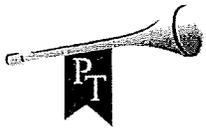
Medication, Safety and Welfare Committee Meeting
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ISSUE

Safety of horse and rider is one of the chief concerns of the horse racing industry. Board Rule 1689, Safety Helmets Required and Rule 1689.1, Safety Vest Required provide requirements or the use of safety equipment in flat and harness racing, and Rule 1732, Racing Costume Required, provides for the wearing of safety helmets by harness drivers. Race track safety is also of concern with regards to costs associated with workers compensation insurance, which is a requirement for license as trainer and in some instances an owner's license. Any initiative that can reduce safety incidents, violations or injury is welcome by the industry. The Post Time Self Insurance Group (Post Time) has provided a list of safety enhancements which it believes would be beneficial in reducing the risk exposures to horse racing's covered workers.

RECOMMENDATION

This item is presented for Committee discussion. The Committee may wish to hear from a Post Time representative.



POST TIME

SELF INSURANCE GROUP

July , 2019

Madeline Auerbach
 Vice Chair
 California Horse Racing Board
 1010 Hurley Way #300
 Sacramento, CA 95825

via email only

Dear Vice Chair Auerbach,

I am responding on behalf of Tim Yakteen, the president of Post Time Self Insurance Group, to your request for a list of a few of the safety enhancements that the Post Time board has discussed. As the primary workers' compensation program for the thoroughbred horse racing industry in California Post time believes that the following items would be beneficial in reducing the risk exposures to our covered workers.

- ❖ Establishment of an "unable to ride" list for jockeys and exercise riders similar to the injured reserve list of the National Football League. Currently when a rider experiences a significant injury and is determined to not to be able to perform their normal work duties by their treating workers' compensation physician all the rider needs is a medical release from any physician in order for the CHRB stewards to allow them to return to riding. The Post Time board believes that having the workers' compensation insurer report to the CHRB the work status of injured riders as determined by their workers' compensation physician(s) without divulging any protected medical information would eliminate riders from returning to the track before they have appropriate medical clearance, by only allowing injured riders who have been cleared by any and all of their treating workers' compensation physicians to resume riding.
- ❖ Safety stewards to be provided with breathalyzers by Post Time to use for random safety checks on exercise riders in the morning and after every safety incident, violation or injury.
- ❖ The establishment of a fair and adequate fine schedule for CHRB safety violations. Recently a rider who almost caused a head on collision during the morning was fined two hundred dollars (\$200.00) while a rider who struck a horse in the flank one time was fined three hundred dollars (\$300.00). Needless

to say Post Time believes the rider who almost caused a head on collision should have had a fine levied against them greater than the fine for a single strike to the flank.

- ❖ Require that before a provisional exercise rider is granted a professional license after the 60 day provisional waiting period that they are required to pass a skills test. Currently a rider could receive a provisional license and without spending a day developing their skills or being observed by the outriders or stewards receive their full professional license at the end of the 60 day period.

Thank you for your interest in track safety and we look forward to engaging in meaningful discussions on these and other matters in the near future.

Sincerely,

G. Michael Lyon
Administrator

CC. Post Time Board of Directors
G. Avioli, TOC

STAFF ANALYSIS
DISCUSSION REGARDING THE PROPOSED ADDITION OF
CHRB RULE 1503.5, CONTINUING EDUCATION FOR
TRAINERS AND ASSISTANT TRAINERS,
TO REQUIRE CONTINUING EDUCATION AS A CONDITION OF
RENEWAL OF LICENSE FOR TRAINER AND ASSISTANT TRAINER

Medication, Safety and Welfare Committee Meeting
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ISSUE

The Board requires first time applicants for license as trainer or assistant trainer to pass written, oral and practical examinations prior to issuance of license. Upon renewal of license, however, the applicant is only required to complete an application and pay a fee. The Board currently does not require trainers or assistant trainers to demonstrate that they have taken any actions to improve their level of horsemanship, or to keep abreast of equine medication, or health and safety issues. The proposed addition of Rule 1503.5, Continuing Education for Trainers and Assistant Trainers, will address the issue by requiring that applicants for renewal of a CHRB license as trainer or assistant trainer certify that they have completed a total of 12 hours of approved continuing education (ACE) coursework over the previous 36 month period.

ANALYSIS

Trainers' and assistant trainers' duties involve considerable responsibility, complexity and variety. They decide the day-to-day preparations needed to train a horse to run in a race. They manage the care, feeding and grooming regimen of the horse, as well as the horse's exercise and rest. In addition, trainers in large part make decisions regarding the medications and physical therapy treatments their horses receive. Ideally, trainers and assistant trainers work to run stables that are efficient, cost effective and successful, and they hire and train employees in the best practices. All of this requires that trainers and assistant trainers must be informed about changing theories in training methods, or discoveries regarding the physiological effects of exercise, or research regarding medications and its effects on the horses in their care. They must also be aware of issues that involve stable management and their employees. To ensure California's trainers and assistant trainers are keeping abreast of changes in their profession, the proposed addition of Rule 1503.5 requires that applicants for renewal of a CHRB license as trainer or assistant trainer certify that they have completed a total of 12 hours of ACE coursework over the previous 36-month period. The rule defines such coursework as instruction intended to foster competence in horsemanship, and which specifically promotes compliance with horse racing law and regulations, equine health, safety and welfare in racing, or promotes human safety and welfare. Under Rule 1503.5, the Board is required to keep a current posting of approved ACE courses on its website and at all CHRB offices. If a trainer or assistant trainer fails to keep adequate ACE coursework records, he or she

may be ineligible to renew a license and must complete the required education prior to renewal. If, however, the trainer or assistant trainer can demonstrate good cause for not having met the ACE requirements, the stewards may waive the requirements and authorize the renewal of license. The trainer or assistant trainer must then complete the ACE requirements within 12 months of renewal of license. Falsification of ACE coursework records will result in the issuance of fines and suspension or revocation of license. Applicants for renewal of a trainer or assistant trainer license who are not domiciled in California and who have had 12 or fewer starts in races other than stakes races in California may obtain an exemption from the ACE coursework requirements.

BACKGROUND

Business and Professions Code section 19420 provides that jurisdiction and supervision over meetings in California where horse races with wagering on their results are held or conducted, and over all persons or things having to do with the operation of such meetings, is vested in the CHRB. Business and Professions Code section 19440 provides that the Board shall have all powers necessary and proper to enable it to carry out fully and effectually the purposes of this chapter. Responsibilities of the Board shall include, but not be limited to, adopting rules and regulations for the protection of the public and the control of horse racing and pari-mutuel wagering. Business and Professions Code section 19460 provides that all licenses granted under this chapter are subject to all rules, regulations, and conditions prescribed by the Board. Business and Professions Code section 19520 provides that every person who participates in, or has anything to do with, the racing of horses, shall be licensed by the Board pursuant to rules and regulations that the Board may adopt

RECOMMENDATION

This item is presented for Committee discussion.

CALIFORNIA HORSE RACING BOARD
TITLE 4. CALIFORNIA CODE OF REGULATIONS
ARTICLE 4. OCCUPATIONAL LICENSES
PROPOSED ADDITION OF
1503.5. CONTINUING EDUCATION FOR TRAINERS AND ASSISTANT TRAINERS

Medication, Safety and Welfare Committee Meeting
September 18, 2019

1503.5. Continuing Education for Trainers and Assistant Trainers

(a) Commencing January 1, 2021, an applicant for renewal of license as trainer or assistant trainer shall certify that during the preceding 36-month period, he or she has completed a total of 12 hours of approved continuing education (ACE) coursework.

(1) Certification of completion of ACE coursework shall be provided on the form CHRB-59a Certification of Approved Continuing Education (ACE) Coursework (New 09/19), which is hereby incorporated by reference. The CHRB-59a shall be submitted with the application for renewal of license.

(b) Licensees shall maintain records of completed ACE coursework for a period of four years from the date the course was completed and shall provide such records to the Board upon request. Records of ACE coursework may be in a form provided by an ACE course, meeting or conference, or shall be recorded on the form CHRB-242 Continuing Education Certificate of Attendance (New 9/19), which is hereby incorporated by reference. The CHRB-242 shall be available at all CHRB offices and on the Board's website. Any record of ACE coursework shall state at least:

- (1) The title of the ACE course, meeting or conference;
- (2) The date, location and provider of the ACE course, meeting or conference;
- (3) The number of continuing education hours earned.

(4) Failure to maintain or produce records of completed ACE coursework may, upon a determination by the stewards, result in the applicant's inability to renew a license as trainer or assistant trainer.

(c) The stewards shall fine and/or suspend or revoke the license of any applicant for renewal of license as trainer or assistant trainer who is found to have provided false certification of completed ACE coursework.

(d) The stewards may waive the ACE requirements for applicants for renewal of license as trainer or assistant trainer if:

(1) the trainer or assistant trainer is not domiciled in California, and has had twelve or fewer starts in races other than stakes races in California during the previous 36-month period, or

(2) for good cause conditioned upon the completion of the ACE requirements within a timeframe not to exceed 12 months from the date of renewal of license.

(3) Requests for ACE waivers shall be submitted to the Board of Stewards at the time of application for renewal of license on the form CHRB-59b Request for Waiver of Approved Continuing Education (ACE) Requirements (New 09/19), which is hereby incorporated by reference.

(4) Upon the stewards' verification of the CHRB Form 59b, waiver may be granted.

(5) Denial of a waiver will result in the applicant being ineligible for renewal of license until he or she has completed the requirements of subsection (a) of this regulation.

(e) A current listing of Board approved ACE courses shall be available at all CHRB offices and on the Board's website.

(1) If a licensee has completed ACE coursework, and the course is subsequently

removed from the listing of Board approved ACE courses, the ACE course completed by the licensee will satisfy the requirements under subsection (a) of this regulation.

(f) For the purposes of this regulation, ACE coursework means instruction intended to foster competence and knowledge in horsemanship, and which specifically promotes: compliance with California's horse racing law and regulations; equine health, safety, and welfare in racing; or ethics, human resource training, and the promotion of human safety and welfare.

Authority: Sections 19420, 19440, 19460 and 19520, Business and Professions Code.

Reference: Sections 19420 and 19440, Business and Professions Code.

State of California

CALIFORNIA HORSE RACING BOARD

CHRB-59a (New-09/19)

CHRB License Number: _____

CERTIFICATION OF APPROVED CONTINUING EDUCATION (ACE) COURSEWORK

I _____, certify that I have completed _____ hours of ACE
(NAME)

Coursework during the period of _____ through _____
(DATE) (DATE)

Per Rule 1503.5, applicants shall maintain records of completed ACE coursework for a period of four years from the date of completion, and shall provide such records to the Board upon request.

I hereby make application for license to be issued in accordance with the terms and provisions of the Rules and Regulations of the California Horse Racing Board. I certify under penalty of perjury that the statements and answers I have made in this application are true and correct.

(DATE) (SIGNATURE)

INFORMATION PROVIDED ABOVE IS PUBLIC PURSUANT TO THE CALIFORNIA PUBLIC RECORDS ACT (Government Code section 6250 et seq.)

State of California
CALIFORNIA HORSE RACING BOARD
CHRB-59b (New-09/19)

CHRB License Number: _____

REQUEST FOR WAIVER OF APPROVED CONTINUING EDUCATION (ACE) REQUIREMENTS

I _____, certify that I am a resident of _____,
(NAME) (CITY/STATE)

And have had twelve or fewer starts in California for the period of _____
through _____.

List all starts in California over the previous 36-month period on the reverse of this form. Per Rule 1503.5, stakes races are not counted in the number of starts.

I hereby make application for license to be issued in accordance with the terms and provisions of the Rules and Regulations of the California Horse Racing Board. I certify under penalty of perjury that the statements and answers I have made in this application are true and correct.

(DATE) (SIGNATURE)

INFORMATION PROVIDED ABOVE IS PUBLIC PURSUANT TO THE CALIFORNIA PUBLIC RECORDS ACT (Government Code section 6250 et seq.)

List all California starts, including track & date, over the previous 36-months. Do NOT list stakes races.

- | | |
|----|-----|
| 1. | 8. |
| 2. | 9. |
| 3. | 10. |
| 4. | 11. |
| 5. | 12. |
| 6. | 13. |

Approve: _____ Disapprove: _____

(Steward's Signature and Date)

I hereby make application for license to be issued in accordance with the terms and provisions of the Rules and Regulations of the California Horse Racing Board. I certify under penalty of perjury that the statements and answers I have made in this application are true and correct.

INFORMATION PROVIDED ABOVE IS PUBLIC PURSUANT TO THE CALIFORNIA PUBLIC RECORDS ACT (Government Code section 6250 et seq.)

State of California
California Horse Racing Board
CHRB-242 (New 09/19)

CONTINUING EDUCATION CERTIFICATE OF ATTENDANCE

Meeting/Conference Title: _____

Date: _____ Location: _____

Provider: _____

Presentation/Topic: _____

Program Speaker(s) (If any): _____

Name of Licensee (Print): _____

CHRB License Number: _____

I certify that I attended the approved continuing education (ACE) coursework described above for a total of _____ continuing education hour(s).

Signature: _____ Date: _____

INSTRUCTIONS

Per Rule 1503.5, Continuing Education for Trainers and Assistant Trainers, licensees shall maintain records of completed ACE coursework for a period of four years from the date the course was completed and shall provide such records to the Board upon request. Individual licensees are responsible for the completeness and accuracy of their own ACE records. By signing this form you are certifying under penalty of perjury that the statements and answers you have made on this form are true and correct.

CALIFORNIA HORSE RACING BOARD

SEPTEMBER 18, 2019
COMMITTEE MEETING

There is no committee meeting material for Item 4