



**STATEMENT OF DECISION**

**Of the**

**BOARD OF STEWARDS**

**SANTA ANITA PARK**

**August 6, 2017**

In the Matter of:                    )  
  )  
KATHERINE DEHAAN                )  
(Case No. 17SA103)                )  
  )  
\_\_\_\_\_                                    )

This matter came for hearing on March 14, 2017 at Santa Anita Park in Arcadia, California before Stewards Grant Baker, C. Scott Chaney and Kim Sawyer.

Veterinarian Katherine Dehaan was charged in Complaint 17SA103 with violations of California Horse Racing Board Rule #1843(b) (Medication, Drugs and Other Substances), Rule #1843.5(H) (Medication, Drugs and Other Substances Permitted After Entry in a Race), Rule #1844(c)(2)(a) (Authorized Medication) and Rule #1845(e) (Authorized Bleeder Medication).

The California Horse Racing Board (CHRB) was represented by CHRB Investigator James Hamilton. The CHRB presented no witnesses. Trainer Vann Belvoir was also present for a separate complaint (Case No.17SA060) which was also filed against him regarding this same matter. Michelle Derieg (Weinstien Court Reporting LLC) transcribed the proceedings.

Katherine Dehaan DVM was present and not represented by counsel.

Oral and documentary evidence was admitted.

## APPLICABLE RULES

### **Rule: 1843 Medication, Drugs and Other Substances.**

*It shall be the intent of these rules to protect the integrity of horse racing, to guard the health of the horse, and to safeguard the interests of the public and the racing participants through the prohibition or control of all drugs, medications and drug substances foreign to the horse. In this context: (a) No horse participating in a race shall carry in its body any drug substance or its metabolites or analogues, foreign to the horse except as hereinafter expressly provided. (b) No drug substance shall be administered to a horse which is entered to compete in a race to be run in this State except for approved and authorized drug substances as provided in these rules. (c) No person other than a licensed veterinarian or animal health technician shall have in his/her possession any drug substance which can be administered to a horse, except such drug substance prescribed by a licensed veterinarian for a specific existing condition of a horse and which is properly labeled. (d) A finding by an official chemist that a test sample taken from a horse contains a drug substance or its metabolites or analogues which has not been approved by the Board, or a finding of more than one approved non-steroidal, anti-inflammatory drug substance or a finding of a drug substance in excess of the limits established by the Board for its use shall be prima facie evidence that the trainer and his/her agents responsible for the care of the horse has/have been negligent in the care of the horse and is prima facie evidence that the drug substance has been administered to the horse. NOTE: Authority cited: Sections 19440, 19580, 19581 and 19582, Business and Professions Code. Reference: Sections 19401, 19440, 19580, 19581 and 19582; Sections 337(f)(g) and(h), Penal Code. HISTORY: 1. Repealer and new rule filed 10-29-81; effective 11-28-81. 2. Amendment of subsections (a), (c) and (d) filed 8-19-92; effective 9-18-92.*

### **Rule: 1843.5 Medication, Drugs and Other Substances Permitted After Entry in a Race.**

- (a) In this rule a horse is deemed "entered" in a race 48 hours before post time of the running of the race. (b) Water and feed, including hay, grain, and feed supplements that do not contain prohibited drugs may be provided to the horse up until post time. (c) Drugs, medications or any other substances shall not be administered by any means to a horse within 48 hours of the post time of the race in which the horse is entered except: (1) Topical medications, (such as antiseptics, ointments, salves, leg rubs, leg paints, hoof dressings, liniments and antiphlogistics) which do not contain anesthetics or other prohibited drugs. (d) Any drug, medication or any other substance found in a test sample taken from a horse which is not authorized under this rule shall be deemed a prohibited drug substance. (e) Any of the following substances may be administered by injection until 24 hours of the post time of the race in which the horse is entered: (1) Injectable Vitamins; (2) Electrolyte Solutions; (3) Amino Acid Solutions; (4) Tetanus Antitoxin or Tetanus Toxoid, if the horse has sustained a wound. (f) Approved anti-ulcer medications may be administered until 24 hours before the post time of the race in which the horse is entered. A list of approved anti-ulcer medications, and route of administration, shall be posted at each racetrack in the office of the official veterinarian. (g) One of the following non-steroidal anti-inflammatory medications may be administered until 24 hours before the post time of the race in which the horse is entered under Rule 1844 of this division: (1) Phenylbutazone; (2) Flunixin; (3) Ketoprofen. (h) In*

addition to the substances named in subsection (c)(1) , any of the following substances may be administered under Rule 1845 of this division within 24 hours of the post time of the race in which the horse is entered: (1) Furosemide; (2) Other Authorized Bleeder Medication. (i) Drugs, medications or any other substances may not be administered to a horse by injection, via nasogastric tube (stomach tubing) or any other means after the horse is entered to race, except under these regulations. NOTE: Authority cited: Sections 19580, 19581 and 19582, Business and Professions Code. Reference: Sections 19580, 19581 and 19582, Business and Professions Code; Section 337 f, g and h, Penal Code. HISTORY: 1. New rule filed 8-27-92; effective 9-26-92. 2. Amendment filed 10-6-98; effective 11-5-98. 3. Amendment filed 4-28-99; effective 5-28-99.

### **Rule: 1844 Authorized Medication**

Consistent with the intent of these rules, drug substances and medications authorized by the Board for use may be administered to safeguard the health of the horse entered to race provided that: (a) No person shall administer a drug substance to any horse entered to race except upon authorization of the official veterinarian in conformance with these rules. (b) No drug substance, other than authorized bleeder medication, shall be administered to a horse entered to race within 24 hours of the race in which entered. (c) Not more than one approved non-steroidal anti-inflammatory drug substance (NSAID) may be administered to a horse that is entered to race and shall be only one of the following authorized drug substances: (1) Phenylbutazone in a dosage amount that the test sample shall contain not more than 2 micrograms of the drug substance per milliliter of blood plasma or serum. (2) Flunixin in a dosage amount that the test sample shall contain not more than 20 nanograms of the drug substance per milliliter of blood plasma or serum. (3) Ketoprofen in a dosage amount that the test sample shall contain not more than 2 nanograms of the drug substance per milliliter of blood plasma or serum. (4) Metabolites or analogues of approved NSAIDs may be present in post race test samples. (d) If the official chemist reports that a blood test sample contains an authorized NSAID in excess of the limit for that drug substance under this rule, the official veterinarian shall, in conjunction with the veterinarian who administered or prescribed the authorized drug substance, establish a dosage amount or time of administration of the drug substance that will comply with the limits under this rule; or the official veterinarian may, if in his/her judgment no such reduced dosage amount or amendment to time of administration will result in a test sample level within the limits of this rule, withdraw authorization for the use of any one NSAID. (e) Official urine test samples may contain one of the following drug substances, their metabolites and analogs, in an amount that does not exceed the specified levels: (1) Acepromazine; 10 nanograms per milliliter (2) Mepivacaine; 10 nanograms per milliliter (3) Albuterol; 1 nanograms per milliliter (4) Procaine; 25 nanograms per milliliter (5) Salicylates; 750 micrograms per milliliter (6) Clenbuterol; 140 picograms per milliliter, except in quarter horses for which no level of clenbuterol is authorized. (7) Omeprazole; 1 nanogram per milliliter (8) Nandrolone; 1 nanograms per milliliter for geldings, fillies and mares; 45 nanograms for males other than geldings. (9) Boldenone; 15 nanograms per milliliter in males other than geldings. (10) Testosterone; 20 nanograms per milliliter in geldings. (A) Testosterone at any level in males other than geldings is not a violation of this regulation. (11) Testosterone; 55 nanograms per milliliter in fillies or mares (12) Butorphanol 300 nanograms per milliliter (f) Official blood test samples may contain the following drug substances, their metabolites and analogs, in an amount

that does not exceed the specified levels in serum or plasma: (1) Bethamethasone; 10 picograms per milliliter (2) Dantrolene; 100 picograms per milliliter (3) Detomidine; 1 nanogram per milliliter (4) Dexamethasone; 5 picograms per milliliter (5) Diclofenac; 5 nanograms per milliliter (6) Dimethylsulfoxide (DMSO); 10 micrograms per milliliter (7) Firocoxib; 20 nanograms per milliliter (8) Lidocaine; 20 picograms per milliliter (9) Methocarbamol; 1 nanogram per milliliter (10) Methylprednisolone; 100 picograms per milliliter (11) Glycopyrrolate; 3 picograms per milliliter (12) Prednisolone; 1 nanogram per milliliter (13) Triamcinolone Acetonide; 100 picograms per milliliter (14) Xylazine; 10 picograms per milliliter of serum or plasma (15) Butorphanol; 2 nanograms per milliliter (16) Isoflupredone; 100 picograms per milliliter (g) Official blood test samples shall not contain any of the drug substances, or their metabolites or analogs listed in subsection (e)(1)-(12). (h) Procaine, following administration of procaine penicillin, is an authorized medication provided: (1) Official blood test samples shall not contain any procaine, or its metabolites or analogs in excess of 25 nanograms per milliliter. (2) all procaine penicillin administrations have been reported pursuant to Rule 1842 of this division, (3) procaine penicillin was not administered after entry to race, (4) the horse was under surveillance for a minimum of six hours prior to racing. (i) All expenses related to surveillance and testing for procaine under subsection (h) of this regulation shall be paid by the owner of the horse. NOTE: Authority cited: Sections 19440 and 19562, Business and Professions Code. Reference: Sections 19580 and 19581, Business and Professions Code. HISTORY: 1. Repealer and new rule filed 10-29-81; effective 11-28-81. 2. Amendment filed 2-9-84; effective 2-9-84. 3. Amendment filed 8-3-95; effective 9-2-95. 4. Amendment filed 6-16-97; effective 6-16-97. 5. Amendment filed 4-28-99; effective 5-28-99. 6. Amendment filed 1-28-02; effective 1-28-02. 7. Amendment filed 4-27-05; effective 5-27-05. 8. Amendment filed 9-20-07; effective 10-20-07. 9. Amendment filed 5-1-08; effective 5-31-08. 10. Amendment filed 10-26-10; effective 11-25-10. 11. Amendment filed 2-14-12; effective 2-14-12. 12. Amendment filed 9-15-14; effective 9-15-14. 13. Amendment filed 7-31-15, as an emergency; effective through 1-28-16. 14. Amendment filed 8-31-15; effective 10-1-15. 15. Amendment filed 7-19-16; effective 7-19-16.

#### **Rule: 1845 Authorized Bleeder Medication**

Authorized bleeder medication for the control of exercised induced pulmonary hemorrhage (EIPH) may be administered to a horse on the authorized bleeder medication list. (a) A horse is eligible to race with authorized bleeder medication if the licensed trainer and/or veterinarian determines it is in the horse's best interest. If a horse will race with authorized bleeder medication, form CHRB 194 (New 08/04), Authorized Bleeder Medication Request, which is hereby incorporated by reference, shall be used to notify the official veterinarian prior to entry. (b) The official laboratory shall measure the specific gravity of post-race urine samples to ensure samples are sufficiently concentrated for proper chemical analysis. The specific gravity of such samples shall not be below 1.010. (c) If the specific gravity of the post-race urine sample is determined to be below 1.010, or if a urine sample is not available for testing, quantitation of furosemide in serum or plasma shall then be performed. Concentrations may not exceed 100 nanograms of furosemide per milliliter of serum or plasma. (d) A horse qualified to race with authorized bleeder medication shall be assigned to a pre-race security stall prior to the scheduled post time for the race in which it is entered, and shall remain there until it is taken to the receiving barn or the paddock to be saddled or harnessed for the race. While in the security stall, the horse shall be in the care, custody, control and constant view of the trainer, or a licensed person assigned by the trainer. The

*trainer shall be responsible for the condition, care and handling of the horse while it remains in the security stall. The official veterinarian may permit a horse to leave the security stall to engage in track warm-up heats prior to a race. (e) A horse qualified for administration of authorized bleeder medication must be treated on the grounds of the racetrack where the horse will race no later than four hours prior to post time of the race for which the horse is entered. The authorized bleeder medication, furosemide, shall be administered by a single intravenous injection only, in a dosage of not less than 150 mg. or not more than 500 mg. A horse racing with furosemide must show a detectable concentration of the drug in the post-race serum, plasma or urine sample. The veterinarian administering the bleeder medication shall notify the official veterinarian of the treatment of the horse. Such Notification shall be made using CHRB form-36 (New 08/04), Bleeder Treatment Report, which is hereby incorporated by reference, not later than two hours prior to post time of the race for which the horse is entered. Upon the request of a Board representative, the veterinarian administering the authorized bleeder medication shall surrender the syringe used to administer such medication, which may then be submitted for testing. (f) A horse placed on the official authorized bleeder medication list must remain on the list unless the licensed trainer and/or veterinarian requests that the horse be removed. The request must be made using CHRB form 194 (New 08/04), and must be submitted to the official veterinarian prior to the time of entry. A horse removed from the authorized bleeder medication list may not be placed back on the list for a period of 60 calendar days unless the official veterinarian determines it is detrimental to the welfare of the horse. If a horse is removed from the authorized bleeder medication list a second time in a 365-day period, the horse may not be placed back on the list for a period of 90 calendar days. (g) If the official veterinarian observes a horse bleeding externally from one or both nostrils during or after a race or workout, and determines such bleeding is a direct result of EIPH, the horse shall be ineligible to race for the following periods: · First incident-14 days; · Second incident within 365-day period-30 days; · Third incident within 365-day period-180 days; · Fourth incident within 365-day period-barred for racing lifetime. For the purposes of counting the number of days a horse is ineligible to run, the day after the horse bled externally is the first day of such period. The voluntary administration of authorized bleeder medication without an external bleeding incident shall not subject a horse to the initial period of ineligibility as defined under this subsection. NOTE: Authority cited: Sections 19440 and 19562, Business and Professions Code. Reference: Sections 19580 and 19581, Business and Professions Code. HISTORY: 1. Amendment filed 7-11-75; effective 8-10-75. 2. Repealer and new rule filed 10-29-81; effective 11-28-81. 3. Amendment filed 2-9-84; effective 2-9-84. 4. Amendment of subsections (e) and (f) filed 8-13-91; effective 9-12-91. 5. Amendment filed 4-27-05; effective 5-27-05.*

#### LIST OF EXHIBITS

CHRB Exhibit #1 CHRB Nonrepresented Hearing Questionnaire for Respondents: Vann Belvoir and Katherine Dehann

CHRB Exhibit #2 CHRB Complaints for Respondents: Vann Belvoir (CASE #17SA060) and Katherine Dehann (CASE #17SA103) which included a copy of several CHRB rules, Governing Procedures for Disciplinary Hearing before Board of Stewards, Report of Investigation CHRB Memorandum (Split Sample Custodian Deborah Dugally to Executive Director Rick Baedeker), UC Davis letter to CHRB (Dr. Scott Stanley-Chief Chemist), Official Vet Report (Tim Grande DVM) of March 2, 2017, CHRB Acknowledgement of Test Sample card (copy), Official Program page (Santa Anita Park-March 2, 2017), Copy of CHRB Bleeder Treatment Report Card, CHRB Confidential Veterinarian Report (3

pages), CHRB Positive Test Notification (Copy), CHRB Memorandum Letter (Deborah Dugally-Split Sample to Bob Ekstrom-Supervising Investigator), CHRB Violation of 1844 (c) report (2 pages- CHRB Veterinarian Tim Grande to Trainer Vann Belvoir) and 1 page CHRB Licensee/Rulings Inquiry (Veterinarian Katherine Dehaan).

## FINDINGS OF FACT

### I

Veterinarian Katherine Dehaan said she was notified about this hearing by Trainer Vann Belvoir. She read the complaint at the start of the hearing. She said she read the 'Governing Procedures before the Board of Stewards. CHRB Investigator Jim Hamilton said he sent the complaint to Dr. Dehaan's address of record with the CHRB. She proceeded at hearing without counsel.

### II

California Horse Racing Board (CHRB) Investigator James Hamilton prepared and presented a twenty one (21) page complaint packet (CASE #17SA103) for this hearing.

### III

Veterinarian Katherine Dehaan is twenty eight (28) years old and has held a California Horse Racing Board (CHRB) license since July 2016.

### IV

There was also a complaint filed against Trainer Vann Belvoir (Case #17SA060) regarding this same matter (Alleged medication mixup/Flunixin overage). Trainer Belvoir and Veterinarian Dehaan had both of their complaints heard concurrently.

### V

The text of the complaint (Case #17SA103) in this matter reads as follows:

*On March 2nd, 2017 the horse 'Jimmy the Juice', trained by Vann Belvoir, finished 3rd in the 4th Race at Santa Anita Race Track. Post Race Sample #SA24695 was analyzed by U.C. Davis Laboratory and was found to contain the Class 4 drug 'Flunixin' (1,180 ng/ml). Permitted level is 20 ng/ml. No split requested.*

### VI

#1 'Jimmy the Juice' finished 3<sup>rd</sup> in the fourth race at Santa Anita Park on March 2, 2017.

### VII

Post race sample #SA24695 was analyzed by U.C. Davis Laboratories (Dr. Scott Stanley-Chief Chemist) and was found to contain the Class 4 drug Flunixin at a level of 1,180 ng/ml. The permitted level is 20 ng/ml.

## VIII

Testimony indicated that Dr. Dehaan treated two (2) grey horses in trainer Vann Belvoir's stable on March 2, 2017. The other grey horse was named 'Paddy Jean'. 'Jimmy the Juice' was supposed to be treated with Lasix. 'Paddy Jean' was supposed to be treated with Flunixin on this same day but was administered Lasix which was intended for 'Jimmy the Juice'.

## IX

In the Santa Anita 'Official Program' on March 2, 2017 'Jimmy The Juice' was listed to be on the medication Lasix. This horse did not race on Lasix as no Lasix was found in the post race drug sample of that horse.

## X

CHRB Investigator James Hamilton said that "Jimmy the Juice" was administered Banamine (Flunixin) on March 2, 2017 and "the Banamine horse" (Paddy Jean) got the Lasix.

## XI

Dr. Dehaan said that the mistreatment of 'Jimmy the Juice' was completely her mistake. She said she usually double-checks everything and in this case she just didn't. She said on this particular day "It was just kind of hectic". Trainer Vann Belvoir's employee held the correct horse for treatment.

## XII

Dr. Dehann is part of a veterinarian group that practices in Southern California that is headed by Melinda Blue DVM.

## XIII

Dr. Dehann had a veterinarian assistant on March 2, 2017 by the name of Andy Gomez. Mr. Gomez "pulls the medication" for her to give.

## XIV

'Jimmy the Juice' was claimed out of the 4<sup>th</sup> Race on March 2, 2017 for the price of \$16,000. CHRB Veterinarian Tim Grande examined this horse in the receiving barn post- race. This claimed horse passed Dr. Grandes post-race examination that is given to all claimed horses.

## XV

'Veterinarian Confidential Reports' filled out and dated March 2, 2017 indicate that Jimmy the Juice received Lasix and 'Paddy Jean' received Banamine (Flunixin). Dr. Dehaan acknowledged that this information was incorrect.

## XVI

CHRB Investigator Jim Hamilton stated that the California Horse Racing Board's recommendation was to dismiss the complaint (CASE #17SA060) against Trainer Vann Belvoir and issue a fine for Veterinarian Katherine Dehann.

## DISCUSSION

On Thursday March 2, 2017 the four (4) year old gelding 'Jimmy the Juice' was listed in the official program as racing on Lasix in the 4<sup>th</sup> race, at Santa Anita Park. This horse was not treated with the bleeder medication Lasix. Horseplayer's that wagered on this horse/race were never informed of the medication error, as it was not reported to the CHRB until March 13, 2017. The three (3) stewards that heard this case all feel it is reasonable to conclude that this mistreatment negatively impacted this horse's performance on this day.

Bleeder medication is given in order to control EIPH (Equine Induced Pulmonary Hemorrhage). Veterinarians licensed by the CHRB are the only individuals allowed to administer Lasix injections at race tracks in California. Trainers are not permitted to do so. Depending on the level of EIPH, failure to treat a horse with Lasix could be hazardous to a horse's health and also the jockeys that ride them.

In addition to having raced without the Lasix that was listed in the 'Official Program' Jimmy the Juice had a post race test sample (#SA24695) which contained the Class 4 drug Flunixin at a level of 1,180 ng/ml. This is fifty nine (59) times the allowable level of 20 ng/ml.

CHRB Veterinarian Tim Grande completed a form, CHRB-210 (Violation of 1844 (c)) report on April 20, 2017. Dr. Grande comments in his own handwriting stated that "this case is confounded by the fact that Jimmy the Juice was claimed post race". The Stewards agree with this analysis.

CHRB Rule 1658 (b)(2) (Vesting of Title to Claimed Horse) states the following:

*(b) The stewards shall void the claim and return the horse to the original owner if  
(2) The racing or official veterinarian determines the horse will be placed on the Veterinarian's List as bled, unsound or lame before the horse is released to the successful claimant.*

The Stewards unanimously feel that the integrity of the Official Veterinarian's post race examination following the claim of this horse was substantially compromised by the extraordinary levels of Flunixin that were improperly administered on race day (March 2, 2017) to 'Jimmy the Juice'.

We also believe that the fact that Dr. Dehaan treated two (2) gray horses at Trainer Vann Belvoir's barn on March 2, 2017 is even more of a reason to show greater care prior to treatment. There was no testimony or evidence presented at this hearing that indicated Trainer Belvoir or his employee(s) did anything improper that led to this failure to administer medication properly.

On May 10, 2014 Veterinarian Melinda Blue received a fine of \$1,500 and a seven (7) day suspension

(Santa Anita Ruling #137 Amended) for violation of Rule #1842 (Veterinarian Report) and Rule #1845 (e) (Authorized Bleeder Medication- failure to administer Lasix). Although the details of the 'Dr. Blue Case' vary somewhat from this matter, it shows that veterinarians are held to high standards when it comes to the health and welfare of horse, jockeys and also to the wagering public, as well as to the integrity of the race itself.

#### CONCLUSION

The Stewards unanimously determined that by a preponderance of the evidence, Veterinarian Katherine Dehaan violated California Horse Racing Board (CHRB) Rule #1843.5 (h) (Medication, Drugs and Other Substances Permitted After Entering in a Race) and Rule #1845 (e) (Authorized Bleeder Medication).

#### ORDER

Cause exists to find Katherine Dehaan D.V.M. in violation of CHRB Rule #1843.5 (h) (Medication, Drugs and Other Substances Permitted after Entering in a Race) and Rule 1845 (e) (Authorized Bleeder Medication), wherefore in a majority decision (Steward Chaney dissent- \$1000 fine). The following ruling is issued:

RECEIVED  
CARD  
2017 AUG -9 AM 11:00

State of California  
CALIFORNIA HORSE RACING BOARD

**Official Ruling**  
of the  
**Board of Stewards**

**SANTA ANITA WINTER/SPRING MEET**  
(Association)

**May 19, 2017**  
(Date)

**LATS #165**

Veterinarian Katherine Dehaan is fined ONE THOUSAND FIVE HUNDRED DOLLARS (\$1,500.00)\* for violation of California Horse Racing Board rule #1843.5(h) (Medication, Drugs and Other Substances Permitted After Entering in a Race – Flunixin 1,180 ng/ml) and rule #1845 (e) (Authorized Bleeder Medication – failed to medicate) while treating “Jimmy the Juice”, who finished third in the fourth race at Santa Anita Park on March 2, 2017.

License #: 322137 exp. 12/2018  
Case Number: 17SA103

\*Rule #1532. Fine shall be paid to the Paymaster within seven calendar days from the date of this ruling, or the license of the person upon whom the fine has been imposed shall be suspended.

BY ORDER OF THE  
BOARD OF STEWARDS

Grant W Baker  
C. Dehaan  
Kim Sauer