



**Delaware Jockey's Health & Welfare Benefit Board  
Minutes of Regular Meeting Held On  
August 20, 2018**

The Delaware Jockey's Health & Welfare Benefit Board held a Regular Meeting on Monday, August 20, 2018, at 10:05 a.m., in the Horsemen's Office, Delaware Park, 777 Delaware Park Blvd, Wilmington, DE, 19804.

**The following Board members were present:**

Edward J. Stegemeier, Chairman
John E. Mooney, Delaware Park, Executive Director of Racing
Pedro Lizarzaburu, DJH & WBB Board Member
Mario Pino, DJH & WBB Board Member

**The following individuals also were present:**

Andrew Kerber, Deputy Attorney General
Robert E. Colton, Delaware Jockey's Association, Director, and DTRC Safety Steward
William I. Fasy, Delaware Park, President
Kevin DeLucia, Delaware Park, Sr. Vice President & CFO, Racing-Administration
Tom Windley, CEO, Premier Physical Therapy and Sports Performance, Via Telephone
Molly Church, DTRC (recording minutes)

**1. WELCOME AND CALL TO ORDER**

Chairman Stegemeier called the meeting to order at approximately 10:06 a.m.

**2. APPROVAL OF MINUTES (July 18, 2018)**

Upon a motion duly made (Mooney) and seconded (Lizarzaburu), the minutes from the July 18, 2018 meeting were unanimously approved.

**3. OLD BUSINESS**

**A. Athletic Trainer for Jockeys (Robert Colton)**

At this time, Mr. Robert Colton telephoned Dr. Tom Windley of Premier Physical Therapy and Sports Performance. Mr. Colton and Dr. Windley presented a revised athletic trainer contract to the Board. At the last Board meeting, Chairman Edward Stegemeier and Mr. Andrew Kerber suggested some changes be made to the previous draft. Mr. Colton then presented those changes.

The first change was under Section 2, "Term and Termination". This change stated that the contract can be cancelled by either party 30 days after the end of the working year.

Section 3, "Compensation Schedule" was also changed according to recommendations from Chairman Stegemeier.

Section 4, "Equipment and Supplies" was taken out of the contract. The agreement originally had requirements for space and storage of supplies to be provided. After discussion, Chairman Stegemeier and Mr. Kerber decided it would be best for Delaware Park to furnish that equipment and space. Premier is requesting reimbursement of supplies also, with a maximum budget of \$3,500 for the first year. Supplies that are not used are carried over to the next year and then the budget will be lessened to \$2,000 per year following. Premier will submit an itemized budget to the Board. Chairman Stegemeier asked if there was a place for supplies to be stored safely. Mr. John Mooney asked what exactly will be stored. Dr. Windley answered that Premier will have treatment tables and other typical medical supplies. He does not expect that the full \$3,500 will be used.

Mr. Colton asked Dr. Windley if the athletic trainer would be able to dispense any type of medication, especially over-the-counter. Dr. Windley said that since he is not an athletic trainer himself, he is not sure, but he could contact Mandy or one of the other athletic trainers from Premier and they would be able to answer that.

Chairman Stegemeier asked, if the supply costs exceed \$3,500, who would be responsible for paying that. Dr. Windley said that he does not foresee this happening, but in the event that it did, Premier would pay for it and then re-budget for next year.

Section 5, "Insurance", was also changed. Premier agreed to maintain professional liability insurance, and the Board did not have to be named as additional insurance, which was taken out of the previous contract.

There was another change in Section 9, "Consent to Treatment". Premier asks that the Board handles the consent document for jockeys to sign. The Board agreed that this should take place at the time of licensing. In schools and other sports leagues that Premier works with, consent is required in order to participate in sports, however, Dr. Windley acknowledged that racing is a much different, more fast-paced environment. Mr. Colton sent Mr. Kerber an e-mail that suggests that all consenting jockeys must fill out an annual form for tax purposes with the Clerk of Scales or in the licensing office. Mr. Kerber agreed that this should be a part of the licensing process. Mr. John Mooney asked if this would be part of a house rule or a Commission rule. Mr. Colton suggested that the jockeys can sign the consent forms needed, until it later becomes a Commission rule.

Premier will also have the ability to provide the Stewards with paperwork indicating when a jockey is suited to return to riding again. Mr. Colton noted that this is a very important part of the process. Dr. Windley said that this communication is critical to ensure the safety of the jockeys.

The last change was in Section 15, "Indemnification". Language was changed by the suggestion of Mr. Kerber to indicate that the Board would be held harmless by Premier, its officers, directors, and employees.

Dr. Windley also began to discuss advertising. Typically, Premier has the opportunity at their venues to advertise at no additional cost. Dr. Windley did not want to include advertising in the contract because Delaware Park would be responsible for advertising, not the Board itself. Mr. Colton explained to Dr. Windley that Mr. William Fasy and Mr. Kevin DeLucia would be able to go into detail with him about that. Mr. Fasy told Dr. Windley that Delaware Park does have a non-solicitation policy on-track, but Premier is welcome to advertise at the health fair, which is well-attended by many local vendors and Delaware Park employees. Dr. Windley thanked Mr. Fasy and asked if it would also be possible to be able to have signs or banners at Delaware Park. Mr. Fasy answered that it would depend upon what the signs or banners say. For example, it is fine if they are just displaying the name or location of Premier, but they may not solicit.

Chairman Stegemeier said that he would like a comment from Mr. Kerber about the proposal. Mr. Kerber said that the new proposal adequately reflects all of the changes that were suggested.

Mr. Mooney said that he would need to know what kind of accommodations Premier would need. Mr. Colton asked Dr. Windley if he could please have he or his team meet him in the jockeys' room to get an idea of what accommodations and how much space will be needed for the athletic trainer. Dr. Windley agreed.

Mr. Pedro Lizarzaburu said that he is very satisfied with the implementation of the athletic trainer. He thinks it will be very beneficial for the riders.

Mr. Mooney said that he is also comfortable with the contract. Mr. Mario Pino said that it will be nice for Delaware to have the same type of medical care in place as other jurisdictions.

Chairman Stegemeier asked if a rider coming in to race for one day has to sign the On-Track insurance policy. Mr. Colton replied that they do because it is now mandatory.

Upon a motion duly made (Lizarzaburu) and seconded (Mooney), the contract between Delaware Jockeys' Health and Welfare Benefits Board and Premier Physical Therapy and Sports Performance was approved. The vote was unanimous.

Dr. Windley said that the athletic trainer program could be started as early as next week as long as all goes well with the consent forms. Premier does have a portable medical table that can be used temporarily, and they can go ahead and start ordering supplies. Chairman Stegemeier signed the contract and the Board will return an electronic copy to Dr. Windley to be signed. The Board thanked Dr. Windley for his time.

#### **4. NEW BUSINESS**

At this time, Mr. Fasy discussed a TRA Meeting that took place in August. The Board of Directors there approved a stipend to draft a white paper on best practices in concussion protocol. Mr. Fasy spoke to that Board about the Jockeys' Health and Welfare Benefits Board's experience with trying to obtain an athletic trainer for use at Delaware Park. Mr. Fasy said that establishing an effective concussion protocol is very important, and every jurisdiction addresses it differently. The white paper should be finished by next month. Chairman Stegemeier asked Mr. Fasy where the funding for this would come from. Mr. Fasy answered that it will be funded by the racetracks. Mr. Fasy said he would like for the Board to be available for guidance. Mr. Colton said that he would be happy to help and provide contacts of individuals whose knowledge may be helpful. Chairman Stegemeier said that it would make sense for Delaware to have the same protocols as Maryland, Pennsylvania, New Jersey, and other surrounding tracks.

#### **5. PUBLIC COMMENT**

Before adjournment, Mr. Fasy announced that the Arabian Horsemen and Delaware Park will both match the Board's donation of \$5,000 to the Permanently Disabled Jockeys' Fund. The Delaware Thoroughbred Horsemen's Association declined, but they are instead making a film for presentation on Labor Day weekend that some of the Delaware jockeys will be involved in. Mr. John Wayne asked Mr. Fasy to whom the check should be made out. Mr. Fasy said it should be made out to PDJF.

#### **6. ADJOURNMENT**

Upon a motion duly made (Mooney) and seconded (Lizarzaburu), the meeting was adjourned at approximately 11:07 AM.