



**Delaware Jockey's Health & Welfare Benefit Board  
Minutes of Regular Meeting Held On  
June 5, 2019**

The Delaware Jockey's Health & Welfare Benefit Board held a Regular Meeting on Wednesday, June 5, 2019 at 10:05 a.m. in the Horseman's Office, 1st Floor, at Delaware Park, 777 Delaware Park Blvd, Wilmington, DE 19804

**The following Board members were present:**

Edward J. Stegemeier, Chairman
Duncan Patterson, Ex-Officio Member, DTRC Chair
Bessie Gruwell, DTHA Executive Director
Pedro Lizarzaburu, DJH & WBB Board Member
John E. Mooney, Delaware Park, Executive Director of Racing

**The following individuals also were present:**

Robert E. Colton, Delaware Jockey's Association, Director
Samantha Cutrone, Premier Physical Therapy & Sports Performance, Athletic Trainer
Andrew Kerber, Esq., Deputy Attorney General, Commission Counsel
John F. Wayne, DTRC Executive Director
Eric Coatrieux, Safety Steward
Andrew G Kerber, Deputy Attorney General
Allyson Swartzentruber, DTRC (recording minutes)

**1. WELCOME AND CALL TO ORDER**

Chairman Stegemeier called the meeting to order at approximately 10:03 a.m.

**2. APPROVAL OF MINUTES**

Upon a motion duly made (Gruwell) and seconded (Patterson), the minutes from the January 16, 2019 meeting were unanimously approved.

**3. OLD BUSINESS**

At this time there was no old business to discuss.

**4. NEW BUSINESS**

**I. State of the Fund**

Robert Colton gave the following report:

The Year-to-Date Revenue Less Expenses as of May 31, 2019 is a surplus of \$10,480. **The unencumbered balance for the fund is \$897,368.** Projected 2019 Revenue Less Expenses is a surplus of \$15,329. The 2018 Revenue Less Expenses was a deficit of \$13,319. The 2018 State Mandated Contribution (deposited July 2018) was \$461,030.

For budgeting purposes, this is the amount used for the 2019 budget. This is a \$9,924 increase (2.2%) over the 2017 contribution of \$451,106. **The 2015 Estimated Revenue Less Expenses with full participation of all eligible members would be a deficit of \$205,179 (depending on health plan choices and number of dependents).**

As of May 31, 2019 the Health Benefit Enrollment was 28 jockeys. 11 were active and 17 were retired. There were 5 active and 4 retired jockeys who were eligible, but non-participating. 3 of the jockeys technically eligible for retired benefits have active jockey licenses and are not eligible to enroll until they retire from riding, with 1 of those 3 currently enrolled for active benefits.

So far in 2019 4 active jockeys enrolled during open enrollment (Jan 1) from 2018 eligibility, and 1 participating jockey changed status from active to retired.

Several jockeys have expressed concern that they will not be able to ride enough mounts for health benefits. As of May 31<sup>st</sup> there were 13 race days (3 of which were canceled), and a total of 528 mounts. This averages to 52.8 per race day which is a 10% reduction in the average mounts per day from 2018's 58.7 mounts, and an 18.7% reduction from 2017's 65 mounts per day. Mr. Patterson asked if these concerns were well-founded. Mr. Colton responded that this is certainly something to keep an eye on. If these numbers continue, there will be some jockeys that will be unable to reach 100 mounts. Ms. Gruwell added that she has had a number of jockeys voice these same concerns.

Mr. Stegemeier asked if the decrease in covered jockeys has an impact on the projected surplus (\$15,329) for 2019. Mr. Colton responded that the decision that the Board made to begin enrollment for eligible jockeys on January 1<sup>st</sup> for the current year helped tremendously. Whereas previously jockeys could sign up and begin receiving benefits throughout the year as soon as they became eligible, we now have confirmed numbers to give to the insurance company to give us our premium.

At this time Mr. Colton gave the Athletic Trainer Program Update. The YTD expense for the program is \$3,666.11 as of May 31, 2019. Included in this number are 60 hours of athletic trainer services at \$60 per hour (\$3,600), and \$66.11 in supplies. The projected expense for 2019 is \$31,000. The 2018 expense (\$13,669) included 203 hours of athletic trainer services at \$60 per hour (\$12,150), and \$1,519 in supplies, with the bulk of the supply total being a treatment table and heating pads. The projected increase from 2019 to 2018 is a result of this being our first *full* year with an athletic trainer.

Under the terms of the current AT contract, the service fee of \$60/hr for 2019 will increase to \$63.25/hr for 2020, and \$65.30/hr for 2021. The service fee is based on 6 hours per race day. If the Board would like to make any changes to the contract for 2020 they would need to be completed by **the last month of our meet.**

## **II. Athletic Trainer Program Update**

At this time Athletic Trainer Sam Cutrone took the floor to give further comment on the Athletic Trainer Program, the implementation of concussion protocols, and improved communication between racetracks in the region regarding jockey injury reporting.

Ms. Cutrone has been speaking with Dr. Ryan at Laurel who has already shared some of her baseline recordings for concussion protocols for some of our shared riders. There was some delay in our being able to share these numbers because a HIPAA compliant recording program first needed to be found.

There have been no injuries so far this season. In an attempt to get our jockeys into more healthful habits Ms. Cutrone has been practicing health maintenance techniques such as muscle hygiene and soft tissue work with them, as well as supplying handouts on basic athletic nutrition recommendations.

Mr. Stegemeier asked what kind of reception Ms. Cutrone has been receiving to her attempts. Ms. Cutrone stated that there are a handful of jockeys that do come to her regularly for athletic training and that she has been trying to get the word out to the other jockeys through them that she is there for their health and wellness and that her services are for them to utilize. She fears that some jockeys may be hesitant to seek her advice and services due to a misconception that she may remove them from riding.

Ms. Gruwell asked if Ms. Cutrone had a meeting with the jockeys at the beginning of the season, or in what ways she was letting the jockeys know what she is there for and how she can help them. Ms. Cutrone stated that on our first race day she did introduce herself to a group of the jockeys and put a sheet on the board listing what physical and nutritional services she can help them with. She has also found that a good time to speak with the jockeys is when they have to come to her on race days to pick up their medical tags. Mr. Stegemeier asked about female jockey participation. Ms. Cutrone stated that she's not seeing them come in as often. The female jockeys room being a floor below the men's may be contributing factor. She says that she will put up one of her list of services sheets up in the women's jockey room as well.

Mr. Colton added that injury report protocols posted in the jockeys rooms as well. Mr. Patterson asked if these are posted in both English and Spanish. Mr. Colton stated that while all other jockey informational postings are in both languages, he is still finishing up getting the injury reporting protocols listed in Spanish.

Mr. Patterson asked Ms. Cutrone if any of the jockeys that she sees regularly are what we might consider de facto "leaders" of the jockeys. She responded that there was at least one, a Mr. Jose Betancourt, who fits that description that comes in with frequency. Ms. Cutrone went on to list several other jockeys that have sought her services with regularity. Mr. Mooney commented that these riders aren't likely to disseminate information about the Athletic Trainer Program because they generally keep to themselves. Mr. Colton stated that a problem with getting the female jockeys involved may be that they don't often go into the jockey rooms. Mr. Mooney added that they don't have as much reason to because not many have more than 1 to 2 mounts per day, and are often leaving in a hurry to ride elsewhere.

Mr. Stegemeier asked how the program is going generally. Ms. Cutrone responded that she would definitely like to see more jockeys come in, but that it has been going well with the ones that she has been seeing. The concussion protocols that she has been working on is coming together well. Communication with other tracks in this regard is going well. There has been discussion on the possibility of using an app to keep and update jockey information in a more timely fashion. This would include an alert to let other tracks know that a jockey has been injured and will need to be followed up with before their next ride. Mr. Stegemeier believes that it is important because a jockey that we've grounded here could easily go to a nearby track and be allowed to race. Mr. Colton reinforced this notion and added that it goes both ways, and jockeys have certainly come to Delaware Park to race after receiving an injury elsewhere.

Mr. Stegemeier then asked if Ms. Cutrone has had any incidents with concussions where she has had to take someone off of mounts. There was one incident in the 2018 season where the rider came to Ms. Cutrone of his own volition and she was able to tell almost immediately that he was displaying signs and symptoms of concussion. Per protocol Ms. Cutrone evaluated the rider and made the decision to send him to Dr. Sandella whom she was unable to reach. The rider was instead sent to GoCare at Abby Medical nearby. Mr. Colton was able to get in touch with Dr. Sandella soon after that to begin the Return-to-Ride process with the rider.

Mr. Colton went on to say that Dr. Ryan has said to him personally, and has spoken at conferences mentioning how what Delaware is doing for concussion protocols is a model that needs to be widely implemented. The greatest concern when it comes to navigating records sharing between track medical professionals is of course HIPAA laws. The non-uniformity of HIPAA laws from state to

state brings further challenges. Ms. Cutrone believes the use of "OneDrive" may be the most useful file-sharing service for their needs.

Mr. Colton spoke with Jim Gagliano of the Jockey Club, who informed him that both the Jockey Health Information System and the Jockey Injury Database were backing away from retaining any jockey medical information on their servers.

### **III. ICHSWJ Dubai 2019**

Mr. Colton would like to send Ms. Cutrone to represent the DJH&WBB at the International Conference for Health, Safety, and Welfare of Jockeys. It is Mr. Colton's hope that she could also give a presentation at this conference on our Athletic Trainer Program and Concussion Protocols. He requests the board pay her travel expenses (airfare and hotel) for November 6-8 2019. The estimated total cost would be \$2,800. Mr. Stegemeier began the conversation by first asking Mr. Kerber if the board had the ability to use funds for this purpose. In Mr. Kerber's opinion sending Ms. Cutrone would be similar enough to sending Mr. Colton to conferences as an independent contractor, which has been done in the past.

Mr. Patterson raised the point that Ms. Cutrone's attendance at this conference would benefit not only this board, but also her employer Premier Physical Therapy & Sports Performance. He believes that if possible, they should share in the expenses. Mr. Colton added that he had not included Ms. Cutrone's wages in his estimate of cost to the board. A motion was made by Ms. Gruwell, seconded by Mr. Lizarzaburu that this board reach out to Premier to form a deal for the equal sharing the expense of this travel (up to \$1,500.00 each). Mr. Mooney added that it should be clear that this does not include the payment of Ms. Cutrone's wages while she is at this conference. That should be the sole responsibility of her employer. Motion passes unanimously.

### **IV. DJH&WF Administrator Contract**

There have been no changes to the contract. The board will review Mr. Colton's administrator contract for renewal pending the correction of some incorrectly listed contract dates. Mr. Kerber proposes bringing the edited contract to the DTRC meeting on June 12, 2019 at which members of this board will be present and able to review and renew the contract through December 31, 2019. Also, going forward, for accounting purposes the contract should always be renewed at the January DJH&WBB meeting. Motion made by Ms. Gruwell, seconded by Mr. Mooney to accept Mr. Kerber's proposal. Motion passes.

### **V. Clear2Compete**

This is a comprehensive software program developed and used by jockeys in the National Steeplechase Association which can also be used as an app on a mobile device. Riders and their personal and emergency contact information are registered into the system. Medical history can be recorded in this system, but Mr. Colton is not in favor of this aspect at this time. Riders can either use their phones, or a key fob with their unique QR code to be scanned in and registered at a given track for the day. Stewards and EMS would have access to the day's list of riders generated by the app and flag jockeys who due to possible injury need to be cleared by medical staff. Once they are evaluated, track medical staff can mark them as either clear to ride or injured. Baseline testing can also be created and stored within the app. There are different levels of access to information. Jockeys may view and edit their personal/emergency contact info and view their current status. Stewards have access to flag riders, but cannot view their medical history. The administrator at the track would have full privileges, and the track medical staff would have the ability to clear the rider. This is available nationwide. This program would be beneficial since the Jockey Club is moving away from having any jockey medical information on their servers. The Jockey Club has had this program reviewed by a HIPAA attorney. Mr. Colton has not received the official letter, but has asked and it is HIPAA compliant. Consent to treat is also used, and privacy information

release forms are mandatory under the National Steeplechase Licensing. Clear2Compete would like to come in and use Delaware Park during the 2019 season to test the program, allowing us to utilize it free of charge. Because it would be run as a test, we would not necessarily remove jockeys using this avenue.

Before he can vote to approve, Mr. Mooney will need to present this to the Delaware Park legal department, as it is being offered to the track, not just the DJH&WBB. Legal review will also be required to ascertain if this board has the authority to mandate that jockeys much participate in the program. During this initial testing phase, Mr. Colton does not believe that a mandate is necessary, that it can be run on a volunteer only basis.

Discussion on this topic was tabled by Mr. Stegemeier until more information is obtained regarding what official steps and/or mandates are possible for full or partial implementation of the Clear2Compete program.

## **5. PUBLIC COMMENT**

The intent of the he legislation that was passed that allocates the money for this fund was to provide health insurance for active riders, which would also draw riders to Delaware Park to ride. Mr. Stegemeier is concerned that we now have 12 active riders and 17 retired riders enrolled. It would appear that the direction we're going in is toward more retired riders. Possible changes to the program will need to be explored to ensure that the program does not get bogged down by carrying more and more retired riders for the possible decades until they are eligible for Medicare.

## **6. ADJOURNMENT**

Upon a motion duly made (Gruwell) and seconded (Lizarzaburu), the meeting was adjourned at approximately 11:04 a.m.