



Delaware Thoroughbred Racing Commission
Minutes of Public Workshop & Meeting
April 8, 2009

The Delaware Thoroughbred Racing Commission held a public workshop and meeting on April 8, 2009, at 10:00 AM, in the Horsemen's Office located on the grounds of Delaware Park, 777 Delaware Park Boulevard, Wilmington, Delaware 19804.

The following commission members were present:

Bernard J. Daney, Chairman
W. Duncan Patterson, Jr., Secretary/Commissioner
Edward J. Stegemeier, Commissioner
Henry J. Decker, Commissioner

The following commission members were excused:

Debbie Killeen, Commissioner

The following individuals also were present:

John F. Wayne, DTRC, Executive Director
Andrew Kerber, Esq., Deputy Attorney General, Commission Counsel
Anthony Pecoraro, DTHA Board Member, Trainer
Bessie Gruwell, DTHA Executive Director
Billy Hollick, Delaware Jockeys Association, Vice President, Jockey
Dr. Kathleen Picciano, DTRC, Associate Veterinarian
Francis J. Swift, Jr., DTRC, Inspector
Fritz L. Burkhardt, DTRC, Associate Steward
G. Jack Houghton, Jr., DTRC, Sr. Steward
George Margetson, Trainer
Joe Rocco, Sr., Jockey
Joe'lyn Rigione, Delaware Park, Salix Office Supervisor
John Mooney, Delaware Park, Executive Director of Racing
Michael Gorham, DTHA Board Member, Trainer
Robert Colton, Delaware Jockeys Association, President, Jockey
Scott Peck, DTHA President
Shelley Perkins, DTRC, Paralegal I, Recording Minutes
Terry Meyocks, National Manager, The Jockeys' Guild

1. **WELCOME AND CALL TO ORDER**

At 10:00 AM, Chairman Daney called the meeting to order and welcomed those in attendance.

2. **EXTRACORPOREAL SHOCK WAVE THERAPY / RADIAL PULSE WAVE THERAPY**

Chairman Daney asked Executive Director, Mr. John F. Wayne, to lead the meeting.

The purpose of the workshop will be to examine and review proposed language for the use of Extracorporeal Shock Wave or Radial Pulse Wave Therapy instruments. Mr. Wayne read from March 17, 2009 Commission meeting minutes:

- There is a current rule, 15.14 that prohibits the device on the grounds of the association.
- There is a current house rule prohibiting the device on the grounds of Delaware Park.
- Shock Wave therapy has beneficial uses in the therapy of equine injuries.
- Shock Wave therapy use causes concern to horses receiving therapy as it reportedly masks pain and has anesthetic properties.
- Horses that cannot feel pain in their lower extremities cannot protect themselves against injuries, some of which may be catastrophic.
- Jockeys are concerned with the aspect that a horse may not be able to detect pain and protect itself from injury.
- Shock Wave Therapy devices are expensive and require exclusive use by licensed veterinarians only.
- If Shock Wave Therapy were allowed to be done on the grounds, strict monitoring of its treatments would be required.
- Thoughts that horses that receive Shock Wave Therapy should be rested and are not ready to be in training or racing.
- Horses that are treated with Shock Wave Therapy and have to wait a minimum of 10 days before running, occupy stall space that could be assigned to horses that are ready to compete in races.
- Information on the use of Shock Wave Therapy shows that it is beneficial and an asset to the healing process of a horse.
- Information on the use of Shock Wave Therapy shows that horses that receive treatment, have to be on the vet's list no less than 10 days before they can return to racing.
- Allowing Shock Wave Therapy on the grounds would allow the Commission to monitor the treatments closely.
- Allowing Shock Wave Therapy on the grounds of the Association, will not prevent would-be cheating from occurring.

Upon a motion duly made (Patterson) and seconded, the March 17, 2009 Commission meeting minutes were amended to add the following:

- Rule compliance if permitted on the grounds.

A. Examination of Current Commission Rule: Mr. Wayne read into the record the current Commission rule:

15.14 Shock Wave Therapy/Instruments

15.14.1 No person may possess on a licensee's race track an instrument used for shock wave therapy.

15.14.2 No horse may be treated with any form of shock wave therapy within ten (10) days of racing (the day of the treatment shall be considered the first day in counting the number of days).

15.14.3 The administration of shock wave therapy may only be performed by a licensed veterinarian. A veterinarian using shock wave therapy shall document and report each treatment on his daily medication report.

15.14.4 A Trainer or Veterinarian who has been found to have violated any of the above provisions of this Rule shall be subject to appropriate disciplinary action by the stewards and/or Commission including but not limited to a maximum suspension of ninety (90) days.

B. Examination of Current ARCI Model Rule: Mr. Wayne read into the record the current ARCI Model rule:

(5) The use of Extracorporeal Shock Wave Therapy or Radial Pulse Wave Therapy shall not be permitted unless the following conditions are met:

(a) Any treated horse shall not be permitted to race for a minimum of 10 days following treatment;

(b) The use of Extracorporeal Shock Wave Therapy or Radial Pulse Wave Therapy machines shall be limited to veterinarians licensed to practice by the Commission;

(c) Any Extracorporeal Shock Wave Therapy or Radial Pulse Wave Therapy machines on the association grounds must be registered with and approved by the Commission or its designee before use,

(d) All Extracorporeal Shock Wave Therapy or Radial Pulse Wave Therapy treatments must be reported to the official veterinarian on the prescribed form not later than the time prescribed by the official veterinarian.

- C. **Examination of Current Position Statement from The Jockey Club:** Mr. Wayne read into the record the current position statement from W. Ted Hill, VMD, Jockey Club Steward at the New York Racing Association:

“Shock Wave Therapy in Horses

The use of extracorporeal shock wave therapy has shown promise in treating a variety of orthopedic and soft tissue conditions in horses. Clinically, it has been particularly beneficial for stress fractures and suspensory ligament desmitis. However, solid scientific data for efficacy is still somewhat limited.

There have been numerous reports of analgesic effects after treatment lasting hours to several days. This has obvious safety concerns for horse and rider, whenever a treated horse is worked without full comprehension of pain. There is no way to determine when a horse has been treated with shock wave therapy, i.e., no obvious signs such as clipped hair or markings on the limbs, and no test to detect its use.

The studies to date indicate that any analgesic response is short lasting and gone in less than three days in most cases, with a few lasting up to five days. A conservative recommendation of 10 days restriction from racing has been widely accepted by the industry and equine veterinarians to address the welfare concerns.

There have been some suggestions that this therapy be banned as unsafe, but such action could have deleterious consequences. If totally prohibited from use on the tracks, the logical result will be clandestine treatments on farms and training centers, and horses racing within that five day post-treatment period with increased risks of serious or catastrophic injury. The alternative to banning shock wave therapy is to require full disclosure of treatment to identify horses and prevent them from racing. Reported horses can then be closely monitored by official veterinarians prior to and during racing.

It is recommended that policies are in force at tracks to protect horses and jockeys from any inappropriate use of this mode of therapy. “House rules” by race tracks can be effective to monitor and regulate shock wave therapy. Racing authorities should require veterinarians to register shock wave therapy units and provide detailed reports of treatment in a timely manner. Strict enforcement of this policy will increase awareness by veterinarians and horsemen of the potential risks of treatment while allowing for the therapeutic benefits.”

3. **PROPOSED GUIDELINES**

Mr. Wayne led an open discussion, as summarized below.

A. Following treatment – amount of days rest before being able to run

- Add to rule “can not work within 10 days.”
- How to monitor a horse getting shock wave therapy in the morning and sent out to train in the afternoon – or training in less than 10 days?
- Penalty if found in violation – severe – safety of jockeys and horses paramount – current penalty is 90-days - should be well beyond 90-day suspension – lose license for 1 year

B. Registration of Equipment

- Machine should be owned by practicing veterinarians

C. SWT/RPWT to be performed only by DTRC licensed veterinarians

- Machine should be owned by practicing veterinarians

D. SWT/RPWT Reports Required

- Machine should be owned by practicing veterinarians
- How to monitor horses coming and going off-track, i.e. Fair Hill, other racetracks, and New Bolton?
- Could we impose requirement to disclose shock treatment?
- Veterinarians and trainers must disclose treatment whether performed on or off premises.
- Are veterinarians generally required to disclose treatment of shockwave?

E. Delaware Park’s House Rule

- Delaware Park instituted the house rule at the request of the Commission. If the Commission’s standing is changed then the Commission needs to request Delaware Park to lift the ban they themselves requested in the first place.
- Mr. Mooney would like the request in writing, and reserves the right to preserve Delaware Park’s house rule.

Upon a motion duly made (Patterson) and seconded (Decker) the Commission will allow conditional use of shock wave therapy and requests Mr. Wayne and Commission Counsel Kerber to prepare a draft rule for the Commission’s next meeting, on April 14, 2009.

4. **JOCKEY MOUNT FEES**

At its March 17, 2009 meeting, the Commission urged agreement between the Delaware Thoroughbred Horsemen's Association (DTHA) and The Jockey Guild, and imposed a 60-day deadline for the DTHA and the Jockey Guild to reach an agreement. The matter shall be added to the Commission's May 12, 2009 meeting agenda.

An open discussion to gauge the parties ability to reach agreement was led by the Commission:

- Quorum at DTHA's last meeting concluded with a motion of \$75 for losing mount contingent on increased drug & alcohol testing as well as 2-week delay on jockey's pay – this point is contested by The Jockeys Guild – who asserts that \$80 was the agreed on fee for losing mount.
- Commission rule is clear – random and probable cause drug & alcohol testing.
- DTHA requested that they receive reports from DTRC.
- DTRC estimates 10-15 alcohol tests per month and 15-20 drug testing per month.

Again, the Commission urged agreement.

Upon a motion duly made (Decker) and seconded, the Commission requests a written statement be prepared by both parties and submitted at the Commission's April 14, 2009 meeting – ahead of the May 12, 2009 deadline.

Chairman Daney recognized Mr. Joseph Rocco, Sr., jockey – Mr. Rocco thanked the DTHA and specifically Executive Director, Ms. Bessie Gruwell, for their effort in reaching an agreement with The Jockeys Guild.

5. **EXECUTIVE SESSION**

At 11:11 AM, upon a motion duly made (Patterson) the Commission was adjourned to Executive Session to discuss personnel issues.

At 11:30 AM, the Commission was entered back into public session.

6. **ADJOURN**

At 11:35 AM, upon a motion duly made and seconded, Chairman Daney adjourned the meeting.