

FORBIDDEN SUBSTANCE, BUT WHO KNOWS THE RULES?

The old adage “An ounce of prevention is worth of pound of cure,” is certainly applicable to the issue of equine medications. Understanding the basic rules, and applying an overabundance of caution regarding disclosure reports, can save most owners and trainers from the pain and suffering of whispered reports of drug violations, not to mention countless dollars in legal fees should a sanctions hearing and appeal be scheduled! The following rules will guide owners and trainers through the potential minefields of the AHSA’s Rule IV, Drug and Medication Program Compliance.

1. Know the Difference Between Permitted, Restricted and Forbidden Substances.

“Permitted” substances are those substances medically necessary, for use with no reporting or time requirements. These include most antibiotics (except procaine penicillin), worm medicines, anabolic steroids (except for the Arabian halter and breeding classes 3 years old and younger), corticosteroids, hormones, vitamins, minerals, nutrients, and electrolytes.

“Restricted drugs” include drugs “permitted” at certain threshold levels. These drugs may become violations when exceeding those thresholds, such as Bute and other nonsteroidal anti-inflammatory drugs. Thresholds are reported in terms of the maximum permitted plasma concentration at time of competition.

“Forbidden drugs” are those drugs determined by the AHSA to affect performance in a horse. The list is extensive, and can be found on the AHSA/USA Equestrian’s web page. In addition, many herbal or similarly “benign” products often contain one or more forbidden substances sufficient to result in a positive test and potential disqualification from show earnings.

If you are not certain whether a particular substance is permitted, restricted, or forbidden, **DON’T GUESS** - check directly with the USA Equestrian at: 800-MED-AHSA.

2. Liberally Use the Medical Report to Disclose All Medications

The AHSA rules do not forbid medically necessary treatment for horses. Instead, Rule IV accommodates the use of forbidden medications provided three basic requirements are met:

1. The medication must be necessary for a therapeutic reasons; i.e. treatment of an existing illness or injury;
2. It cannot for any reason be administered during the 24 hours preceding competition; and
3. It must be properly and timely reported, in writing, on an official AHSA medication report form.

These rules seem straightforward enough, at least for those medications administered during a competition. But what about medication given **prior to** the competition? While there is no hard and fast rule, the AHSA suggests that a medical report form be completed any time a medication is given within seven days prior to a competition. However, many forbidden substances remain detectable for much longer than 7 days. Under the current AHSA rules, any positive drug test constitutes *prima facie* evidence that a forbidden substance has been given. This in turn is an automatic violation -- unless its proven the drug was therapeutically given and properly disclosed. Even then, it is within the Association's discretion to determine whether a violation occurred.

To avoid any appearance of wrongdoing, the owner or trainer should adopt the uniform and ultra-conservative rule of reporting **ANY** medication given to the competition horse within 45 days preceding competition. This in turn avoids the appearance of unfair advantage through illicit use of forbidden substances.

3. Know Your Rights

Let's assume that you have not read this article and find yourself faced with an unexpected positive test result at competition. Should you throw in the towel and accept the consequences? Absolutely not! First, examine whether a licensed veterinarian for therapeutic reasons prescribed the identified substance. In many instances, proof of legitimate application may be sufficient to avoid sanctions, even if a medical report was not filed. Second, know the obligations of the testing authority. Just as Rule IV requires you to comply with the rule, so does it also apply to the AHSA testing authority. These rules require that the tests be administered through a veterinarian duly appointed by the AHSA Administrator of the Drug and Medications Program; that the samples be collected with a concurrent blood and urinalysis sample; that the samples be collected in sufficient quantity to permit alternate testing and/or reanalysis; and that the testing be conducted by an AHSA sanctioned laboratory. Then, before sanctions can be imposed, the association must first issue a preliminary determination and report, and provide you with the means to appeal any adverse ruling.

4. Remember: It Ain't Over Till It's Over

Finally, if you've gone through each of the steps mentioned above, and you're still unsatisfied with the results, you may have the ability to challenge sanctions in court. Remember, however, that where you've voluntarily joined this organization and have agreed to be bound by its rules, courts in turn will be prone to hold you accountable to those rules. An association sanction will be upheld unless you can prove one of three things: (1) that you were denied basic "due process" (i.e. an opportunity to be heard); (2) that the association failed to follow its own rules and regulations; or (3) that the result was tainted by malice or self-dealing, or the association acted in an "arbitrary and capricious manner". On the other hand, where a professional association has complete monopoly on membership and the association significantly affects the member's practice of his profession, the association has a fiduciary duty to be "substantially rational and procedurally fair" in the disciplinary process.

5. Keep the Right Attitude – It's All For A Good Cause

In the final analysis, we all agree that horses should not be subjected to medication or other artificial tricks to win in the show ring. Such practices are abusive to the animal, defeat the integrity of the breed or discipline, and taint the entire profession as a whole. As in all things, if you recognize the principles underlying the rules, understand the rules, and consistently apply them in your day to day procedures, you should find yourself fully compliant with the AHSA's Drug and Medications Rule. After all, you have no more excuses (if you've read this article!)

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