

TITLE 325. OKLAHOMA HORSE RACING COMMISSION
CHAPTER 40. VETERINARIAN PRACTICES AND RESTRICTIONS

325:40-1-1. Purpose

The rules of this Chapter establish and describe ~~the supervisory control authority and procedures for~~ requirements for ensuring the health and welfare of racehorses, for safeguarding the interests of the public and participants of racing, and for supervision over veterinarian practices regarding in Commission-sanctioned horse racing; including equipment and medication labeling standards, reporting requirements, ~~supervision and the prohibition and ramifications of~~ and the administration of drugs or medications and substances unless specifically authorized by the Commission under the provisions of the Oklahoma Horse Racing Act, 3A O.S., § 200 et seq.

325:40-1-2. Definitions

In addition to the definitions provided in Section 200.1 of Title 3A, of the Oklahoma Statutes, the following words or terms, when used in this Chapter, shall have the following meaning, unless the context clearly indicates otherwise:

"Act" means the Oklahoma Horse Racing Act ~~{3A:200 et seq.}~~ 3A O.S. § 200 et seq.

"Administer" means the application of any veterinary treatment permitted under the Oklahoma Veterinary Practice Act, 59 O.S., § 698.1 et seq.

"Animal chiropractic diagnosis and treatment" means treatment that includes vertebral subluxation complex (vcs) and spinal manipulation of horses. The term "animal chiropractic diagnosis and treatment" shall not be interpreted to allow taking x-rays, performing surgery, administering medications, or offering traditional veterinary care.

"Registered Veterinary Technician" means a person who is registered by the Oklahoma Board of Veterinary Medical Examiners and licensed by the Commission as a Registered Veterinary Technician. ~~A licensed Registered Veterinary Technician must perform all work on the racetrack enclosure under the direct supervision of a Veterinarian licensed in Oklahoma, except that a Registered Veterinary Technician shall not be permitted to administer medication to any entered horse.~~

"Commissioner" means a member of the Oklahoma Horse Racing Commission.

"Controlled substance" means any substance included in the five classification schedules of the Oklahoma Uniform Controlled Dangerous Substances Act.

"Day" means a 24-hour period beginning and ending at midnight.

"Direct supervision" means directions have been given to a registered veterinary technician for medical care following the examination of a horse by the Commission licensed veterinarian responsible for the professional care of the horse.

"Drug (medication)" means a substance foreign to the normal physiology of the horse.

"Enclosure" means all buildings and grounds of the Organization licensee and shall include both public areas and areas with restricted access.

"Entered horse" means a horse appearing on the overnight sheet posted by the Racing Secretary.

"Foreign substances" means ~~all substances except those which exist naturally in the untreated horse at normal physiological concentration and shall include but not be limited to all narcotics, stimulants, or depressants.~~

"Horse" means: any equine including mares, fillies, stallions, colts, and geldings.

~~(A) any equine including and designated as mare, filly, stallion, colt, ridgeling, or gelding registered for racing;~~

~~(B) an entire equine male five years of age and older.~~

~~"Medication" means a substance other than food intended to affect the structure or any function of the body of a human or a horse.~~

"Occupation license" means a state requirement for any person acting in any capacity pursuant to the provisions of the Act.

"Official Veterinarian" means a person who is licensed to practice veterinary medicine by the State of Oklahoma and employed by the Commission and qualified and licensed by the Commission as an Official Veterinarian.

"Organization license" means a state requirement for any person ~~desiring to conduct or~~ entity conducting a race meeting in Oklahoma within the minimum standards as required by the Act and the rules of the Commission.

"Owner" means any person who holds in whole or in part, any right, title or interest in a horse ~~or an Organization Licensee~~ or any person who is a Lessee or Lessor of a horse and has been duly issued a currently-valid Owner license as a person responsible for such horse.

"Permitted substance" means any substance having a listed threshold for a particular breed of horse unless otherwise specified by Commission rules.

"Practicing veterinarian" means a person employed by a trainer or owner to medically treat horses, is licensed to practice veterinary medicine by the State of Oklahoma, and is licensed as a veterinarian by the Commission.

"Prohibited substance" means any substance, chemical, or analog that is not listed by Commission rules as a permitted substance for a particular breed of horse or is not a naturally occurring substance.

"Race" means a contest between horses.

"Race day" means a day during a race meeting when ~~pari-mutuel wagering occurs on~~ live races are conducted at that racetrack.

"Racing Veterinarian" means a person who is licensed to practice veterinary medicine by the State of Oklahoma, employed by the organization licensee, and qualified and licensed by the Commission as a Racing Veterinarian.

"Registered veterinary technician" means a person who is registered by the Oklahoma Board of Veterinary Medical Examiners and licensed by the Commission as a registered veterinary technician.

~~"Restricted area" means any area within the enclosure where access is limited to licensees whose occupation requires access. Those areas which are restricted shall include but not be limited to the barn area, paddock, test barn, Stewards' tower, racecourse, mutuel line and money rooms, or any other area designated restricted by the organization licensee or the Commission, or both. Signs giving notice of restricted access shall be prominently displayed at all entry points.~~

"Rules" means the rules adopted by the Commission to implement the provisions of the Act.

"Steward" means a duly appointed Racing Official with powers and duties specified by statutes or rules.

"Substance" means any kind of physical matter existing in a solid, liquid, or gaseous state or some combination thereof and includes any drugs or medications referred to under the Oklahoma Horse Racing Act, 3A O.S. § 200 et seq.

“Teeth floating” means the veterinary practice provided by a non-veterinary equine dental care provider consisting of removing enamel points and smoothing, contouring and leveling of dental arcades and incisors of a horse's teeth.

“Trainer” means a person qualified and licensed by the Commission as a Trainer.

“Veterinarian” means a person licensed to practice veterinary medicine by the State of Oklahoma and licensed as a Veterinarian by the Commission.

“Veterinarian-client-patient relationship” means the practicing veterinarian has assumed the responsibility for making medical judgements regarding the health of the horse and the need for medical treatment, and the trainer, owner or other caretaker has agreed to follow the instructions of the practicing veterinarian; there is sufficient knowledge of the horse by the practicing veterinarian to initiate at least a general or preliminary diagnosis of the medical condition of the horse or horses in that the practicing veterinarian has recently seen or is personally acquainted with the keeping and care of the horse or the practicing veterinarian has made medically necessary and timely visits to the premises where the horse is stabled; the practicing veterinarian is readily available for follow-up in case of adverse reactions or failure of the regimen of therapy, or has arranged for emergency medical coverage; and the practicing veterinarian’s actions would conform to applicable state and federal law and regulations.

“Veterinary prescription medications” means such prescription substances as are in the possession of practicing veterinarians regularly and lawfully engaged in the practice of veterinary medicine and the federal Food and Drug Administration-approved human medications for animals which because of their toxicity or other potential for harmful effects, or method of use, or the collateral measures necessary for use, are labeled by the manufacturer or distributor in compliance with federal law and regulations to be sold only to or on the prescription order or under the supervision of a licensed veterinarian for use in the course of professional practice. Veterinary prescription medications shall not include over-the-counter products for which adequate directions for lay use can be written.

“Week” means a calendar week seven (7) day period.

“Year” means a calendar year 365 day period.

325:40-1-3. Veterinary practices - Treatment restricted

(a) No person other than an Oklahoma-licensed Veterinarian or Registered Veterinary Technician practicing veterinarian, official veterinarian, racing veterinarian, or registered veterinary technician under the direct supervision of a licensed Veterinarian who has obtained a license from the Commission practicing veterinarian shall administer to any horse within the enclosure any veterinary treatment or any medicine, medication, or other permitted substance recognized as a medication or veterinary prescription medications to any horse within the enclosure, except for recognized feed supplements or oral tonics or substances approved by the Official Veterinarian. “Administer” shall be defined as anything permitted under the Oklahoma Veterinary Practice Act [59 O.S., § 698.1 et seq.] or allowed for a Registered Veterinary Technician under the Oklahoma Veterinary Practice Act, except a Registered Veterinary Technician shall not be permitted to administer medications to any entered horse.

(b) The following restrictions apply to medical treatments of horses that are engaged in activities, including training, related to competing in pari-mutuel racing in the jurisdiction:

(1) With the exception of emergency care, no permitted substance or veterinary prescription medication shall be administered by a practicing veterinarian outside the

- context of a valid veterinarian-client-patient relationship between the practicing veterinarian, the horse owner (who may be represented by the trainer) and the horse.
- (2) The owner (who may be represented by the trainer) is not required to follow the practicing veterinarian's instructions, but no permitted substance or veterinary prescription medication shall be administered unless administered by a practicing veterinarian having previously examined the horse and provided the treatment recommendation, as follows:
- (A) The practicing veterinarian, with the consent of the owner (who may be represented by the trainer), has accepted responsibility for making medical judgments about the health of the horse;
 - (B) The practicing veterinarian has sufficient knowledge of the horse to make a preliminary diagnosis of the medical condition of the horse;
 - (C) The practicing veterinarian has performed an examination of the horse and is acquainted with the keeping and care of the horse;
 - (D) The practicing veterinarian is available to evaluate and oversee treatment outcomes, or has made appropriate arrangements for continuing care and treatment;
 - (E) The veterinarian-client-patient relationship is maintained by veterinary examinations as needed, and;
 - (F) The judgments of the practicing veterinarian are independent and shall not be dictated by the trainer or owner of the horse.
- (3) A practicing veterinarian, official veterinarian or racing veterinarian who, in good faith, renders or attempts to render emergency care to a horse in the enclosure suffering from an accident, disaster or other health emergency will not be liable for any violation as a result of such action, subject to the following restrictions:
- (A) If the horse is an entered horse, the veterinarian shall attempt to contact the official veterinarian prior to emergency treatment.
 - (B) If the official veterinarian is not available, the horse may be treated without authorization provided the treating veterinarian contacts the official veterinarian or the stewards as soon as possible after treating the entered horse.
 - (C) A horse receiving emergency care within 24 hours prior to the running of a race shall be scratched.
 - (D) The fact that a valid veterinarian-client-patient relationship doesn't exist shall not prevent a veterinarian from providing emergency care to a horse within the enclosure.
- (4) The practicing veterinarian shall be responsible to ensure that treatment of a horse complies with Chapter 45 of the Rules of Racing. The recommendation of a medical treatment, therapy, or administration of a permitted substance or veterinary prescription medication for a horse within the enclosure shall be the responsibility of the practicing veterinarian and the decision to proceed with a recommended medical treatment, therapy, administration of a permitted substance or veterinary prescription medication shall be the responsibility of the horse owner (who may be represented by the trainer).
- (5) Certain medical treatments shall not be prohibited, as follows:
- (A) Any chiropractic physician licensed in this state and who is certified by the Board of Chiropractic Examiners to engage in animal chiropractic diagnosis and treatment may practice equine chiropractic diagnosis and treatment under the direct supervision of a practicing veterinarian.

(B) Any individual that is certified in animal massage therapy and acquires liability insurance may engage in equine massage therapy after referral from a licensed practicing veterinarian and under the direct supervision of a practicing veterinarian.

(C) Any individual that is certified by the State Board of Veterinary Medical Examiners as a non-veterinary equine dental care provider may engage in horse teeth floating under the direct supervision of a practicing veterinarian.

(D) Complementary and alternative therapies may be performed on a horse by a practicing veterinarian or under the direct supervision of a practicing veterinarian.

Complementary and alternative therapies include, but are not limited to:

(i) acupuncture and related acupoint therapies;

(ii) manual therapies including physical, massage, and osteopathic therapies;

(iii) energy therapies including ultrasound, pulsating electromagnetic field (PEMF), static magnetic field, laser, Reiki, therapeutic touch, Bowen, and shock wave therapies;

(iv) integrative medicines including Ayurveda, aromatherapy, flower remedy therapy, holistic medicine, homeopathy, nutritional therapy, and phototherapy.

(6) Only trainers and owners may authorize veterinary medical treatment of horses under their care, custody, and control within the enclosure.

(7) A practicing veterinarian shall not engage in conduct likely to deceive, defraud or harm the public or a demonstration of willful or careless disregard for the health, welfare or safety of a horse.

(8) A practicing veterinarian shall not administer any parenteral substance to an entered horse, other than furosemide, within 24 hours prior to running in a race.

(9) A practicing veterinarian shall not fraudulently issue or use certificates of veterinary inspection; test charts including forms for equine infectious anemia or equine piroplasmiasis; or vaccination reports

(10) A practicing veterinarian shall not violate any state or federal statute, rule or regulation regarding the prescription, dispensation, or administration of veterinary prescription medications.

(c) Nothing in this Chapter is intended to allow otherwise prohibited conduct or to allow the presence of substances in a horse that would otherwise be considered a violation of Chapter 45 of the Rules of Racing. If the necessary medical treatment of a horse requires the administration of a veterinary prescription medications, prohibited substances, naturally occurring substances, or dosages of permitted substances that make the horse ineligible to run a race, the horse shall be scratched or disqualified as circumstances dictate and the owner, trainer, and practicing veterinarian may be subject to appropriate penalties for violations of these rules.

325:40-1-4. Veterinarians under supervision of Official Veterinarian

(a) ~~Veterinarians licensed by the Commission and practicing at an authorized meeting~~ ~~are~~ ~~Practicing veterinarians and racing veterinarians working within the enclosure shall be~~ under the supervision of the Official Veterinarian and the Stewards. The Official Veterinarian shall recommend to the Stewards or the Commission the discipline to be imposed upon a ~~Veterinarian~~ practicing veterinarian, racing veterinarian, or registered veterinary technician who violates the rules of this Chapter, and ~~sit with the Stewards in~~ appear at any hearing before the Stewards concerning such discipline or any violation.

(b) Registered veterinary technicians shall not perform work on any horse within the enclosure unless under the direct supervision of practicing veterinarian responsible for the professional care of the horse and supervising practicing veterinarian responsible for the professional care of the horse is also present within the enclosure.

(c) Registered veterinary technicians shall not administer parenteral substances to any horse within the enclosure.

325:40-1-5. Veterinarian reports

(a) ~~Every Veterinarian licensed by the Commission practicing veterinarian:~~

(1) Who treats any horse within the enclosure for any contagious or communicable disease reportable to state or federal authorities shall immediately report the treatment to the ~~Official Veterinarian~~ official veterinarian in writing on a form approved by the Commission.

(2) Who treats a horse within twenty-four (24) hours prior to post-time ~~except as provided in Rule 325:45-1-20~~ shall submit daily reports on a form approved by the Commission to the ~~Official Veterinarian~~ official veterinarian showing all ~~medication and other~~ substances which the ~~Veterinarian practicing veterinarian~~ prescribed, administered or dispensed. The form shall include, but not be limited to, the name and location of the horse treated, the name of the ~~Trainer~~ trainer, the time of treatment or examination, the probable diagnosis, and the medication administered.

(3) Who treats any horse or performs other professional services to horses participating in any race meeting conducted in Oklahoma shall be responsible for maintaining medical records in compliance with the Oklahoma Veterinary Practice Act, O.S., Title 59, § 698.2 to § 698.28 on all horses for which they prescribe, administer, or dispense ~~medication~~ permitted substances or veterinary prescription medications, or perform other professional services. The treatment records or log book information shall include but not be limited to the date and time of ~~treatment/service~~ treatment or service; name of racetrack; ~~Veterinarian's practicing veterinarian's~~ printed name and signature; registered name of horse; ~~Trainer's~~ trainer's name; barn number or location of horse; race date and race number, if any; medication and dosage; and reason for treatment/services. ~~These records~~ Treatment records shall be available to the Commission and the Stewards within twenty-four (24) hours of request unless otherwise provided by the Board of Stewards or Commission Executive Director. Failure to comply shall subject the ~~Veterinarian practicing veterinarian~~ to disciplinary action by the Board of Stewards.

(b) ~~Any such medical record and any report of treatment as~~ Treatment records described in (a) of this Section ~~is~~ shall be confidential; and ~~it's~~ the content of treatment records shall not be disclosed except in a proceeding before the Stewards or the Commission in the exercise of the Commission's jurisdiction or in forwarding such information to the Oklahoma Board of Veterinarian Medical Examiners.

325:40-1-6. Bandages

Only bandages approved by the ~~Official Veterinarian~~ official veterinarian shall be used on a horse during a race, and all other leg coverings shall be removed prior to entering the saddling paddock.

325:40-1-7. Posterior digital neurectomy

No person shall bring onto the enclosure of a racing organization, or enter or cause to be entered in any race, any horse which has been "nerved" or has had any nerve removed from the leg of such horse, except as provided by this Section. Notwithstanding the prohibition against "nerving," a horse upon which a ~~Posterior Digital Neurectomy~~ posterior digital neurectomy has been performed, commonly known as "heel nerving," is not ineligible to race, provided that the ~~Official Veterinarian~~ official veterinarian is satisfied that the loss of sensation to such horse due to the ~~Posterior Digital Neurectomy~~ posterior digital neurectomy will not endanger the safety of any horse or rider, that the prior approval of the ~~Official Veterinarian~~ official veterinarian has been obtained, that the ~~Racing Secretary~~ racing secretary is notified of such "nerving" at the time such horse is entered in a race and its ~~Registration Certificate~~ registration certificate marked to indicate such "nerving." The ~~Racing Secretary~~ racing secretary shall maintain a list of "nerved" horses which are on the grounds, and shall make such list available for inspection by other licensees participating in the meeting.

325:40-1-8. Postmortem examination

(a) Every horse, which dies or suffers a breakdown on the racetrack in training or in competition within any enclosure licensed by the Commission and is destroyed, shall undergo, at a time and place acceptable to the ~~Official Veterinarian~~ official veterinarian, a postmortem examination to the extent reasonably necessary to determine the injury or sickness which resulted in euthanasia or natural death. Any other horse which expires within any enclosure may be required by the ~~Official Veterinarian~~ official veterinarian to undergo a postmortem examination.

(b) All licensees shall be required to comply with postmortem examination requirements as a condition of licensure.

(c) In addition to the postmortem examination of the horse, the official veterinarian, stewards or Commission may request veterinary treatment records, training charts, race video, and interviews with personnel charged with the care, handling, and welfare of the horse in question.

(d) The postmortem examination shall be conducted by a Commission approved program in consultation with the official veterinarian who may be present at such postmortem examination.

(e) Biological samples may be obtained from the carcass upon which the postmortem examination is conducted and may be sent to a laboratory approved by the Commission for analysis. The detection of a prohibited substance, permitted substance exceeding listed thresholds, naturally occurring substance exceeding listed thresholds or exceeding concentrations that the substance may naturally occur in a postmortem biological sample shall constitute prima facie evidence that a substance violation occurred and may, at the discretion of the Stewards or Commission, result in summary suspension of the responsible trainer, disqualification of the horse, and other penalties authorized by the Act and the rules of the Commission.

325:40-1-9. Labeling of ~~medication~~ veterinary prescription medications

(a) No ~~Veterinarian, Vendor,~~ practicing veterinarian, vendor or other person shall dispense, sell or furnish any feed supplement, tonic, veterinary preparation, veterinary prescription medication, or ~~any~~ substance containing a prohibited drug substance to any person within the enclosure, ~~unless there is~~ Veterinary prescription medications or other substances containing a prohibited substance shall bear a label specifying the name of the dispensing

Veterinarian practicing veterinarian dispensing the veterinary prescription medication or other substance containing a prohibited substance, the name of the horse or the purpose for which the said preparation or medication is dispensed, and the name of the person to which dispensed, or is otherwise labeled as required by Law. Any substance containing a prohibited drug substance shall be labeled, "Caution. Contains Prohibited Drug Substance."

(b) Nothing in this section is intended to allow otherwise prohibited conduct or to allow the presence of substances in a horse that would otherwise be considered a violation of Chapter 45 of the Rules of Racing. If the necessary medical treatment of a horse requires the administration of a veterinary prescription medications, prohibited substances, naturally occurring substances, or dosages of permitted substances that make the horse ineligible to run a race, the horse shall be scratched or disqualified as circumstances dictate and the owner, trainer, and practicing veterinarian may be subject to appropriate penalties for violations of these rules.

325:40-1-10. Sterile Veterinary equipment required

Veterinarians shall use one-time disposable hypodermic needles. The ~~Official~~ official veterinarian and the organization shall provide a secure place for the disposal of needles, syringes, injectable medications and their containers; and ~~Veterinarians practicing veterinarians~~ veterinarians practicing veterinarians within the enclosure shall ~~not~~ dispose of ~~such materials~~ veterinary equipment and biological waste ~~within the enclosure other than~~ properly and in such secure place.