

**CHAPTER 40.**  
**VETERINARIAN PRACTICES AND RESTRICTIONS**

**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 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 ~~(ves)~~ 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.

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

"**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.

"**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.

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

"**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 or entity conducting a race meeting in Oklahoma within the minimum standards 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 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 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.

**"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"** ~~as provided by a non-veterinary equine dental care provider,~~ means the ~~veterinary practice provided by a non-veterinary equine dental care provider~~ consisting of removing removal of enamel points and the smoothing, contouring and leveling of dental arcades and incisors of a horse's horses' teeth.

**"Trainer"** means a person qualified and licensed by the Commission as a Trainer.

**"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 substance 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 seven (7) day period.

**"Year"** means 365 day period.

### **325:40-1-3. Veterinary Practices – Treatment Restricted**

(a) No person other than an Oklahoma-licensed practicing veterinarian, official veterinarian, racing veterinarian, or registered veterinary technician under the direct supervision of a practicing veterinarian shall administer any veterinary treatment or

permitted substance or veterinary prescription medications to any horse within the enclosure.

(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 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 permitted, 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~~ 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.

### **325:40-1-5. Veterinarian Reports**

(a) Every 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, the State Veterinarian for the Oklahoma Department of Agriculture, or the Area Veterinarian in Charge for APHIS (USDA) ~~in writing on a form approved by the Commission.~~

(2) Who treats a horse within twenty-four (24) hours prior to post-time shall submit daily reports on a form approved by the Commission to the official veterinarian showing all substances which the 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, 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 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 or service; name of racetrack; practicing veterinarian's printed name and signature; registered name of horse; trainer's name; barn number or location of horse; race date and race number, if any; medication and dosage; and reason for treatment/services. 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 practicing veterinarian to disciplinary action by the Board of Stewards.

(b) Treatment records described in (a) of this Section shall be confidential; and 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 Veterinary Medical Examiners.