

# **Quarter Horse Association of Alberta Medication Control Discipline and Hearing Guidelines**

The information below is an outline of the protocol to serve as a guideline to be followed during the discipline and the hearing process for a positive drug test at an American Quarter Horse Association (AQHA)/Quarter Horse Association of Alberta (QHAA) approved show. The QHAA, being the official affiliate of the AQHA, follows and enforces all the AQHA Rules and Regulations as they appear in the Official Handbook.

## **QHAA Medication Control Officials**

Annually the QHAA will appoint a Medication Control Coordinator and a Discipline Committee.

The **Medication Control Coordinator** will be responsible for:

- Hiring drug testing technicians and veterinarians
- Confidentially selecting the shows to be tested and determine the manner of choosing the horses to be tested
- Communicating with the testing laboratory including confirming that the lab testing procedures comply with the AQHA rules, ordering test kits and receiving the notification of any positive analysis
- Immediately notify of the QHAA Board of Directors of receipt of a positive test with no test details
- Refers all information regarding the positive test including copies of the Certificate of Positive Analysis, the Collection Sheet and the Entry Form of the horse in question to the chairperson of the discipline committee

The **Discipline Committee** will consist of no less than five knowledgeable horsepersons with a minimum of three to service on any one case. Preferable one of the members should be an equine veterinarian and one designated as chairperson. This committee will be responsible for:

- Reviewing the documents related to the positive analysis
- Drafting and sending a Notification Letter to the Responsible Party(ies)
- Reviewing the response to the notification letter along with all other information about the case then determining the nature and category of the infraction along with who is the absolute responsible party(ies)
- Ordering a formal investigation if deemed necessary
- Drafting an Offer of Settlement/Administrative Penalties (Notice of Offer of Penalty) based on all the evidence gathered and using AQHA Guidelines Regarding Offers of Settlement/Administrative Penalties
- Implementing the administrative penalties if accepted or setting up a hearing if the administrative penalties are not accepted by the Responsible Party(ies)
- Communicating all actions to the AQHA as they are occurring

## **Notification Letter**

Upon receipt of a certificate of positive analysis from the official laboratory (Maxxam Analytics), the QHAA sends the Responsible Party(ies) a Notification Letter by registered mail at the address on the entry form stating the violation. The letter will also ask for a response within 21 days of its receipt with an explanation of the circumstances leading to the positive test and who was responsible for the horse's condition.

The following supporting documents are included with the Notification Letter:

- Copy of certificate of positive analysis
- Copy of sample collection documents
- Entry Form from the competition where the infraction took place
- If applicable, any conditionally permitted therapeutic medication form
- AQHA Prohibited Medication Rules (VI0300 Prohibited Medication, Drug, Substance; VI0505 Disciplinary and Appeal Procedure; VI 0515 Admissibility of Evidence and Sufficiency of Proof; VI0520 Absolute Responsibility; VI0521; VI0600 Notice of Hearing)  
All of these rules are in the AQHA Official Handbook
- AQHA Guidelines Regarding Offers of Settlement/Administrative Penalties

## **Notice of Offer of Penalty (Administrative Penalties)**

After reviewing all the evidence related to the case, the discipline committee will draft and send an offer of an administrative penalty for the violation to the Responsible Party(ies) by registered mail. This offer is called a Notice of Offer of Penalty and will be applied in accordance with the AQHA and/or NSBA Guidelines Regarding Offers of Settlement/Administrative Penalties with consideration to be given for all circumstances leading to the positive including any prior infractions. The administrative penalty may include a fine plus any costs incurred by the QHAA including the costs associated with the redistribution of the prizes and awards. The Acceptance of Penalty and Waiver forms will be included with this letter. The responsible party(ies) has 21 days from the date of the Notice of Offer of Penalty to respond with the choice of the administrative penalty or a hearing. If the responsible party(ies) does not respond within 21 days, the responsible party(ies) is deemed to automatically accept the administrative penalty.

This notice will also make it clear that the penalty offered could be higher if the case goes to a hearing and that the minimum charge for a hearing is \$500 with a non-refundable deposit of \$250 required with any request for a hearing. All fines are due 30 days from the date of this notice.

## **Retesting the Sample**

The responsible party(ies) has the right to have the sample retested within 45 days of the date of the certificate of positive analysis. The responsible party(ies) has the option to have Maxxam Analytics retest the sample or may request the sample be shipped to another approved laboratory as published by Equestrian Canada. The responsible party(ies) is responsible for all costs associated with the retesting of the sample.

The responsible party(ies) must submit a formal request in writing to the QHAA Discipline Committee chairperson, stating they would like to conduct a retest specifying which laboratory will conduct the retest. The Discipline Committee then notifies Maxxam to release the sample. The responsible party(ies) contacts the laboratory and makes arrangements to retest or ship the sample. Copies of the results are sent to the Discipline Committee and the responsible party(ies) after the retest is completed. The invoice for the retest goes directly to the responsible party(ies).

If the responsible party(ies) elects to send the sample for retest to another laboratory, they must choose a lab from the list provided by the QHAA, as published by Equestrian Canada. The responsible party(ies) is responsible for all costs including shipping/handling and analysis. Maxxam arranges for the sample to be sent to the other laboratory and follows the proper chain of custody protocol.

## **Investigations**

The QHAA/AQHA may decide at any time to investigate any positive equine medication control sample. If an investigation is deemed necessary, the following steps will be taken:

1. The QHAA selects an investigator
2. The QHAA will send all documentation to the investigator along with the contact details of the RP.
3. The Investigator will contact the RP for a statement.
4. The Investigator will contact all the parties involved.
5. The Investigator may visit site locations and may collect samples.
6. After all material is collected the investigator sends a detailed report to the QHAA Discipline Committee.
7. The QHAA determines based on the evidence provided how to proceed. They may elect to dismiss the case or follow the normal administrative penalty/hearing process.
8. The responsible party(ies) will receive a letter outlining the outcome of the investigation and the decision of the QHAA.
9. All samples collected during the investigation will be held until the hearing and appeals period are complete. The samples collected during the investigation will be held for 6 months from the date of the decision letter.
10. The Discipline Committee will determine who bears the cost of the investigation. In most cases the responsible party(ies) will be held responsible for the costs of the investigation.
11. The responsible party(ies) can also perform their own investigation independent of the QHAA

## **Hearing Process**

- 1) The hearing is most commonly held by teleconference unless an in-person hearing is justified.

- 2) If a hearing is selected, the QHAA Discipline Committee selects a three-person hearing panel consisting of two knowledgeable horse persons and an equine veterinarian. The panel may include the Discipline Committee members that have not served on the initial proceeding.
- 3) The QHAA Hearing Panel sends the responsible party(ies) a letter explaining the hearing process, date and time, along with all documents pertinent to the hearing.
- 4) The Responsible Party(ies) may conduct tests, gather research, provide letters from various witnesses (such as a veterinarian) and submit their information to the Panel in accordance with the time lines established by the Panel. The responsible party(ies) is also permitted to have witnesses present at the hearing.
- 5) All documents from the AQHA, the QHAA and the responsible party(ies) are circulated to all parties and the Panel in advance of the hearing.
- 6) The Panel may determine that the circumstances of the infraction warrant an investigation and/or a preliminary conference to resolve issues. The issues may include the need for additional testing, the structure of the hearing or time lines for example.
- 7) The standard agenda is:
  - Introduce the Panel, QHAA/AQHA representatives(s), responsible party(ies), witnesses and staff.
  - The Panel Chair introduces the nature of the hearing and why everyone is present on the call.
  - Confirm everyone has received all documents regarding the hearing.
  - A QHAA representative presents the case on behalf of the QHAA/AQHA.
  - Responsible Party(ies) and the Panel can ask questions of the QHAA/AQHA representative.
  - Responsible Party(ies) and witnesses present their information/case to the hearing panel.
  - Open for questions from panel, witness, responsible party(ies), and QHAA/AQHA representative.
  - Once there are no more questions, the chair excuses the QHAA/AQHA representative, the Responsible Party(ies), and witnesses from the hearing.
  - The Hearing Panel reviews the information and renders a decision with the rationale for their decision. A decision letter is sent to the QHAA and the AQHA.
- 8) Once approved by the QHAA Board of Directors the decision letter is sent to the responsible party(ies).
- 9) If the responsible party(ies) is deemed to be at fault, the QHAA/AQHA collects the fines and hearing costs and, if applicable, puts the responsible party(ies) and Horse on suspension. The fines and hearing costs are due within 30 days from the date of the decision letter. The responsible party(ies) will remain suspended until all are paid in full. The responsible party(ies) shall be required to forfeit all winnings at the competition in question by said horse and the same shall be redistributed in consequence.

- 10) The Hearing cost of \$500 is mandatory and the Panel has the discretion to charge additionally for all expenses the QHAA has incurred.
- 11) If the Panel determines no fault by the Responsible Party(ies), they may choose to partial re-assign the hearing costs.
- 12) The Hearing Panel has the ability to determine when the suspension will be served for both the horse and responsible party(ies). The suspension can begin as early as 15 days from the date of the decision letter or be delayed until the following year but must be served within 1 year of the hearing.

### **Appeals Policy**

The Responsible Party(ies) has 21 days from the date on which they receive the decision letter to make an appeal. A Responsible Party(ies) may only appeal the decision made by a hearing panel. The Responsible Party(ies) may not submit an appeal if the administrative penalty was selected or automatically applied.

Final version: Feb. 20, 2017