

§ 403.7. Extracorporeal shock wave therapy or radial pulse wave therapy.

(a) The use of Extracorporeal Shock Wave Therapy or Radial Pulse Wave Therapy ("shock wave therapy") or other acoustic wave high energy, high amplitude devices, therapies, treatments or similar mechanisms, devices or treatments shall not be permitted unless the following conditions are satisfied:

(1) Only licensed veterinarians are permitted to use the preferred types of Extracorporeal shock wave devices or perform therapies and treatments on a horse as previously defined;

(2) Only licensed veterinarians are permitted to possess or use any instrument used to administer or deliver shock wave therapy on the licensed racetrack grounds or other facility under the jurisdiction of the Commission;

(3) All shock wave therapy machines or devices, whether in operating condition or not, must be registered with and approved by the Commission or its designee before the machine is brought to or possessed on any racetrack or other facility under the jurisdiction of the Commission;

(4) All shock wave therapy machines must be reported and registered within 24 hours prior to treatment on the prescribed form to the Commission veterinarian.

(5) All shock wave therapy machines must be used at a previously-disclosed location that is approved by the Commission. Commission investigative staff shall be granted access to any location housing a registered shock wave therapy machine of any type.

(b) Shock wave therapy cannot be administered to any horse entered in a race. If a horse is entered, shock wave therapy cannot be administered until that horse has been scratched from the race. If shock wave therapy is administered to a horse entered in a race, but which has not been scratched, both the trainer and veterinarian shall be in violation of this section.

(c) Any horse treated with shock wave therapy shall, within 24 hours of the treatment, be placed on the Veterinarian's List and added to a list of ineligible horses. This list shall be kept in the race secretary's office and accessible to the jockeys, drivers, trainers or their agents

during normal business hours and be made available to other regulatory jurisdictions.

(d) No horse treated with shock wave therapy shall be permitted to qualify, breeze or race for a minimum of 10 days following treatment with the day one beginning on the day the therapy was administered.

(e) Within 24 hours of administering shock wave therapy, the treating veterinarian shall submit a written report/treatment sheet detailing the treatment information and horse and trainer's name to the Commission Veterinarian.

(f) Any owner, trainer, veterinarian or other person who performs, participates in the use, treatment or administration of shock wave therapy or who is in the possession or control of an unregistered shock wave therapy machine in violation of this section shall be considered to have committed a violation of the rules of racing and is subject to the penalties and fines set forth in section 9325 (relating to power of commission to impose fines) of the act, the applicable penalty matrix as adopted and published by the Commission or under the ARCI Class A Penalty provisions.

(1) Penalties assessed against an owner, trainer, veterinarian or other person for violation of this section shall be individually assessed against each violator.

(2) A person directing another to violate this section shall be subject to the same penalties as the offender.