

LAW AND PUBLIC SAFETY

NEW JERSEY RACING COMMISSION

Harness Racing

Veterinarian (Practicing)

Proposed Amendment: N.J.A.C. 13:71-9.2

Authorized By: New Jersey Racing Commission, Frank Zanzuccki, Executive Director

Authority: N.J.S.A. 5:5-30

Calendar Reference: See Summary below for explanation of exception to calendar requirement.

Proposal Number: PRN 2002-416

Submit written comments by January 17, 2003 to:

Michael Vukceovich, Deputy Director
New Jersey Racing Commission
PO Box 088, 140 East Front Street
Trenton, New Jersey 08625

The agency proposal follows:

Summary

The Racing Commission is interested in obtaining public comment on the proposed amendment concerning its rule regarding the submission of veterinary treatment records N.J.A.C. 13:71-9.2. The current rule requires that practicing veterinarians licensed by the Racing Commission make daily reports to the State Veterinarian and to the Stewards of all horses under treatment by them. Under the current rule, records are normally received after the treated horse has competed in a race. The proposed amendment would change the reporting process to require a full and complete response within 24 hours of notification by the Commission. The treating veterinarian must submit the original treatment records and all other pertinent information.

The intent of the amendment is to provide the Racing Commission with accurate records in the event of an investigation or when requested. The Commission believes that expedited submission of veterinary treatment records will meet the intent of the rule to facilitate investigations while reducing the amount of paperwork.

As the Commission has provided a 60-day comment period on this notice of proposal, this notice is excepted from the rulemaking calendar requirement pursuant to N.J.A.C. 1:30-3.3(a)5.

Social Impact

The proposed amendment will have a positive influence on the integrity of racing, by ensuring that, when needed, the treatment records are received promptly so that a thorough investigation can be conducted by the Commission.

Economic Impact

The proposed amendment should have a positive impact in that it will reduce the practice management burden to the practicing veterinarian, thus reducing costs.

Federal Standards Statement

A Federal standards analysis is not required because the rule proposed for amendment at N.J.A.C. 13:71-9.2 is governed by State law and is not subject to any Federal requirements or standards.

Jobs Impact

The proposed amendment will not have an effect on the work force in the State. Therefore, a job impact assessment is not required because no jobs will be generated or lost as a result of the amendment taking effect.

Agriculture Impact

The proposed amendment will not have an impact on the agriculture industry in the State.

Regulatory Flexibility Analysis

The proposed amendment imposes no new reporting, recordkeeping or compliance requirements on small businesses, as defined in the Regulatory Flexibility Act, N.J.S.A. 52:14B, et seq. Some practicing veterinarians do operate as small businesses and, although no professional services are needed to comply with the requirements of the proposed rule amendment, compliance with the proposed amendment would impact such small businesses. The impact to such small businesses, as well as practicing veterinarians who do not operate as small businesses, would however be positive in terms of regulatory compliance standards. This is because the existing rule requires that veterinarians make daily reports to the Racing Commission of all racehorses treated by them. The proposed amendment would ease the affirmative reporting requirement imposed upon practicing veterinarians pursuant to the existing rule. Although practicing veterinarians would be required to continue to maintain such records, they would no longer be required to affirmatively file them with the Racing Commission. Rather, assuming the proposed amendment is adopted, practicing veterinarians would be required to submit their treatment and related explanatory records upon the request of the Racing Commission, within 24 hours of their receipt of the document request notification.

Smart Growth Impact Statement

The proposed new rule is not anticipated to have an impact on the achievement of smart growth and implementation of the State Development and Redevelopment Plan as defined under Executive Order No. 4 (2002).

Full text of the proposal follows (additions indicated with boldface thus; deletions indicated in brackets [thus]:

13:71-9.2 Veterinarian (practicing)

(a) (No change.)

(b) [The veterinarians shall make daily reports to the State Veterinarian and to the stewards of all horses under treatment by them. Any violation of the rule shall be immediately reported to the Racing Commission and the stewards.] **Upon the request of the Commission, a practicing veterinarian shall furnish the original treatment record(s) and copies of all pertinent objective data and papers, along with a key to any codes, abbreviations and non-English words appearing on such record, data and papers, to the Racing Commission or any duly authorized investigators. A veterinarian shall respond to the Commission's request in full within 24 hours of notification. Failure to comply with the foregoing may subject the practicing veterinarian to disciplinary action by the steward.**

(c) (No change.)

[(d) Treatment of any horse with a drug for which the practitioner has not submitted a report pursuant to (b) above, shall be accompanied by a written report to the State Veterinarian of such administration or intended administration but in no event less than 72 hours before any such horse shall start. The pharmaceutical inserts accompanying such drug, which shall be accompanied by a sample of the drug when so directed by the State Veterinarian, shall be made part of said written report. Failure to comply with the foregoing may subject the practicing veterinarian to disciplinary action by the steward.]