

LAW AND PUBLIC SAFETY

STATE ATHLETIC CONTROL BOARD

Blood count, bleeding and coagulation time testing

Proposed Amendments: N.J.A.C. 13:46-12.A.2 (b), 12.A.3

Authorized By: State Athletic Control Board, Tony Orlando, Chairman; Larry Hazzard, Sr., Commissioner.

Authority: N.J.S.A. 5:2A-4, 7 and 8(b).

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

Proposal Number: PRN 2007-65

Submit written comments by May 4, 2007 to:

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The agency proposal follows:

Summary

The SACB proposes amendments to N.J.A.C. 13:46-12A.2(b) and 12A.3 that would revise the current testing requirements for combative sport contestants. More specifically, the proposed amendments would change the current testing requirements for blood count, bleeding and coagulation time testing. The proposed amendments would require that testing for complete blood count, bleeding and coagulation time only be required when an initial application is being processed and considered. These tests would not again be required when filing for renewal of a previously issued license.

Currently, complete blood count, bleeding and coagulation time testing is a requirement for both initial license applications and renewals.

N.J.A.C. 13:46-12A.2(a) states that a boxer, as a condition to licensure or to the renewal of licensure by the State Athletic Control Board shall undergo a thorough medical examination by a physician or physicians to establish his or her physical and mental fitness for competition.

Any extreme wrestler applying for a license is subject to the physical and mental requirements of N.J.A.C. 13:46-12A through 20.4.

All mixed martial artists are subject to the uniform medical requirements of N.J.A.C. 13:46-12A through 24B.

N.J.A.C. 13:46-12A.2(b) states that an examination shall be made no earlier than 30 days but no later than one day prior to licensure and the renewal thereof except for the Hepatitis B and C and HIV tests, referred to in N.J.A.C. 13:46-12A.3, which shall be conducted no earlier than 180 days prior to participation in each scheduled competition.

N.J.A.C. 13:46-12.A.3 defines what a thorough examination shall consist of. This section includes the requirement that testing for complete blood count, bleeding and coagulation time be performed.

The test for complete blood count, bleeding and coagulation time would only be required subsequent to a boxer's initial license application when ordered by the Commissioner in accordance with N.J.A.C. 13:46-12A.2(c).

The Board periodically reviews its medical testing requirements. The Board feels that the current testing requirements for complete blood count, bleeding and coagulation time should be relaxed. The Board stated in 2003 that the Commissioner should review this issue and report back to them. The Commissioner consulted with the Medical Advisory Council Chairman, the chief ringside physician, the Association of Professional Ringside Physicians, the Association of Boxing Commissions Medical Advisory Task Force, outside medical specialists and other state commissions. The Commissioner also reviewed our boxer medical files and determined, in conjunction with our medical staff, that the usefulness of the aforementioned tests were minimal at best. The consensus opinion of the various experts involved was that testing for complete blood count, bleeding and coagulation time be required only when a boxer makes his or her initial license application.

It is the opinion of the medical experts consulted that the proposed amendments can be passed without negatively impacting the risk of injury to a boxer appearing in a regulated event.

The notice of proposed amendments is not required to be referenced in a rulemaking calendar because a public comment period of 60 days is being provided. See N.J.A.C. 1:30-3.3(a)5.

Social Impact

The proposed amendments will affect boxers, kick boxers, extreme wrestlers and mixed martial artists. Boxers, kick boxers, extreme wrestlers and mixed martial artists are required to undergo medical tests prior to being declared as eligible to compete. If and when the proposal is adopted, all licensed promoters and matchmakers will be advised via letter from the Board of the amended medical testing requirements. Promoters and matchmakers will view the lessened testing requirements as a positive. It will result in reduced medical testing costs and a wider pool of available competitors to contract with who can be deemed as medically eligible to engage in a regulated competition.

The medical testing requirements are designed to minimize the risk of serious injury to the contestants. The goal of these requirements is the promotion of the health and safety of the contestants. In addition, the testing should instill public confidence in the regulatory oversight of combative sporting events and in the attempts to minimize any risk of injury.

The Board is also cognizant of the high cost associated with medical examinations. As such, every attempt has been made to minimize medical testing costs.

However, the health and safety of the contestant is the primary concern of the State Athletic Control Board. It is the opinion of our medical experts that the blood count, bleeding and coagulation time tests can be amended without any tangible increased health risk to any involved parties.

It is anticipated that promoters, match makers, boxers, kick boxers, extreme wrestlers and mixed martial artists will react positively to the proposed amendments. These are the parties most affected by the amendments.

Economic Impact

Boxers, kick boxers, extreme wrestlers and mixed martial artists are likely to be economically affected by these proposed amendments because they are required to undergo a thorough medical examination in order to be declared as eligible to compete. The current comprehensive medical examination includes several scans, exams and tests, which have a significant monetary cost. However, the proposed amendments should result in reduced examination costs.

Promoters and matchmakers may be economically affected by these proposed amendments because they may choose to pay for the medical examinations that are required.

The proposed amendments should result in reduced medical examination costs for

boxers, kick boxers, extreme wrestlers and mixed martial artists. Reduced medical costs could spur promoters to hold more shows in New Jersey. These lower medical costs could also result in more small scale club shows. Club shows do not include television broadcasts and the associated revenue that flows to the promoter. Therefore, due to the cost of medical testing, promoters have been reluctant to schedule club shows to be held in New Jersey.

Federal Standards Statement

A Federal Standards analysis is not required because the proposed amendments do not exceed federal standards. The Professional Boxing Safety Act of 1996, 15 U.S.C. 6301 et seq. does address some medical standards for boxers but does not establish specific minimum medical testing and evaluation requirements. There are no federal standards in effect with regard to kick boxers, extreme wrestlers or mixed martial artists.

Jobs Impact

The proposed amendments could result in the generation of jobs. Reduced medical testing costs could result in more boxing, kick boxing, extreme wrestling and mixed martial arts shows being held in New Jersey. Therefore, all individuals associated with an event, such as promoters, contestants, support staff and venue operators will have the opportunity to earn money due to more shows being held in the State.

Agriculture Industry Impact

The proposed amendments will have no impact on the agriculture industry.

Regulatory Flexibility Analysis

Some competitors may qualify as small businesses as defined under the Regulatory Flexibility Act, N.J.S.A. 52:14B-16 et seq. The proposed amendments do impose reporting, record keeping, and other compliance requirements on small businesses. More specifically, the proposed amendments reduce the requirement that contestants submit to testing for complete blood count, bleeding and coagulation time and submit documents indicating the results to the Board. These requirements existed prior to the proposed amendments for both initial and renewal licensure. At this time, there are less than 50 licensed promoters and less than 1,000 licensed boxers, mixed martial artists, kick boxers and extreme wrestlers. The proposed amendments will apply to all professional boxers, mixed martial artists, kick boxers and extreme wrestlers regardless of the magnitude of the promotion or if a championship is at stake. Accordingly, there is no lesser requirement based on business size. In some cases, medical examinations must be paid for by the patient (that is, boxer). In many cases, the promoter may pay for the contestant's medical examinations. The medical reports and records from the examination must be kept by the patient (that is, boxer), promoter, or must be obtainable from the physician who rendered his or her services. The promoter is ultimately responsible for ensuring submission of medical records of contestants with which they

contract with to perform on their shows. The cost of the examinations and record-keeping are outweighed by the safeguarding of the health and safety of the boxers, mixed martial artists, kick boxers and extreme wrestlers. These amendments should result in the need to take certain blood testing on a less frequent basis which translates to lessened medical testing costs. It is not anticipated that professional services are likely to be needed to comply with the proposed amendments.

Smart Growth Impact

The proposed amendments shall have no impact on the achievement of smart growth and the implementation of the State Development and Redevelopment Plan.

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

13:46-12A.2 Pre-licensure medical requirement

- (a) (No change.)
- (b) An examination shall be made no earlier than 30 days but no later than one day prior to licensure or the renewal thereof except for the Hepatitis B and C and HIV tests, referred to in N.J.A.C. 13:46-12A.3, which shall be conducted no earlier than 180 days prior to participation in each scheduled competition. **The testing for complete**

blood count, bleeding and coagulation time shall only be required for initial licensure, not renewals.

(c)-(d) (No change.)

13:46-12A.3 Thorough medical examination defined

. (a) A thorough medical examination shall consist of a minimum requirement of:

1-6) (No change.)

7); A complete blood count for bleeding and coagulation time **required for initial licensure only;**

8-10) (No change.)