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Sports Tribunal imposes minimum penalty of reprimand for anti-doping violation

The Sports Tribunal has imposed the minimum penalty of a reprimand on Claudia Hanham for an anti-doping violation involving Prednisone.

Drug Free Sport New Zealand (DFS) filed for provisional suspension of Claudia Hanham (Claudia) on 10 November 2014 for testing positive for a prohibited substance. The Tribunal provisionally suspended Claudia on 13 November without opposition on the basis there would be an expedited hearing. DFS filed substantive anti-doping proceedings on 19 November and the Tribunal held a hearing on 2 December which was the earliest date that suited the parties. The Tribunal issued its decision the next day on 3 December.

Claudia plays several sports at representative level, including hockey, touch, rugby and tag. She tested positive for Prednisone after playing hockey. Claudia didn't deny taking Prednisone and, when drug tested, volunteered she was taking it and disclosed that on the testing form.

Claudia admitted the violation but said she hadn't known Prednisone was prohibited and it had been prescribed to her for medical treatment.

In March 2014 Claudia suffered severe chest pain and was admitted into hospital. She was diagnosed with an extremely serious condition that could result in kidney failure and early mortality. Medical evidence was given that it is "life threatening with a 5 year 50% combined mortality or end stage kidney rate if untreated". Claudia was immediately prescribed a very high dose of Prednisone (plus other medications). She has remained on those drugs, though at a diminishing level, since then. Since learning of the positive test, Claudia applied for, and was granted, a Therapeutic Use Exemption (TUE) authorising her continued use of the Prednisone medication. The Tribunal noted if this had been applied for earlier the violation would not have occurred.

Claudia went to a consultant doctor in April and asked whether she could safely participate in sport given her condition and the medication prescribed. They discussed medical risks of playing sport. Evidence was given that Claudia and her mother told the doctor she was playing representative sport but he wasn't told she was subject to drug testing. He considered Prednisone diminished athletic performance and wasn't aware it was prohibited in sport. The Tribunal noted athletes need to be very explicit about their situation when consulting doctors.

Athletes ideally should make enquiries of more than one source apart from the obvious one of raising the matter with the treating doctor. Claudia did subsequently check the Prohibited Substances List on the WADA website (which doesn't specifically identify Prednisone as being prohibited) but didn't check with DFS. The clear obligation is on and remains with the athlete.

However, in the particular circumstances of this case a reprimand rather than a suspension was appropriate. The Tribunal stated:

Claudia clearly is not a drug cheat and was a young woman subject to a sudden and serious life threatening medical situation requiring treatment. While she should in hindsight have made better inquiries, in these particular circumstances a reprimand is

all that is required. The importance of her obligation is underlined by the period of suspension under the provisional order.

The decision of the Tribunal is that Claudia is not suspended but is reprimanded.

The decision in this case is available for download from the website of the Sports Tribunal (www.sportstribunal.org.nz). See *Drug Free Sport New Zealand v Claudia Hanham* (ST 13/14). Copies can also be obtained directly from Brent Ellis, Registrar, Sports Tribunal of New Zealand (telephone: 0800 55 66 80; e-mail: info@sportstribunal.org.nz).