



# **Therapeutic Use Exemption (TUE)**

## **PROCEDURE 2010**

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### **Art. 1: Introduction and Scope**

1. One of the principles of anti-doping policies in sport is to keep the sport healthy. However, anti-doping policies are not meant to exclude people from sport because they are ill or have certain medical conditions.  
Therefore the World Anti-Doping Code and the IDSF Anti-Doping Code includes a system of Therapeutic Use Exemptions (TUE's).
2. The Anti-Doping Code permits athlete's and their physicians to apply for a TUE, i.e. permission to use, for medical therapeutic purposes, substances or methods contained in the List of Prohibited Substances or Methods where use would otherwise be prohibited.
3. This IDSF TUE Procedure includes criteria for granting a TUE by the IDSF Anti-Doping Commission, confidentiality of information and the TUE application process. The WADA International Standard for Therapeutic Use Exemptions 2010 has been taken in consideration as mandatory.
4. Decisions of other Anti-Doping Signatories which are consistent with the Anti-Doping Code and are within that signatories authority shall be recognized and respected by all other Signatories however National Anti-Doping Authorities do not have authority to grant TUE's to International Level Athletes.



## **Art. 2: Terms and Definitions**

1. The Definitions as per art. 2, IDSF Anti-Doping Code, are reiterated and included.
2. "ADAMS" means "Anti-Doping Administration and Management System" and is a web-based database management tool for data entry, storage, sharing and reporting designed to assist stakeholders and WADA in their anti-doping operations in conjunction with data protected legislation.
2. "Therapeutic": of or relating to the treatment of a medical condition by remedial agents or methods; or providing or assisting in a cure.
3. "TUE": Therapeutic Use Exemption.
4. "TUEC": Therapeutic Use Exemption Committee is the Panel established by the IDSF as part of the IDSF Anti-Doping Commission.
5. "WADA" the World Anti-Doping Agency.
6. "WADA TUEC": WADA Therapeutic Use exemption Committee is the Panel established by WADA.

## **Art. 3: TUE Application Process**

1. Following athletes shall obtain a TUE from IDSF:
  - a) athletes in the IDSF International Registered Testing Pool (IRTP);
  - b) athletes participating in an International Event for which a TUE granted pursuant to the IDSF Rules is required;
  - c) athletes that don't belong to the afore mentioned category shall obtain a TUE from their National Anti-Doping Organization (NADO).
2. An Athlete may request for a TUE only by means of submitting a completed and duly signed TUE Application Form to the Chair of the IDSF Anti-Doping Commission in accordance with this procedure, no less than thirty (30) days before he/she needs the approval. The Chair of the IDSF Anti-Doping Commission may grant a TUE strictly in accordance with this procedure and the IDSF Anti-Doping Code.
3. A TUE will only be considered following the receipt of a fully completed application form that must include all relevant documents as requested by the TUE Application Form. The application process shall be dealt with in accordance with the principles of strict medical confidentiality.
4. The "Therapeutic Use Exemptions Application Form", and the "Certificate of Approval for Therapeutic Use" as attached to this Procedure form an integral part of this procedure. The Forms can be modified by the IDSF Anti-Doping Commission to include additional requests for information providing that no sections or items shall be removed.
5. The TUE Application Forms may be translated into other languages by the IDSF Members providing that the English text will remain and unchanged. Forms used by National Anti-



Doping Organizations (NADO's) must also have an English text for acceptance by IDSF. The English text will always prevail.

6. A DanceSport Athlete included in IDSF's international list and in the IDSF International Registered Testing Pool should apply to the IDSF Anti-Doping Commission; he/she cannot apply for a TUE to a NADO. DanceSport athletes included in the national testing pools should apply for a TUE to their NADO. Only when the latter is not possible a national athlete should apply to the IDSF Anti-Doping Commission. The application shall identify the Athlete's level of competition and discipline.
7. The Application shall list any previous and/or current TUE requests, the body to whom the request was made, the decision of that body and the decisions of any other body on review of appeal.
8. The Application shall include a comprehensive medical history and the results of all medical examinations, laboratory investigations and imaging studies relevant to the application. The arguments related to the diagnoses and treatment, as well as duration of validity, should be guided by the WADA "Medical Information to support the decision of TUEC's".
9. The IDSF Anti-Doping Commission has the right to request additional relevant investigations, examinations or imaging studies she deems necessary at the expense of the applicant.
10. The application shall include a statement by an appropriate qualified physician attesting to the necessity of the otherwise Prohibited Substance or Prohibited Method in the treatment of the athlete and describing why an alternative, permitted medication cannot, or could not, be used in the treatment of his/her condition.
11. The substance or method, dose, frequency, route and duration of administration of the otherwise Prohibited Substance or Prohibited Method in question shall be specified. In case of a change, a new application shall be submitted.
12. An application for a TUE will be reviewed by at least three physicians, member of the IDSF Anti-Doping Commission. The majority of their advice is binding.
13. In normal circumstances, decisions of the IDSF TUEC should be completed within thirty (30) days of receipt of all relevant documentation, i.e. a fully completed and documented TUE Application Form.
14. The Chair of the IDSF Anti-Doping Commission/IDSF Anti-Doping Director will convey all decisions of the IDSF TUEC in writing to the Athlete. Where a TUE has been granted to an Athlete, the athlete. In case of a TUE application made in a reasonable time limit prior to an Event the IDSF TUEC should use its best endeavours to complete the TUE process before the start of that Event.



## **Art. 4: Criteria for granting a TUE**

A Therapeutic Use Exemption (TUE) may be granted to an Athlete permitting the Use of a Prohibited Substance or Prohibited Method. An application for a TUE will be reviewed by the IDSF TUE Committee composed of physicians of the IDSF Anti-Doping Commission.

A TUE will be granted only in strict accordance with the following criteria.

1. The Athlete would experience a significant impairment to health if the Prohibited Substance or Prohibited Method were to be withheld in the course of treating an acute or chronic medical condition.
2. The Therapeutic Use of the Prohibited Substance or Prohibited Method would produce no additional enhancement of performance other than that which might be anticipated by a return to a state of normal health following the treatment of a legitimate medical condition. The use of any Prohibited Substance or Prohibited Method to increase "low-normal" levels of any endogenous hormone is not considered an acceptable Therapeutic intervention.
3. There is no reasonable Therapeutic alternative to the use of the otherwise Prohibited Substance or Prohibited Method.
4. The necessity for the use of the otherwise Prohibited Substance or Prohibited Method cannot be a consequence, wholly or in part, of the prior Use without the TUE, of a substance or method which was prohibited at the time of Use.
5. The TUE will be cancelled if:
  - a) The Athlete does not promptly comply with any requirement or condition imposed by the IDSF Anti-Doping Commission;
  - b) The term for which the TUE was granted has expired;
  - c) The Athlete is advised that the TUE has been withdrawn by the IDSF Anti-Doping Commission;
  - d) A decision granting a TUE has been reversed by WADA or CAS.
7. An Application for a TUE will not be considered for retroactive approval except in cases where:
  - a) Emergency treatment or treatment of an acute medical condition was necessary, or
  - b) Due to exceptional circumstances, there was insufficient time or opportunity for an applicant to submit, or the IDSF TUEC to consider, an application prior to an Anti-Doping Control.

## **Art. 5: Previously granted Abbreviated TUE's (Asthma)**

All previously granted Abbreviated TUE's that have not been already expired or been cancelled are expired on December 31<sup>st</sup>, 2009.



## **Art. 6: the IDSF TUE Committee (TUEC)**

1. The physicians of the IDSF Anti-Doping Commission will act as the IDSF Therapeutic Use Exemption Committee (TUEC). For this reason the IDSF Anti-Doping Commission should include at least three physicians with experience in the treatment and care of Athletes and a sound knowledge of clinical, sports and exercise medicine. In order to ensure a level of independence of decisions, the physicians of the IDSF Anti-Doping Commission should not have any other official responsibility in the IDSF organization. Said physicians should sign a conflict of interest agreement. In Applications involving Athletes with disabilities, an outside specialist with special experience in care and treatment of athletes with disabilities should be consulted.
2. The physicians of the IDSF TUEC may seek whatever medical or scientific expertise they deem appropriate in reviewing the circumstances of any application for a TUE.
3. The WADA TUEC may review on its own initiative TUE decisions granted by the IDSF TUEC or upon request by Athletes who have been denied a TUE by the IDSF TUEC, review such a negative decision, with the power to reverse said decisions. In normal circumstances the WADA TUEC shall render a Decision within 30 days of receipt of all requested information.

## **Art. 7: Confidentiality of Information**

1. The collection, storage, processing, disclosure and retention of Personal Information in the TUE process by IDSF and WADA shall comply with the International Standard for Protection of Privacy and Personal Information.
2. An Athlete applying for a TUE shall provide written consent for the transmission of all information pertaining to the application to members of the IDSF and other TUEC's with authority under the Anti-Doping Code to review the file and, as required, other independent medical or scientific experts, and to all necessary staff involved in the management, review or appeal of TUE's. The applicant shall also provide written consent for the decision of the TUEC to be distributed to other relevant Anti-Doping Organizations and National Federations under the provision of the Anti-Doping Code. Should the assistance of external, independent experts be required, all details of the application will be circulated without identifying the Athlete.
3. The members of the TUEC's, independent experts and the staff of the Anti-Doping Organization involved will conduct all of their activities in strict confidence and will sign confidentiality agreements. In particular they will keep the following information confidential:
  - a) All medical information and data provided by the Athlete and physicians involved in the Athlete's care.
  - b) All details of the application including the name of the physicians involved in the process.
4. Should the Athlete wish to revoke the right of any TUEC to obtain any health information on/his behalf, the athlete shall notify his/her medical practitioner in writing of the fact. As



a consequence of such a decision, the Athlete will not receive approval for a TUE or renewal of an existing TUE.

5. Anti-Doping Organizations shall ensure that Personal Information obtained in the TUE process is retained for a period of eight (8) years and thereafter for only as long as necessary to fulfil their obligations under the Anti-Doping Code or were otherwise required by applicable law, regulation or compulsory legal process.

### **Art. 8: Declaration of Use Process**

1. The Prohibited List identifies certain substances and methods (see for example Section S3, Beta-2 agonists (asthma) of the List) that are not prohibited but for which an athlete is required to file a Declaration of Use. An athlete should satisfy this requirement by declaring the Use on a Doping Control Form and when available by filing a Declaration of Use through ADAMS.
2. An athlete's failure to declare Use on a Doping Control Form and through ADAMS when available, as stated in art. 8.1, shall not be an anti-doping rule violation, unless stated otherwise in the Prohibited List.

### **Art. 9: Review of TUE Decisions by WADA**

1. The WADA TUE Committee may, at any time, review the grant of a TUE to an Athlete in the IDSF International Testing Pool, entered into an International Event. In addition to the information provided to the IDSF TUE Committee WADA may seek also additional information from the Athlete, including further medical studies. If a decision of a TUE is reversed by WADA the reversal shall not apply retroactively and shall not disqualify the athlete's results during the period for which the TUE had been granted and shall take effect no later than fourteen (14) days following the notification of the decision to the athlete.
2. An athlete in the IDSF International Registered Testing Pool may request that WADA review the denial of a TUE by submitting a written request for review to WADA within twenty-one (21) days of the date of denial. An Athlete submitting such a request for review to WADA shall pay an application fee as established by WADA and shall provide to WADA copies of all information that the athlete submitted to the IDSF Anti-Doping Commission. Until the WADA review process has been completed the original TUE denial remains in effect. If WADA reverses the denial of a TUE, the TUE shall immediately go into effect in accordance with the conditions set forth in the WADA decision.
3. Decisions by WADA to affirm or reverse the TUE decisions of IDSF may be appealed to CAS as provided for in art. 9 VI of the IDSF Anti-Doping Code.



## **Art. 10: Taking Effect**

This IDSF TUE Procedure is approved by the IDSF Presidium in its Meeting at Barcelona, Spain, on January 17-18, 2009. This 2010 issue is modified as mandatory for IDSF according to the WADA International Standard for Therapeutic Use exemptions 2010, and will be effective January 1<sup>st</sup> 2010.

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