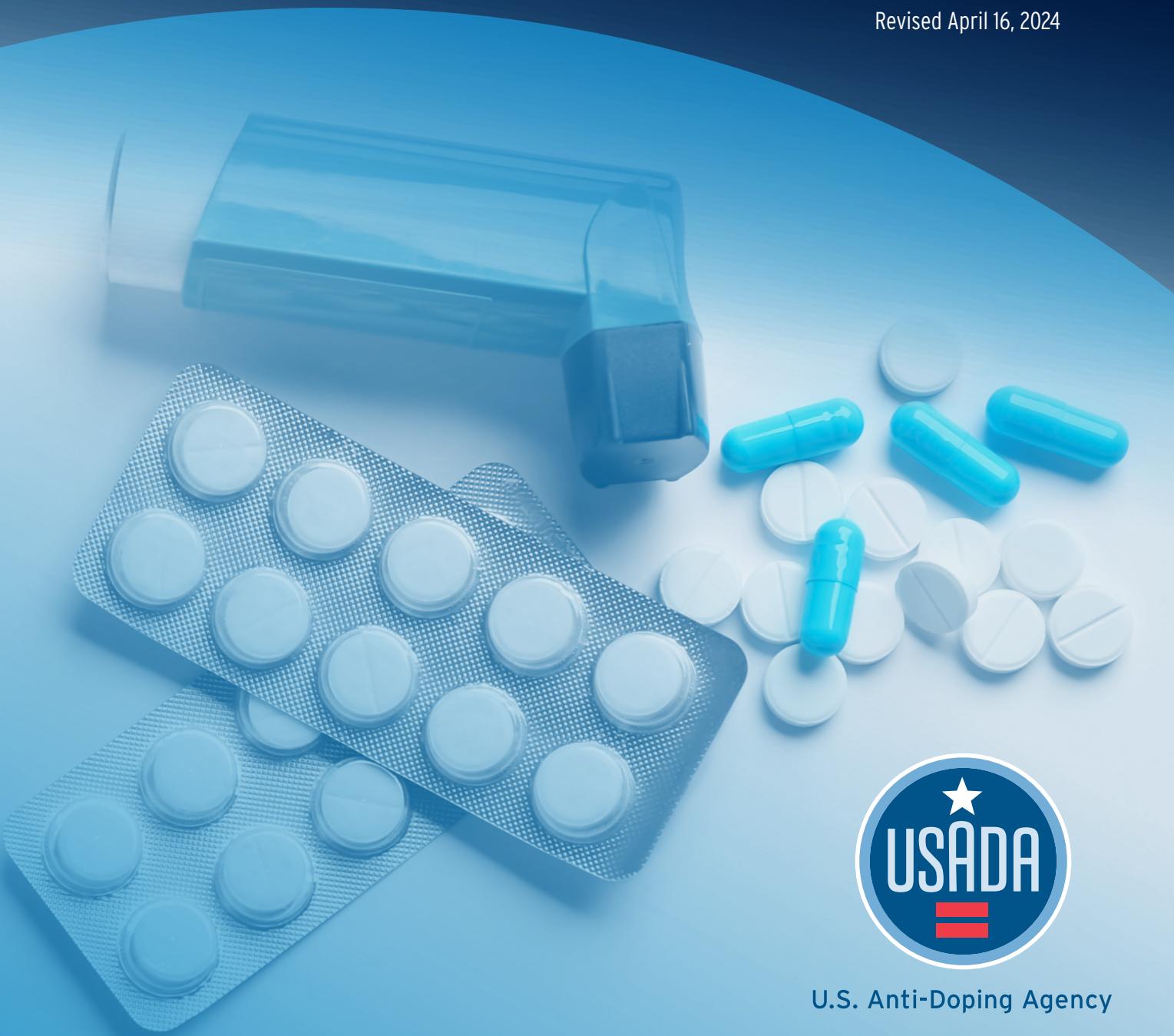


# TUE

## THERAPEUTIC USE EXEMPTION POLICY

Revised April 16, 2024



U.S. Anti-Doping Agency

# TUE POLICY

## 1. GENERAL PRINCIPLES

The United States Anti-Doping Agency (“USADA”) Policy for Therapeutic Use Exemptions (“USADA TUE Policy”) is based upon the relevant provisions of the World Anti-Doping Code (the “Code”) and the provisions of the World Anti-Doping Agency (“WADA”) International Standard for Therapeutic Use Exemptions (“ISTUE”), which are incorporated herein as if fully set forth. This Policy is informed by the following general principles which provide the context for the USADA TUE Policy.

It is the *Athletes'* personal duty to ensure that no *Prohibited Substance* enters their bodies and that no *Prohibited Method* is *Used*. Athletes are responsible for any *Prohibited Substance* and/or its *Metabolites* or *Markers* found to be present their *Samples* and/or *Prohibited Method Used* or *Attempted* to be *Used*. Source: *Code*, Article 2.1.1 and 2.2.1.

*Athletes* with a Therapeutic need for the *Use*, *Possession*, and/or *Administration* of a *Prohibited Substance* and/or a *Prohibited Method* must request a Therapeutic Use Exemption (“TUE”) from their International Federation or USADA. In some specific cases, a *TUE* may be requested by a *Major Event Organization*.

All *Athletes* in the USADA Registered Testing Pool, Clean Athlete Program, or **Education Pool** who require a *TUE* and who have not received one from their International Federation must contact USADA. A *TUE* granted by an International Federation or another *National Anti-Doping Organization* is valid at the national level. Source: *ISTUE* Article 5.2.

For *Athletes* who are *International-Level Athletes* or who intend to compete in an *International Event*, *TUEs* already granted by USADA, which meet the *ISTUE* criteria, must be recognized by the International Federation. If the International Federation determines that the *TUE* does not meet *ISTUE* criteria and so refuses to recognize it, the International Federation must promptly notify the *Athlete* and USADA of its determination, with reasons. The *Athlete* or USADA shall then have twenty-one (21) days from such notification to refer the matter to *WADA* for review. If the matter is referred to *WADA* for review, the *TUE* granted by USADA remains valid for national-level competition and *Out-of-Competition Testing*, [but is not valid for international-level competition] pending *WADA*'s decision. *International-Level Athletes* who require a *TUE* and who have not received a *TUE* from USADA must obtain *TUEs* in accordance with the rules of their International Federation. Source: *Code*, Article 4.4.3.

For certain major *Events*, such as the Olympic and Paralympic Games and the Pan and Parapan American Games, the *Major Event Organization* may require *Athletes* to apply to it for a *TUE* if they wish to *Use*, *Possess*, and/or *Administer* a *Prohibited Substance* and/or *Prohibited Method* in connection with the *Event*. If a *TUE* is granted by the *Major Event Organization*, it will be effective for the duration of the *Event Period* only. *TUEs* already granted by an International Federation or USADA, which meet the *ISTUE* criteria, must be recognized by the *Major Event Organization*. If the *Major Event Organization* decides the *TUE* does not meet the *ISTUE* criteria and so refuses to recognize it, the *Major Event Organization* must promptly notify the *Athlete* of its determination explaining its reasons. A decision by a *Major Event Organization* not to grant or recognize a *TUE* may be appealed by the *Athlete* exclusively to an independent body appointed by the *Major Event Organization* for that purpose. Source: *Code*, Article 4.4.4.



An *Athlete* may apply for retroactive consideration of a *TUE* (but must still meet the conditions in *ISTUE* Article 4.2) if one of the following exceptions applies:

- a. Emergency or urgent treatment of a medical condition was necessary;
- b. There was insufficient time, opportunity or other exceptional circumstances that prevented the *Athlete* from submitting (or the *TUEC* to consider) an application for the *TUE* prior to *Sample* collection;
- c. Due to national level prioritization of certain sports or disciplines, USADA did not permit or require the *Athlete* to apply for a prospective *TUE* (see Section 4);
- d. If USADA chooses to collect a *Sample* from an *Athlete* who is not an *International-Level Athlete* or **National-Level Athlete**, and that *Athlete* is *Using a Prohibited Substance or Method* for *Therapeutic* reasons, USADA will permit the *Athlete* to apply for a retroactive *TUE*; or
- e. The *Athlete Used Out-of-Competition*, for *Therapeutic* reasons, a *Prohibited Substance* that is only prohibited *In-Competition*.

[Comment to (c), (d), and (e): Such *Athletes* are strongly advised to have a medical file prepared and ready to demonstrate their satisfaction of the *TUE* conditions set out in *ISTUE* Article 4.2, in case an application for retroactive *TUE* is necessary following *Sample* collection.] (Source: *ISTUE* 4.1).

In exceptional circumstances and notwithstanding any other *ISTUE* provision, an *Athlete* may apply for and be granted retroactive approval for their *Therapeutic Use* of a *Prohibited Substance* or *Method* if, considering the purpose of the *Code*, it would be manifestly unfair not to grant a retroactive *TUE*. For *International-Level Athletes* and **National-Level Athletes**, USADA may grant an *Athlete's* application for a retroactive *TUE* pursuant to *ISTUE* 4.3 only with the prior approval of *WADA*. For all other *Athletes*, USADA may grant an *Athlete's* retroactive *TUE* application pursuant to *ISTUE* 4.3 without first consulting *WADA*. However, *WADA* may at any time review USADA's decision to grant a retroactive *TUE* pursuant to this Article, and may in its absolute discretion, agree with or reverse the decision. Source: *ISTUE* 4.3.

Any decision made by *WADA* or USADA under *ISTUE* 4.3 may not be challenged either as a defense to proceedings for an anti-doping rule violation, or by way of appeal, or otherwise. Source: *ISTUE* 4.3.

Specific national rules for *TUEs* may be established for *Athletes* who are not *International-Level* or **National-Level Athletes** without being in conflict with the *Code*. Source: *Code*, *Athlete* definition.

**WARNING:** Because excretion rates for various substances vary between individuals, for substances which are prohibited only *In-Competition*, *Athletes* are advised to ensure sufficient time for any such substance to clear their body before participating in a *Competition* to avoid an anti-doping rule violation. Of course, discontinuance of a medication can also have adverse health consequences and should never be undertaken without consultation with the *Athlete's* physician and a full appreciation of the risks involved. The only completely safe method for an *International-Level Athlete* or a **National-Level Athlete** to *Use a Prohibited Substance* and/or a *Prohibited Method* without risking an anti-doping rule violation is to obtain a *TUE* prior to use. USADA may elect in its sole discretion not to process prospective *TUEs* when an *Athlete* automatically qualifies to receive retroactive effect to a *TUE* under *ISTUE* 4.1(c) or (d).



## 2. DEFINITIONS

A complete list of definitions from the *Code* and *ISTUE* which are relevant to this Policy can be found in Article 3 of the *ISTUE*. In addition, the definitions listed below have particular importance in applying this Policy. Throughout this Policy and as demonstrated in this Section below, terms defined in the *Code*<sup>1</sup> are written in italics, terms defined in the *ISTUE*<sup>2</sup> are underlined and terms specific to this **Policy** are in bold.

**Adverse Analytical Finding:** A report from a *WADA*-accredited laboratory or other *WADA*-approved laboratory that, consistent with the *International Standard for Laboratories* establishes in a *Sample* the presence of a *Prohibited Substance* or its *Metabolites* or *Markers* (including elevated quantities of endogenous substances) or evidence of the *Use* of a *Prohibited Method*.

**Athlete [partial]:** Any *Person* who competes in sport at the international level (as defined by each International Federation), or the national level (as defined by each *National Anti-Doping Organization*).

[USADA Comment to *Athlete* Definition: USADA has discretion to apply anti-doping rules to an *Athlete* who is neither an *International-Level Athlete* nor a **National-Level Athlete**, and thus to bring them within the definition of "*Athlete*" as defined in the USADA Protocol for Olympic and Paralympic Movement Testing.]

**Education Pool:** USADA specifically designates *Athletes* for inclusion in its **Education Pool**. Unlike whereabouts information pools, *Athletes* in USADA's **Education Pool** must only complete USADA's Athlete's Advantage Tutorial and provide USADA accurate contact information as specified by USADA.

**Event:** A series of individual *Competitions* conducted together under one ruling body (e.g., the Olympic or Paralympic Games, World Championships, or Pan-American or Parapan American Games).

**Event Period:** The time between the beginning and end of an *Event*, as established by the ruling body of the *Event*.

**International Event:** An *Event* or *Competition* where the International Olympic Committee, the International Paralympic Committee, an International Federation, a *Major Event Organization*, or another international sport organization is the ruling body for the *Event* or appoints the technical officials for the *Event*.

**International-Level Athlete:** *Athletes* who compete in sport at the international level, as defined by each International Federation, *Major Event Organization*, or other international sport organization's anti-doping rules, consistent with the *International Standard for Testing and Investigations*.<sup>3</sup>

**Major Event Organizations:** The continental associations of National Olympic Committees and other international multisport organizations that function as the ruling body for any continental, regional or other *International Event*.

**Medical Exemption:** An exemption for *Use* by a **Sport Participant** for substances and/or methods prohibited at all times or in *Competitions* where USADA anti-doping rules apply as defined by the USADA Protocol for Olympic and Paralympic Movement Testing, the USADA TUE Policy and as limited by the terms set forth in the certificate provided to an individual who has been granted a **Medical Exemption**.

<sup>1</sup> 2021 *Code*: [https://www.wada-ama.org/sites/default/files/resources/files/2021\\_wada\\_code.pdf](https://www.wada-ama.org/sites/default/files/resources/files/2021_wada_code.pdf)

<sup>2</sup> [https://www.wada-ama.org/sites/default/files/2022-09/international\\_standard\\_for\\_therapeutic\\_use\\_exemptions\\_istue\\_2023.pdf](https://www.wada-ama.org/sites/default/files/2022-09/international_standard_for_therapeutic_use_exemptions_istue_2023.pdf)

<sup>3</sup> For purposes of this Policy, this will typically include *Athletes* designated by one or more International Federation as being within the *Registered Testing Pool* or other whereabouts information pool for the International Federation, or any *Athlete* planning to compete in an *International Event*.



**National Governing Body (“NGB”):** For purposes of the USADA TUE Policy, the term refers to National Governing Bodies of individual sports recognized by the United States Olympic & Paralympic Committee (“USOPC”), Olympic Sport Organizations, Pan American Sport Organizations and Paralympic Sport Organizations recognized by the USOPC and High Performance Management Organizations that have contracts with the USOPC to administer Paralympic Sport.

**National-Level Athlete:** Any *Athlete* who is in the USADA *Registered Testing Pool*, Clean Athlete Program, or **Education Pool**, or who has been within the last ten years (but is not currently) included within any *Registered Testing Pool* or other whereabouts information pool maintained by any International Federation or *National Anti-Doping Organization*, and does not otherwise meet criteria to be considered an *International-Level Athlete* is a **National-Level Athlete**. And any *Athlete* who is selected or is otherwise on a team representing any country in an *International Event* in an open/elite category or, within the five years prior to committing any anti-doping rule violation, was an *International-Level Athlete*, **National-Level Athlete**, or represented any country in an *International Event* in an open category is a **National-Level Athlete**.

**Recreational Athlete:** Any *Athlete* subject to the USADA Protocol for Olympic and Paralympic Movement Testing who is not an *International-Level Athlete* or an *Athlete* entered into an *International Event* in an open/elite category<sup>4</sup> is not a **National-Level Athlete**, and is not a **Sport Participant**, and over whom USADA has authority to conduct *Results Management* in relation to an *Adverse Analytical Finding*, an *Atypical Finding* or other potential anti-doping rule violation.

*Prohibited List:* The list identifying the *Prohibited Substances* and *Prohibited Methods*.

*Sample:* Any biological material collected for the purposes of *Doping Control*.

**Sport Participant:** For the purposes of the USADA TUE Policy, an *Athlete* is a **Sport Participant** if the following criteria are met:

- Not an *International-Level Athlete*, **National-Level Athlete**, or **Recreational Athlete**<sup>5</sup>
- Not entered into an *International Event* in an open/elite category;<sup>6</sup>
- Not a professional *Athlete* by their **NGB** membership or competition registration;
- Has never been in a USADA whereabouts information pool or **Education Pool** or a whereabouts information pool for any other *Code*-signatory organization;
- Has never represented the United States in an *International Event*;
- Has never won an international or national championship in any category sanctioned by an international federation and/or national governing body;
- Has never been the recipient of USOPC funding; and
- Has never committed an anti-doping rule violation resulting in a period of *Ineligibility*.

*TUE:* *Therapeutic Use Exemption*, as defined in the *Code*.

Therapeutic: Of or relating to the treatment of a medical condition by remedial agents or methods; or providing or assisting in a cure.

Therapeutic Use Exemption Committee (or “*TUEC*”): The panel established by an *Anti-Doping Organization* to consider applications for *TUEs*.

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<sup>4</sup> If an International Federation refers or defers a *TUE* application to USADA for an *International Event*, the *Athlete*'s status will be determined under this Policy without regard to the *International Event*.

<sup>5</sup> Except for purposes of applying *Code* Article 14.3.7.

<sup>6</sup> If an International Federation refers or defers a *TUE* application to USADA for an *International Event*, the *Athlete*'s status will be determined under this Policy without regard to the *International Event*.



### **3. POLICY FOR INTERNATIONAL-LEVEL ATHLETES**

An *Athlete* who needs a *TUE* should apply as soon as possible and must obtain a *TUE* under the *ISTUE* prior to *Using* or *Possessing* the substance or method in question. *International-Level Athletes* should submit new or renewal *TUE* applications to their International Federation for processing. USADA will assist *International-Level Athletes* in the USADA Registered Testing Pool, Clean Athlete Program, or **Education Pool** by forwarding applications for *TUEs* if such requests for USADA assistance are made at least thirty (30) days in advance of the *Athlete's Use* of the medication prohibited in sport. USADA will make best efforts to expedite *TUE* requests in emergency and exceptional situations made less than thirty (30) days in advance of the *Athlete's intended Use* but can make no guarantees as to the responsiveness of the International Federation to such applications.

Where an *Athlete* already has a *TUE* granted by USADA for the substance or method in question, if that *TUE* meets the *ISTUE* criteria, then the International Federation must recognize it or promptly advise USADA and the *Athlete* of its reasons for refusing to recognize the *TUE*. Source: *Code*, Article 4.4.3.1.

According to the *ISTUE*, an International Federation decides whether to grant or recognize the *TUE* as soon as possible, and usually (i.e., unless exceptional circumstances apply) within no more than twenty-one (21) days of receipt of a complete application or request for recognition. Source: *ISTUE* 6.9 and 7.4.

### **4. POLICY FOR NATIONAL-LEVEL ATHLETES**

USADA will process *TUE* applications for **National-Level Athletes** in accordance with the *ISTUE*.

A **National-Level Athlete** is required to obtain a *TUE* in advance (i.e., prior to *Using* or *Possessing* the substance or method in question) from USADA for all *Prohibited Substances* and/or *Prohibited Methods* according to the *WADA Prohibited List* unless one of the exceptions for receiving a retroactive *TUE* applies. *TUE* applications must be complete and received by USADA at least thirty (30) days in advance of any *Use* or *Possession* of a *Prohibited Substance* or *Method* in sport. USADA will make best efforts to expedite *TUE* requests made less than thirty (30) days in advance of the *Athlete's intended Use* or *Possession* based on exceptional circumstances but makes no guarantees regarding the processing of *TUE* applications under that timeframe.

*TUEs* will only be considered for retroactive approval for **National-Level Athletes** in accordance with the strict criteria set forth in the *ISTUE* and outlined in Section 1 of this Policy. With respect to *ISTUE* Article 4.1(c), **National-Level Athletes** in the following sports or disciplines are not required to apply for a prospective *TUE*:

Archery	Fencing	Para Snowboarding	Sled Hockey
Artistic Swimming	Field Hockey	Para Soccer	Snowboard (all disciplines)
Badminton	Freestyle Skiing (all disciplines)	Para Table Tennis	Surfing
Basque Pelota	Goalball	Racquetball	Squash
Boccia	Modern Pentathlon	Roller Sports	Table Tennis
Bowling	Para Alpine Skiing	Sailing	Team Handball
Climbing	Para Archery	Shooting	Water Skiing
Curling	Para Equestrian	Sitting Volleyball	Wheelchair Curling
Dance Sport	Para Sailing	Skateboarding	Wheelchair Fencing
Equestrian	Para Shooting	Ski Jumping	Wheelchair Tennis



If a **National-Level Athlete** competes in an *International Event*, he or she may be required to submit a request for recognition of any *TUEs* granted by USADA or apply for a *TUE* from the relevant International Federation or *Major Event Organization* in advance of the *International Event*. It is the responsibility of every *Athlete* to investigate the applicable *TUE* requirements before competing in an *International Event*. If an International Federation chooses to test an *Athlete* who is not an *International-Level Athlete*, it must recognize a *TUE* granted to that *Athlete* by USADA. Source: Code Article 4.4.3.

## 5. POLICY FOR RECREATIONAL ATHLETES

**Recreational Athletes:** USADA may elect in its sole discretion not to process prospective *TUEs* for **Recreational Athletes** because **Recreational Athletes** automatically qualify to receive retroactive effect to a *TUE* under *ISTUE* 4.1(d), if the prospective *TUE* is granted. **Recreational Athletes** who choose to compete at an *International Event* are subject to the anti-doping rules of the relevant International Federation or *Major Event Organization* and may be required to apply for a *TUE* with the relevant body before competing.

*TUEs* for **Recreational Athletes** will be obtained in the same manner as for **National-Level Athletes**. **Recreational Athletes** will only be granted a *TUE* by a TUEC in strict accordance with the *ISTUE* and *WADA Medical Information to Support the Decisions of TUECs*.

USADA will not consider disclosure of *Use* or *Attempted Use* or *Possession* of a *Prohibited Substance* and/or a *Prohibited Method* in the **Recreational Athlete's** *TUE* application and supporting medical file to be an anti-doping rule violation, so long as (1) the **Recreational Athlete** does not have an *Adverse Analytical Finding* for a *Prohibited Substance* and/or a *Prohibited Method*; and (2) USADA does not have an independent basis for investigating the **Recreational Athlete**. Nothing in this section limits any rights listed in Code Article 13.2.3 the parties may have to review and act on information in a **Recreational Athlete's** *TUE* application.

## 6. POLICY FOR SPORT PARTICIPANTS

For a **Sport Participant** who has an *Adverse Analytical Finding* or for whom other evidence exists of an anti-doping rule violation and who is able to satisfy the criteria set forth in Sections 6.a-c below, USADA may determine that the **Sport Participant** has not committed an anti-doping rule violation if the *Adverse Analytical Finding* or the **Sport Participant's** potential anti-doping rule violation resulted from the **Sport Participant's** *Use* of one or more of the following:

1. Substances or methods prohibited only *In-Competition*;
2. Substances in the class of "Diuretics and Other Masking Agents";
3. All inhaled Beta-2 agonists;
4. Insulin where the *Athlete* can demonstrate diagnosis of insulin-dependent diabetes;
5. Selective estrogen receptor modulators (SERMs) or aromatase inhibitors (AIs) where the *Athlete* can demonstrate *Use* due to a diagnosis and treatment of breast or other cancers;
6. Clomiphene or AIs where the female *Athlete* can demonstrate *Use* due to fertility treatment; and
7. An IV infusion or injection of a non-prohibited substance greater than 100mL per any 12-hour period for rehydration purposes or for medically-supervised delivery of non-prohibited clinically-approved medication.



- a. Subject to the provisions of Sections 6.b below, **Sport Participants** who have an *Adverse Analytical Finding* caused by the *Use of a Prohibited Substance* and/or *Prohibited Method* or for whom other evidence exists of an anti-doping rule violation will not have committed an anti-doping rule violation for substances or methods outlined in Section 6.1-8, so long as:
1. With respect to an IV infusion or injection of a non-prohibited substance greater than 100mL per 12-hour period:
    - i. The **Sport Participant** is able to demonstrate to USADA's satisfaction that they were unaware of the scope of the restrictions on the *Use of IVs* and injections set forth in the *Prohibited List*.
    - ii. The **Sport Participant** is able to demonstrate that the IV infusion or injection was undertaken for rehydration purposes, was medically supervised and for delivery of non-prohibited clinically-approved medication.
    - iii. Disclosure on a **Sport Participant's Doping Control** form or voluntary cooperation with USADA's investigation shall be considered strong evidence that can lead to the conclusion that a **Sport Participant** was unaware of the scope of the restrictions on the *Use of IVs* or injections in the *Prohibited List*, that the substance injected or infused did not contain a *Prohibited Substance*, and/or that the purpose of the IV or injection was for rehydration.
  2. With respect to an *Adverse Analytical Finding* or other evidence of an anti-doping rule violation for a substance or method listed in Section 6.1-6,
    - i. The **Sport Participant** has a legitimate medical condition diagnosed by a licensed physician which was thoroughly documented, and the prescribed *Use* is consistent with an appropriate treatment plan in his or her medical records prior to the date of *Sample* collection;  
The **Sport Participant** has a prescription signed by a licensed physician prior to *Sample* collection consistent with the *Adverse Analytical Finding* or other evidence of *Use* of a substance or method described in Section 6.1-6;
    - ii. The **Sport Participant**, at his or her own expense, promptly undergoes any additional medical examination and testing requested by USADA, including, but not limited to, seeing particular physicians which may be designated by USADA; and
    - iii. The facts and circumstances of the case put to rest any reasonable suspicion that the **Sport Participant** *Used* the substance for the purpose of enhancing his or her performance. Inclusion of the *Prohibited Substance* and/or *Prohibited Method* in the "Declaration of Use" section on a Doping Control Official Record shall be considered strong evidence that the *Use* of the substance or method was not intended to enhance performance.
- b. **Sport Participants** who have an *Adverse Analytical Finding* resulting from the *Use* of a substance or method described in Section 6.1-8 or for whom other evidence exists of an anti-doping rule violation for *Use* of a substance or method described in Section 6.1-8 shall remain liable for an anti-doping rule violation if they cease to meet the definition of a **Sport Participant**.
- c. A **Medical Exemption** may be granted where USADA determines in its sole discretion that the following conditions have been met:
1. The **Athlete** is a **Sport Participant** as defined by the USADA TUE Policy.
  2. The **Sport Participant** has complied with all follow up requests for information, medical records and additional



testing made by USADA at USADA's discretion and as may be set forth in the *ISTUE* and *WADA Medical Information to Support the Decisions of TUECs* or subsequent guidance document issued by *WADA*.

3. The **Sport Participant** has been unable to meet their burden of satisfying the requirements set forth in the *ISTUE* and *WADA Medical Information to Support the Decisions of TUECs*. However, the evidence submitted by the **Sport Participant** establishes the treatment of a properly diagnosed, substantial and continuing health condition through the *Use of a Prohibited Substance and/or Prohibited Method* is within the acceptable standard of clinical care, and the inability to meet the requirements set forth in the *ISTUE* and *WADA Medical Information to Support the Decisions of TUECs* is not the result of failure by the **Sport Participant** to undergo adequate testing or diagnostic workups (unless there is a valid reason in USADA's sole discretion for the Athlete not to), or the prior *Use of a Prohibited Substance and/or Prohibited Method* for performance enhancement.
  4. *Use of the Prohibited Substance and/or Prohibited Method* by the **Sport Participant** is highly unlikely to produce any additional enhancement of performance beyond what might be reasonably anticipated by a return to the individual's normal state of health in the absence of the diagnosed medical condition.
- d. As with any exemption, to ensure no performance enhancing benefit is gained through the *Use of a Prohibited Substance and/or Prohibited Method*, the **Medical Exemption** may include conditions, which may include but are not limited to:
1. Minimum requirements for follow-up testing;
  2. Routine clinical monitoring, including repeat testing, evaluation or examination and reporting at USADA's request;
  3. The **Sport Participant** remaining accessible and submitting whereabouts information to USADA for follow-up testing during the period his or her **Medical Exemption** is in place;
  4. The **Sport Participant** maintaining physiological levels of the *Prohibited Substance* and/or its *Metabolites* or *Markers* and/or *Use of a Prohibited Method* within clinically acceptable *Therapeutic* ranges to limit any *Therapeutic* benefit to a return to a normal state of health;
  5. Limitations on the *Competitions* for which the exemption may be used, including a proviso that the exemption may be revoked in the future for certain *Competitions*; and/or
  6. Limitation on the *Use of the Prohibited Substance and/or Prohibited Method* during *Competition* or within a fixed period of time in advance of *Competition*.
- e. A **Medical Exemption** granted by USADA is only valid for the time period specified in the **Medical Exemption** certificate and expires immediately if the individual who has received the **Medical Exemption** ceases to be a **Sport Participant**. A **Medical Exemption** granted by USADA shall not be valid for *International Events* or National Championships (in the open/elite category) unless expressly recognized as a valid *TUE* by the relevant International Federation or *WADA*.
- f. A **Medical Exemption** granted by USADA may be revoked by USADA upon adequate notice to the **Sport Participant** in the event an **NGB**, International Federation, *WADA* or other sports organization demonstrates with compelling evidence that the **Medical Exemption** has resulted in or is likely to result in an unfair competitive advantage over fellow competitors.
- g. If a **Sport Participant** does not qualify for a **Medical Exemption**, USADA will apply the rules applicable to a **Recreational Athlete**.



## **7. APPEAL**

*International-Level Athletes* may seek a review by *WADA* or appeal to Court of Arbitration for Sport (“CAS”) according to applicable rules and instructions set forth in the *Code*, *ISTUE* and *WADA TUE Guidelines*.<sup>7</sup>

In the case of any *TUE* denial, an *Athlete* will be provided a detailed explanation as to why their *TUE* application did not meet the *ISTUE* criteria. Any *Athlete* may request further information about a denial and may request a medical review from USADA by contacting USADA in writing. In response to a request for medical review USADA may: (a) determine whether a **Medical Exemption** may be appropriate, (b) determine whether additional information should be submitted by the *Athlete*, (c) determine whether additional testing should be required of the *Athlete*, (d) request written authorization from the *Athlete* to contact the *Athlete*’s physician(s) or other healthcare providers and/or obtain information from the physician(s) or healthcare provider(s), (e) request that the *Athlete* explain any aspect of his application, file or request that is unclear, (f) inform the *Athlete* that no further review of the current *TUE* application will be made but that a further application may be made if additional information is included in the application, (g) re-submit the application to a TUEC member, (h) inform the *Athlete* in writing that no further action will be taken on his *TUE* application at this time, or (i) any combination of the foregoing.

If a **National-Level Athlete** or a **Recreational Athlete**, who has submitted a complete *TUE* application and all appropriate and requested documentation, is not satisfied by USADA’s *TUE* decision, and if a medical review of USADA’s *TUE* decision has been requested and has not, within twenty-one (21) days of the request for review, resulted in the granting of a *TUE*, the **National-Level Athlete** or **Recreational Athlete** may appeal USADA’s *TUE* decision through a request for arbitration pursuant to the USADA Protocol for Olympic and Paralympic Movement Testing. Any request for a medical review of a USADA decision denying a *TUE* to a **National-Level Athlete** or **Recreational Athlete** must be made within ten (10) days of the denial by USADA. Any request for arbitration must be filed within twenty-one (21) days of USADA’s refusal to reverse a *TUE* denial upon the **National-Level Athlete’s** or **Recreational Athlete’s** request for medical review of the *TUE* decision.

If a **Sport Participant** who receives a **Medical Exemption** desires to compete in any *Competition* not covered by the **Medical Exemption** they must submit a new *TUE* application in accordance with the applicable deadlines for submission of an application for *TUE*.

**Medical Exemption** decisions may not be appealed.

## **8. EFFECTIVE DATE**

The effective date of this USADA *TUE* Policy shall be April 16, 2024.

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<sup>7</sup> <https://www.wada-ama.org/en/resources/therapeutic-use-exemption-tue/international-standard-for-therapeutic-use-exemptions-istue>

