

**National Anti-Doping Agency vs. Răgea Marius,
Affiliated with Vaslui Handball Club, sport discipline - handball**

DECISION

No. 2/04.06.2015

Issued by

**HEARING COMMISSION FOR ATHLETES AND THEIR SUPPORT PERSONNEL
WHO VIOLATED THE ANTI-DOPING RULES**

PANEL:

Chairperson:

Graziela Elena VÂJIALĂ

Members:

Iulia-Monica ACATRINEI

Valentina ALEXANDRESCU

Gabriela ANDREIAȘU

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Irina TURCU

Secretary of the Hearing Commission: Gabriela ANDREIAȘU

The Hearing Commission for athletes and their support personnel who violated the anti-doping rules, named hereinafter the “Hearing Commission”, gathered on 04.06.2015, at 10h00, at the official seat of National Anti-Doping Agency in Bucharest, 37-39 Basarabia Boulevard, District 2, in compliance with the provisions of article 33 paragraph (2) of the Law no. 227/2006 regarding prevention and fight against doping in sport, republished, for the hearing of the athlete RAGEA MARIUS, affiliated with Vaslui Handball Club, having the domicile in Galati, 4 Traian Vuia Street, bl. L3, Sc.5, Ap. 92, Galati County, holds the following:

As result of the out-of-competition doping control conducted in Bucharest, on 15.03.2015, the analytical result of the sample with the code number 6117065A indicated the presence of the prohibited substance Salbutamol in concentration of $2,27 \pm 0,4 \mu\text{g/mL}$ (95%, $k=2$), included in Section S3 Beta-2 Agonists of the 2015 Prohibited List.

Therefore, the Hearing Commission met on 27.04.2015; on this occasion, the compliance with the convening procedure and the file documents were reviewed. The Commission’s members established that the athlete had declared in the doping control form, on section “*statement on medication and blood transfusions*”, the use of the product **Ventolin**.

The Hearing Commission held the fact that the active substance of this medicament is Salbutamol, which belongs to the class of medicaments called β -2agonists, bronchodilators. Salbutamol relaxes the muscles of the small airways’ walls inside lungs.

Salbutamol opens the airways and, thus, it helps preventing the thoracic constriction feeling, sibilant breathing and cough, allowing the user to breathe easily.

Ventolin Inhaler is recommended for preventing and treating the symptoms of asthma and other obstructive bronchopulmonary diseases.

The athlete stated he was diagnosed with allergic asthma since he was 11 years old, when he was advised to use Ventolin and Miofilin. Since then, he used the product on a daily basis, by self-administering as many puffs as possible, depending on his condition.

The athlete declared that during crisis periods, particularly in spring, he was administering multiple doses as the crises were frequent.

The Commission also held that the athlete didn’t submit to any specific medical consultation since he was 18, when he was consulted in view of enlistment. The medical commission that conducted the consultation declared him ineligible for the mandatory active service, due to his disease, respectively asthma.

The Hearing Commission decided the athlete should conduct specific medical investigations to evaluate his health state and to establish whether this large amount of Salbutamol in his urine

sample is justified or not. Moreover, the Commission asked the athlete to submit his medical file with all the investigations required, by 18.05.2015.

On 11.05.2015, the athlete submitted the medical file including the Discharge Card no. FO 2381 and the Medical Letter.

On 04.06.2015, the Hearing Commission met to examine the file and to re-hear the athlete Ragea Marius.

After examining the medical file, the Commission established that the athlete has been diagnosed as follows: main diagnostic (DRG Code 1): J45.0 Asthma with allergic predominance; free language diagnostic: asthma in crisis, while the patient's state at discharge was improved. Mrs. Marilena Tănase, pulmonologist, made the following description of the epicrisis: *"patient with asthma since childhood, with positive allergy tests for multiple allergens (investigated in 1995 at M. Nasta Institute, using Ventolin as single treatment, excessively in the last years (10-12 puffs/day). He practices high level sport and, during the last medical examination he was required to investigate his respiratory condition in a specific facility. When hospitalized, he was afebrile and presented prolonged exhale, sibilants at the end of exhale, rhythmic heart beats AV=72b/min, TA=120/70 mmHg, Spo2=99%.*

The pulmonary radiography showed: thoracic modifications – emphysema (hyperinflation) type, NEEP with no need for Ventolin after 2 days of treatment. Functional ventilator – important DVO (CV=72% VEMS=47% IT=53,8%, V max+49%), with positive bronchodilator test (VEMS increases with 32%). It has been applied a treatment with BDLA (long term action bronchodilators) and CSI (inhaler corticosteroids)."

On the discharge card, it has been recommended the permanent treatment with Symbicort 1 puff/day and Ventolin 2 puffs/day, if necessary (up to maximum 4 times / day).

The athlete presented himself to the meeting and stated that, after changing the treatment, his health improved. Moreover, he was cooperative during the management of the case, submitting the medical file in due time and declaring the use of Ventolin for medical purpose and not for performance enhancement.

During the hearing procedure, the athlete cooperated with the Hearing Commission when submitting the medical file and he also proved the lack of guilt through the hearing of the club manager.

The Commission established that the athlete didn't have any intention to use salbutamol for increasing his performance, but only for recovering from repeated severe asthma crisis. For this reason, he used Ventolin whenever he felt he cannot breathe, as result of his respiratory capacity decrease.

In deliberating on the case in question, the Commission holds the following:

For establishing the sanction, the Hearing Commission shall bear in mind the fair attitude of the athlete during the doping control process, by admitting the use of Ventolin when signing the Notification for doping control and also in the Doping Control Form.

By reviewing the documents in the athlete's file, it has been established that the medicament had been prescribed to the athlete by a physician since he was 11 years old. Moreover, following the Hearing Commission's recommendation, the athlete immediately effectuated the required medical investigations and submitted them long before the expiration of the established deadline.

Through the notification sent to the athlete on 07.04.2015, he was informed that he has the right to ask for counter expertise through B sample analysis in 48 hours, that he can promptly admit the anti-doping rule violation after its communication by the Agency, that he has the right to a hearing and, in case he waives this right, he should send a written statement to the Agency in 10 days. He also was informed that he can voluntarily accept, in written, in maximum 10 days from receiving the notification, the provisional suspension until the hearing meeting, as well as the fact that he can provide substantial assistance in discovering and / or proving an anti-doping rules violation.

The athlete answered promptly, declaring he didn't know Ventolin contains a prohibited substance. At the moment of the doping control on 15.03.2015, he declared the Ventolin on the doping control form as he was administering this inhaler on a daily basis. He also stated that he doesn't ask for B sample analysis and he doesn't accept the provisional suspension.

The Hearing Commission, by reviewing the documents on the file, including the Bulletin of analysis no. 158/30.03.2015 issued by the Doping Control Laboratory in Bucharest, the athlete's medical file, the fact that the prohibited substance detected in his sample is a specified substance, the athlete's answer to the notification sent by ANAD, the fact that the athlete used Ventolin only for improving his health and not for enhancing his sport performance, thus proving the lack of significant guilt, as well as the relevant national and international legal provisions:

DECIDES

The sanctioning of the athlete Ragea Marius affiliated with Vaslui Handball Club with a reprimand, pursuant to the provisions of article 47¹ letter b), as he proved the lack of significant guilt when using Ventolin, which contains the specified prohibited substance salbutamol, included in Section S3 Beta-2 Agonists of the 2015 Prohibited List.

Pursuant to Article 28 of Order no. 47/2014 issued by the President of the National Anti-Doping Agency for the approval of the Regulations on the organization and operation of the Hearing Commission for the athletes and their support personnel who violated the anti-doping rules, the Decision shall be communicated to the athlete Ragea Marius, Vaslui Handball Club, the Romanian Handball Federation, the ministry of Youth and Sport, the Romanian Olympic and Sport Committee, the International Handball Federation and the World Anti-Doping Agency.

CHAIRPERSON OF HEARING COMMISSION

IOAN DOBRESCU