

RESULTS MANAGEMENT – POSITIVE TEST RESULT



If an athlete's sample returns with a positive test result, they may face the assertion of violating the Anti-Doping Rules. Athletes should familiarize themselves with the results management process to ensure that their rights are being protected.



INITIAL PHASE OF RESULTS MANAGEMENT

1

Laboratory report of the Athlete's sample suggests a positive test result

2

Confirm that the Athletes does not have a valid Therapeutic Use Exemption (TUE) that can explain the test result

3

Further investigation is not applicable, or it has proven that the test result is not caused by physiological or pathological reasons, or caused by an ingestion of the relevant prohibited substance through a permitted route

4

An independent body, the Doping Control Panel, confirms that there is no major discrepancy between the international standards and the sample collection process, as well as the laboratory analysis

Once all the steps mentioned above are confirmed, the Doping Control Panel of the Anti-Doping Organization of Hong Kong (ADOHK) will issue a Notification Letter of the positive test result to the Athlete in writing, in which the applicable Anti-Doping Rule Violation(s) (ADRV(s)) and consequences are listed. ADOHK will have to simultaneously notify the World Anti-Doping Agency (WADA), the International Federation (IF) and the National Sports Association (NSA).



POSSIBLE RESPONSES TO THE NOTIFICATION

(The numbers in brackets provided hereunder refer to the relevant Articles of the Anti-Doping Rules of ADOHK).

Upon receiving the notification, the Athlete has the following options before the deadline:

- 1 Provide your fully written explanation to the positive test result
- 2 Request the analysis of the B Sample
- 3 Request copies of the A Sample laboratory documentation package
- 4 Voluntarily accept a Provisional Suspension (if a Specified Substance or Specified Method is found in the sample)
- 5 Provide an adequate explanation in order to eliminate the Mandatory Provisional Suspension (if a Non-Specified Substance or Non-Specified Method is found in the sample)
- 6 Provide Substantial Assistance (Article 10.7.1)
- 7 Admit the charge and seek to enter into Results Management Agreements (Article 10.8)

After receiving the Athlete explanation or expiry of the deadline to provide such explanation, if the Doping Control Panel of ADOHK is still satisfied that the Athlete has committed the ADRV(s), a Notice of Charge with the asserted ADRV(s) and specific consequences will be issued to the Athlete.



POSSIBLE RESPONSES TO THE NOTICE OF CHARGE

- 1 Admit the charge and accept the proposed consequences
- 2 Admit the charge but not accept the proposed consequences
- 3 Request a hearing convened by the Hong Kong Anti-Doping Disciplinary Panel to dispute the charge and/or proposed consequences



PREPARATION FOR THE HEARING

If the Athlete requests for a hearing to be convened by the Hong Kong Anti-Doping Disciplinary Panel, the following preparation is recommended:

- To seek independent professional / legal advice
- To be familiar with the Anti-Doping Rules of ADOHK (can be downloaded on ADOHK website)
- To determine the strategy and collect evidence to support the argument



Athletes have the right to appeal against the decision made by the Hong Kong Anti-Doping Disciplinary Panel.



POSSIBLE SANCTIONS AND CONSEQUENCES OF ADRV

- All of the Athlete's individual results obtained in that competition be disqualified if the positive sample was collected during a competition (Article 10.1)
- All competition results obtained from the date the positive sample was collected, through the commencement of any Provisional Suspension or Ineligibility, be disqualified including forfeiture of all medals, prizes and points (Article 10.10 & 10.11)
- Sanctions for ADRV can range from a reprimand, to a period of ineligibility two to four years or even a lifetime ban for aggravating circumstances, depending on the Athlete's degree of fault and seriousness of the case (Article 10.2 & Article 10.4)
- Ineligible to participate in any capacity in any sport-related activities (Article 10.14.1)
- Withholding of sport-related financial support or other benefits (Article 10.14.4)
- A fine of HK\$20,000 (Article 10.12)
- Details of the violation will be publicly disclosed (Article 14.3)



POSSIBLE CONDITIONS FOR ELIMINATION OR REDUCTION OF SANCTIONS

- If the Athlete can establish that they bear no fault or negligence (Article 10.5)
- If the positive test result is caused by a Specified Substance (other than a Substance of Abuse) or Specified Method, and the Athlete can establish no significant fault or negligence (Article 10.6.1.1)
- If the positive test result is caused by a contaminated product, and the Athlete can establish no significant fault or negligence (Article 10.6.1.2)
- If the ADRV not involving a Substance of Abuse is committed by a Protected Person or Recreational Athlete, and the Protected Person or Recreational Athlete can establish no significant fault or negligence (Article 10.6.1.3)
- If the Athlete has provided substantial assistance to an Anti-Doping Organization or criminal authority in discovering or establishing an ADRV by another person (Article 10.7.1)
- If the Athlete admits the commission of an ADRV before having received any notice of violation and that admission is the only reliable evidence of the violation at the time of admission (Article 10.7.2)

Disclaimer:
This pamphlet is published for reference purpose only, and is not intended to give any legal/medical advice by ADOHK who shall disclaim any liability arising therefrom. Relevant individuals are recommended to refer to the Anti-Doping Rules of ADOHK, and seek for professional/legal advice on important decisions.



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