

WISCONSIN DEPARTMENT OF CORRECTIONS

Governor Tony Evers / Secretary Kevin A. Carr

GUIDANCE DOCUMENT CERTIFICATION

I have reviewed this guidance document or proposed guidance document and I certify that it complies with sections §227.10 and §227.11 of the Wisconsin Statutes.

I further certify that the guidance document or proposed guidance document contains no standard, requirement, or threshold that is not explicitly required or explicitly permitted by a statute or a rule that has been lawfully promulgated.

I further certify that the guidance document or proposed guidance document contains no standard, requirement, or threshold that is more restrictive than a standard, requirement, or threshold contained in the Wisconsin Statutes.

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Name of Individual Certifying this Document/Proposed Documer
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04-16-2020
Date Signer

Department of Corrections – Wisconsin Office of the Secretary Wis. Stat. § 227.112(6) DOC-2910 (6/2019)



DIVISION OF ADULT INSTITUTIONS

POLICY AND PROCEDURES

DAI Policy #: 306.17.01	Page 1 of 13			
Original Effective Date:	New Effective Date:			
04/15/85	11/12/18			
Supersedes: 306.17.01	Dated: 11/01/15			
Administrator's Approval: Jim Schwochert, Administrator				
Required Posting or Restricted:				
X Inmate X All Staff Restricted				

Chapter: 306 Security

Subject: Inmate Drug Testing

POLICY

The Division of Adult Institutions has zero tolerance for drug use. The Division of Adult Institutions shall perform drug testing of inmates to protect the public and provide a drug free and safe environment for staff and inmates.

REFERENCES

<u>Federal Register, Vol. 59, No. 110, dated June 9, 1994</u> – Mandatory Guidelines for <u>Federal Workplace Drug Testing Programs</u>

Federal Register Vol. 63, No. 219, dated November 13, 1998 and Effective 12/01/1998 – Revised Mandatory Guidelines for Federal Workplace Drug Testing Programs Substance Abuse and Mental Health Administration (SAMHSA) – Mandatory Guidelines for Federal Workplace Drug Testing Programs

Criminal Justice Drug Testing Act May 1990

Wisconsin Administrative Code Ch. DOC 303 - Discipline

Wisconsin Administrative Code s. DOC 306.17(4) (a) - Search of inmates

<u>Wisconsin Administrative Code s. DOC 306.21</u> – Use of test results as evidence at disciplinary hearings

DAI Policy 500.70.27 - Transgender Inmates

DEFINITIONS, ACRONYMS, AND FORMS

Advanced Care Provider (ACP) – Provider with prescriptive authority.

<u>Adulteration</u> – Urine substitution, ingestion of fluids or compounds for flushing out the system, diluting the sample, or interfering with the testing process (OR) direct addition of adulterants to the urine specimen itself.

<u>COMPAS</u> – Correctional Offender Management Profiling for Alternative Sanctions

<u>Confirmation test</u> – A test of the specimen performed, after an initial screening test of that specimen, by a gas chromatography/mass spectrometry (GC/MS) testing procedure or an equally rigorous scientific test.

DAI - Division of Adult Institutions

DOC – Department of Corrections

DOC-9 - Adult Conduct Report

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DOC-106 - Urinalysis Confirmation Waiver

<u>DOC-184</u> – Disbursement Request

DOC-1496 - Chain of Evidence (Urinalysis)

DOC-3001 - Off Site Service Request and Report

DOC-3034 - Patient Medication Profile

<u>Intersex condition</u> – An inmate's reproductive or sexual anatomy does not correspond to usual male or female anatomy. Genitalia may be ambiguous or have characteristics of both sexes.

On-Site Drug Screen – Testing procedure done at the facility to detect the presence or absence of alcohol, drugs or their metabolites in urine or saliva.

<u>Transgender</u> – A person whose gender identity (i.e., internal sense of feeling male or female) is different from the person's assigned sex at birth.

<u>UA Draw</u> – Department of Corrections' database for Urinalysis.

<u>Urinalysis Coordinator</u> – Designated supervisor overseeing the facility Urinalysis Program.

PROCEDURE

- I. Testing
 - A. The drug testing program shall include:
 - Targeted testing.
 - 2. Random testing.
 - 3. Saturation testing.
 - 4. Testing for cause.
 - 5. Testing while in treatment.
 - B. Selection of inmates for testing in all categories shall be supported by appropriate documentation and shall not be based on the race, color, gender, age, national origin or the religion of the inmate.
 - C. When non-random urinalysis testing of an inmate is requested, the Warden/designee shall authorize the drug test.
 - D. Targeted testing Inmates may be identified for targeted testing under the following circumstances:
 - 1. Intake process.

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- 2. Date of release.
- 3. Return from temporary release under supervision.
- 4. Identification of a drug use baseline.
- 5. Work Release, Study Release, Project Crews, Community Service, Off-Site Placement or Activities and inmate drivers.

E. Random testing

- 1. Inmates shall be chosen by a computer-generated selection process (UA Draw) whereby selection personnel do not know the identity of the inmate.
- 2. Random testing shall be conducted on no less than 3% of the population of each facility each week.
- 3. The following are the only reasons inmates may be excluded from the random listing:
 - a. Resides in the Infirmary.
 - b. Placed in the Restrictive Housing unit.
 - c. Out of the facility; e.g., Out to Court, Out to Hospital.
 - d. Resides in a contracted facility.
 - e. Has a verifiable medical condition that would prevent them from providing an adequate urine sample, such as in the case of inmates on kidney dialysis.

F. Saturation testing

- 1. When a high incidence of drug use or trafficking is suspected, an identified group (e.g., a housing unit, work crew) may all be tested.
- 2. Authorization of the Warden/designee is required.
- 3. Criteria may include, but not be limited to:
 - a. A high percentage of positive results from the random testing program.
 - b. A high incidence of trafficking offenses.
 - c. A high incidence of conduct violations.
 - d. Intelligence information indicating saturation testing is appropriate.

G. Testing for cause

Inmates may be subject to testing for cause if a staff member, from direct observation or reliable sources, has reasonable grounds to believe the inmate has used, possesses, or is under the influence of intoxicating substances.

H. Testing while in drug and/or alcohol treatment

- 1. Treatment participants shall remain subject to random, targeted, cause and saturation testing.
- Additionally, they shall be tested upon admission and discharge from treatment programs consistent with available resources.
- 3. Consistent with law, all tests conducted under this subsection which have the potential to directly or indirectly affect the assessment, treatment plan, or treatment programming of any participant shall be confirmed by a certified laboratory before any decision may result affecting the participant's treatment programming by virtue of the test.

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- I. Each facility shall designate a urinalysis coordinator.
- J. Alternative drug testing methods
 - 1. The DOC may utilize drug-testing methods other than urinalysis, such as saliva and hair analysis, for those situations where:
 - a. Urine collection is not possible.
 - b. Another method is superior.
 - c. A pilot is being conducted.
 - 2. In all cases staff shall be trained in the use of alternative drug testing methods before performing tests.
- K. Ensure all record disposal authorizations are followed.

II. Obtaining Urine Specimens

- A. Designated staff who have received training on proper specimen collection procedures shall follow universal precautions in the handling, storage, and transportation of specimens.
- B. Staff shall use the on-site drug screen test for initial indication of the presence of alcohol and drugs in an inmate's urine.
- C. All specimens shall be processed along with the properly completed DOC-1496.
 - 1. All staff handling the specimen after the initial collection shall record in sequence all changes of possession of the urine (to include name, time, date and place).
 - 2. The number of staff handling the specimen shall be kept to a minimum.
- D. Observation of the inmate while providing the sample shall be conducted by a staff member of the same gender.
- E. It is recommended the specimen be the inmate's first urine of the day.
- F. Check the inmate's photo identification to verify identity, name and DOC number.
- G. Inform inmate of the type of testing (random, cause, etc.)
- H. Staff shall ask the inmate if he or she has taken any medication in the last 72 hours. The inmate shall record this information on the DOC-1496.
- I. Ensure the inmate thoroughly rinses his/her hands without soap.
- J. Inspect the inmate hands and fingernails for possible containments prior to providing the specimen.

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- K. The inmate shall be directed to remove any coat and roll up long sleeves to ensure the inmate is not hiding any objects that might adulterate the sample or containers that might hold an alternate urine sample.
- L. Perform a strip search prior to obtaining a sample on all cause, targeted and saturation tests. Perform a personal search "pat search" prior to obtaining a sample on all random tests.
- M. Staff shall prepare the on-site drug screen as follows:
 - 1. Open the pouch and remove the cup. Document the identifying inmate name/number on the cup lid.
 - 2. Hand the cup and lid to the inmate and allow him/her to visually inspect it.
 - 3. Instruct the inmate to fill the cup approximately 1/3 full. Staff shall observe the urine stream into the cup.
 - 4. Transgender inmates shall be allowed to urinate into a cup sitting down, as long as the urine stream can be visually observed by a staff member.
 - 5. When the inmate has finished providing the specimen, have him/her place the lid on the cup and tighten.
 - a. Staff shall ensure the lid is tightened sufficiently.
 - b. Then the inmate shall initial and date the security seal.
 - c. Staff shall then place the security seal over the cup cap avoiding covering the test results and identifying information on the cup cap.
 - 6. Set the specimen cup on a flat surface. The test shall start once the inmate has finished providing the specimen. Test results shall be read as determined by each site.
 - 7. Staff shall read the temperature strip within 2-4 minutes of the inmate providing the specimen to verify the temperature of the specimen is within acceptable range (90-100 Fahrenheit).
 - a. Record urine temp on DOC-1496.
 - b. If no temp is visible, contact a supervisor if adulteration is suspected.
 - 8. Allow the test to run until the control line (reddish purple line next to the "C") appears which generally takes up to 2-5 minutes.
 - a. Once the control line appears, the results may be interpreted.
 - b. If no control line appears after 10 minutes, the cup is considered defective.
 - c. It is acceptable to transfer the contents from the defective cup to a new cup and document on DOC-1496.
 - 9. Results are based on the presence or absence of a line next to each specific drug. Line intensity may vary between drugs. Any line, regardless of intensity, shall be interpreted as a negative test.
 - 10. A positive test is no line, totally devoid of color, next to a specific drug.
- N. Special accommodations may be made for inmates with documented mental health conditions that prevent compliance with provisions for obtaining urine samples.

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- O. If the inmate refuses to provide a specimen, the test is considered a refusal and the inmate shall receive a DOC-9.
- P. If the inmate is unable to provide specimen:
 - 1. Give no more than eight ounces of water per hour for no longer than two hours.
 - 2. If a specimen has not been provided after two hours, this shall be considered a refusal.

III. Processing Urine Specimens

A. Negative cup results

Collection staff shall immediately dispose of negative specimen and containers after testing has been completed according to the following procedures:

- 1. Urine is to be emptied in toilet receptacle.
- 2. Plastic specimen containers shall be disposed of in a lined trash receptacle or a trash bag. The trash receptacle shall have a lid cover for cleanliness and hygiene.
- 3. Trash bags containing drug testing specimen collection cups shall be tied securely and left in a trash receptacle for disposal after testing is complete.
- 4. The collection area shall be cleaned thoroughly when all testing is complete.
- 5. The collection staff shall wash their hands with soap and water after handling urine specimens.
- 6. Specimen containers shall not be reused for another urine sample.
- 7. DOC-1496 shall be completed.
- 8. All negative results shall be recorded in COMPAS.

B. Positive cup results

- If a test result is positive and the inmate is claiming to be taking medication, the facility's Urinalysis Coordinator/designee shall contact the Health Services Department to verify if the inmate is currently taking any medications.
- 2. The Health Services Department shall compare the drugs listed by the inmate on the DOC-1496 against those listed on the inmate's DOC-3034 and/or possible offsite procedures noted on DOC-3001 to verify if any additional medication was given that was not listed on the DOC-3034.
- 3. When a test result is positive, a DOC-9 shall be written and shall be accompanied by the DOC-1496 and a photo copy of the cup results.
- 4. Positive urine specimens shall be maintained for a minimum of 60 days or through the facility appeal process and kept in a secured refrigerator/freezer. Only authorized staff shall have access to the secured refrigerator(s) or freezer(s).

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- A key log or entry log to the area refrigerator shall be maintained. The log shall include the date and name of each person gaining access to the refrigerator or freezer.
- 6. A completed DOC-1496 shall accompany the sample until the disposal process is complete.
- 7. All positive results shall be recorded in COMPAS.

C. Confirmation process

- 1. The request for a confirmation test shall be made prior to or at the time the DOC-9 is served.
- 2. If the inmate is requesting a confirmation test, the initial positive sample shall be confirmed by a second test. The inmate shall complete a DOC-184 and sign a DOC-106 when requesting a confirmation test.
- 3. Inmates shall pay the cost of confirmation tests when the inmate requests such a test after an initial positive result.
 - a. If the inmate does not have the funds for the confirmation testing, the facility shall allow the inmate an overdraft on their account.
 - b. If the confirmation test is negative, the cost of the test shall be refunded.
 - c. If the confirmation test is inconclusive and/or suggests possible adulteration, the cost of the confirmation test may not be refunded.
- 4. The confirmation test shall be completed by a certified lab.
- 5. If a confirmation test is being requested, complete the contracted lab's form and follow the contracted lab's instructions for processing specimens.
- 6. If the confirmation test is negative, the DOC-9 shall be dismissed.
- 7. Confirmation test results shall be recorded in COMPAS.

D. Adulteration process

- 1. Inmates shall submit an unadulterated specimen.
- 2. If a specimen is suspected of being adulterated a Shift Supervisor shall be contacted and briefed.
- 3. If it is determined the inmate did adulterate their specimen, a DOC-9 may be written.

IV. Recordkeeping

- A. UA draw is used to generate the random list and DOC-1496s.
- B. COMPAS is used to record all drug testing results performed on inmates.

DOC-1024 (Rev. 02/2009)		
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Administrator's Approval:		Date Signed:	
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Jim Schwochert, Administrator

DIVISION OF ADULT INSTITUTIONS FACILITY IMPLEMENTATION PROCEDURES

Facility: New Lisbon Correctional Institution				
Original Effective Date: 04/14/04	DAI Policy Number: 306.17.01	Page 9 of 13		
New Effective Date: 05/15/2020	Supersedes Number: 306.17.01	Dated: 10/03/16		
Chapter: 306 Security				
Subject: Inmate Drug Testing				
	With below procedures for facility			
Warden's/Center Superintenden	t's Approval:			

REFERENCES

DEFINITIONS, ACRONYMS, AND FORMS

DOC-142 - Person Searched/Non-Routine Urinalysis Form

<u>DOC-2466</u> – Incident Report (WICS)

HSU - Health Services Unit

FACILITY PROCEDURE

- I. General Guidelines
 - A. Obtaining Sample
 - 1. Begin collecting random UA samples after 12:00 a.m.
 - 2. When a cause UA is necessary, complete a DOC-142.
 - 3. Maintain confidentiality of the identities of inmates required to provide samples until the individual collections are performed.
 - 4. Follow standard precautions.
 - 5. Properly identify inmates utilizing inmate identification cards.
 - 6. Inform the inmate of reason for test.
 - 7. Search inmate according to testing type and escort to restroom or cell to utilize toilet. Staff shall observe the urine stream into the cup.
 - 8. Transgender inmates shall be allowed to urinate into a cup sitting down, as long as the urine stream can be visually observed by a staff member.
 - 9. Have the inmate read the section above the "Offenders Signature" box on the DOC-1496. Have the inmate record any medication taken within the last 72 hours.
 - 10. The inmate shall initial and date the security seal.
 - 11. When the inmate has finished providing the specimen, have inmate place the lid on the cup and tighten.
 - a. Staff shall ensure the lid is tightened sufficiently.
 - b. Staff shall place the security seal over the cup cap avoiding covering the test results and identifying information.
 - 12. Set the specimen cup on a flat surface. The test shall start once the offender has finished providing the specimen.
 - 13. Staff shall read the temperature strip within 2-4 minutes of the inmate providing the specimen to verify the temperature of the specimen is within acceptable range (i.e., 90-100 Fahrenheit).
 - a. Record urine temp on DOC-1496.

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- b. If no temperature is visible, contact a supervisor if tampering is suspected.
- 14. Allow the test to run until the control line (i.e., reddish purple line next to the "C") appears which generally takes up to 2-5 minutes.
 - a. Once the control line appears, the results shall be interpreted by staff.
 - b. If no control line appears after 10 minutes, the cup is considered invalid and the test should be repeated with a new sample.
- 15. Document collections in Unit Search Logbook and COMPAS, including inmate name and number.

B. Refusal to Provide Samples

- 1. If inmate refuses to provide sample, inform him refusal constitutes violation of 303.59 and he will be issued a DOC-9 for Use of Intoxicants.
- 2. If inmate is unable to give sample, inform him he has two hours in which to provide sample.
- 3. Provide inmate an eight ounce cup for water consumption, not to exceed eight ounces per hour.
- 4. Inmates waiting to provide a sample are to be seated in dayroom.
- 5. If inmate does not provide a sample within two hours, issue a DOC-9 and contact a supervisor.
- 6. Document the time of the initial direction to provide sample and final opportunity to provide sample in the DOC-9 (must be no more than two hours later).
- 7. Document on the DOC-9 the names of the staff that provided the initial and final direction to provide the sample.

C. Processing the Sample

1. Negative Cup Results

Collection staff shall immediately dispose of negative specimen and containers after testing has been completed according to the following procedures:

- a. Urine is to be emptied in toilet receptacle.
- b. Plastic specimen containers shall be disposed of in a lined trash receptacle or a trash bag. The trash receptacle shall have a lid cover for cleanliness and hygiene.
- c. Trash bags containing drug testing specimen collection cups shall be tied securely and left in a trash receptacle for disposal after testing is complete.
- d. The collection area shall be cleaned when all testing is complete.
- e. The collection staff shall wash their hands with soap and water after handling urine specimens.
- f. Specimen containers shall not be reused for another urine sample.
- g. Complete DOC-1496.

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verify if the inmate is currently taking any medications. HSU shall compare the drugs listed by the inmate on the DOC-1496 against those listed on the inmate's DOC-3034 and/or possible offsite procedures noted on DOC-3001 to verify if any additional medication was given that was not listed on the DOC-3034.

- b. When a test result is positive, a DOC-9 shall be written and will be accompanied by the DOC-1496 and a color photo of the cup results.
- c. Positive urine specimens shall be maintained for a minimum of 60 days or through the facility appeal process and kept in a secured refrigerator/freezer. Only authorized staff shall have access to the secured refrigerator(s) or freezer(s).
- d. A key log or entry log to the area refrigerator shall be maintained. The log must include the date, time and name of each person gaining access to the refrigerator or freezer.
- e. A completed DOC-1496 shall accompany the sample until the disposal process is complete.
- f. All positive results shall be recorded in COMPAS.

3. Confirmation process

- a. The request for a confirmation test must be made prior to or at the time the DOC-9 is served.
- b. If the inmate is requesting a confirmation test, the initial positive sample shall be confirmed by a second test. The inmate shall complete a DOC-184 and sign a DOC-106 when requesting a confirmation test.
- c. Inmates shall pay the cost of confirmation tests when the inmate requests such a test after an initial positive result.
 If the inmate does not have the funds for the confirmation testing, the facility shall allow the inmate an overdraft on their account.
 If the confirmation test does not support the results of the initial test, the inmate's cost of the confirmation test shall be refunded.
- d. The confirmation test shall be completed by a certified lab. If a confirmation test is being requested, complete the contracted lab's form and follow the contracted lab's instructions for processing specimens.
- e. Confirmation test results shall be recorded in COMPAS.

D. Shipping Confirmation Samples

- Leaking containers will not be shipped.
- 2. Staff will package the urinalysis confirmation samples to be shipped utilizing the boxes provided by the contracted lab.
- All staff handling the specimen after the initial collection must record in sequence all changes of possessions of the urine (to include name, time, date & place). The number of persons handling the specimen shall be kept to a minimum.

E. Confirmation Test

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- 1. The inmate will be required to pay for the confirmation test if this test is also positive.
- 2. If the confirmation test is negative, NLCI will pay the cost and/or inmate(s) will be refunded any contribution toward the confirmation test.
- 3. If inmate elects to waive the confirmation test, he must sign the DOC-106. If inmate refuses to sign this form, staff must document the refusal on the form.
- Inmate and Hearing Committee will be notified of the results of the confirmation test.
- 5. If confirmation test is negative, the DOC-9 will be dismissed.

RESPONSIBILITIES

I. Staff

- A. Security Staff
 - 1. Maintain confidentiality.
 - 2. Have inmate list medications taken within the past 72 hours on the DOC-1496.
 - 3. Collect samples and verify temperature is within acceptable range.
 - 4. Complete DOC-1496 and secure samples requiring a confirmation test.
 - 5. Document collections in Unit Search Logbook.
 - 6. If inmate refuses or does not provide a sample, issue a DOC-9 and contact a supervisor.
 - 7. Record in sequence all changes of possession of urine.
 - 8. Keep persons handling urine specimen to a minimum.
 - 9. Refrigerate all positive specimens in accordance to policy.
 - 10. Document all entries on UA refrigerator worksheet.
 - 11. Document results in COMPAS.

B. Security Supervisor

- 1. Access weekly random test list and maintain confidentiality of list.
- 2. Issue random test list/draw date to third shift collection staff.
- 3. When a cause UA is necessary, complete a DOC-142.
- 4. Train staff on proper collection procedures.
- 5. TLU inmates with positive test results.
- 6. Ensure all positive, negative, and confirmation test results are recorded in COMPAS.
- 7. Serve DOC-9.
 - a. If positive, offer opportunity for confirmation test.
 - b. Notify inmate of cost of confirmation test.
 - c. Complete DOC-106.

C. Third Shift Supervisor

- 1. Ensure staff assigned to collect urine samples have been trained.
- 2. Ensure staff assigned to observe urine collection are male.
- 3. Ensure universal precautions are followed during collection.

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- 4. Ensure collection begins after 12:00 a.m. and proper procedure is followed.
- 5. Ensure positive samples are placed in the secured refrigerator.
- 6. Keep number of persons handling specimen to a minimum.
- 7. Ensure all staff handling specimens document all changes in possession in sequence on DOC-1496.
- 8. Ensure DOC-9 is issued as required.
- 9. If test is positive, forward requests to HSU to send inmate DOC-3034 to UA testing lab via e-mail reference specimen identification number.

D. Security Director

- 1. Ensure DOC-9 is dismissed if confirmation test is negative.
- 2. Ensure inmate and hearing committee are notified of the confirmation test and the results.

E. Business Office

- 1. Pay for confirmation test or reimburse inmate if results are negative.
- 2. Deduct cost of confirmation test from inmate's account if positive.

F. Health Services Staff

Forward DOC-3034 to UA testing lab via e-mail as requested.

II. Inmate

- A. Provide urine sample upon request following staff directives.
- B. Complete DOC-184 if requesting confirmation test.