



## **IN-FIELD 'INSTANT' UA TEST KITS PROPOSED**

*Your agent could become the lab and analyst too...*

It hasn't happened yet, but newly proposed changes to Title 15 would enable parole agents to perform 'instant' analysis of UA test, while still in the field, and would also "seek[s] to increase the use of the Voluntary Statement of Admission form," wherein the parolee admits to using an illicit substance. The use of these instant result field test kits has apparently been on-going since mid-July, but the CDCR is only now getting around to going through the public process to officially change the rules.

If a parolee's instant field test comes back positive and s/he admits to using, the results could be that the agent will "intervene immediately utilizing evidence based best practices for recidivism reduction," which usually means placement in a residential treatment facility. If the parolee tests positive and denies use of substances the specimen is then sent to an outside lab for further testing and confirmation of the field test results. And if the test is negative, then everyone goes their merry way.

The newly proposed changes opt for agents to attempt to get the Voluntary Statement of Admission, CDCR Form 1527, signed by the parolee, a statement which says, in part, that the parolee that s/he signs the statement:

*"freely and voluntarily, free of coercion or duress, with the knowledge that it will be used to adjudicate a parole violation. There has been no force, fear or intimidation used upon my person, nor threats made against my family, nor any promise of immunity or award made to me for making this statement."*

*"I freely admit to the use of drugs or alcohol on the following dates:*

*"The type(s) of drugs(s) or alcohol used was/were the following:"*

The department's Initial Statement of Reasons (ISOR), their rationalization for the change in procedure, is that "The DAPO UA Testing Program implements the use of instant test kits and seeks to increase the use of the Voluntary Statement of Admission form. The utilization of onsite testing coupled with increased acknowledgment of substance abuse via the Statement of Admission will significantly reduce the number of samples being submitted to the contract laboratory, wherein the only sample warranting a laboratory confirmation is the instant positive result that is disputed by the parolee." In other words, if the agents can get parolees to admit to illegal behavior and drug/alcohol use, it will save the department money (in lab costs) and time (in getting users into treatment.) The ISOR does, however, note that the financial savings will probably be off-set by the costs of purchasing the new instant kits.

First, let's be frank—we do NOT endorse, excuse or justify any parolee using drugs or alcohol. If you're using and get caught, good. Not only are you taking a chance with your own success, but you're jeopardizing the reputation of all lifer parolees and our work as well, and we're pretty serious about that. But, we do see a couple of potential problems here.

As detailed elsewhere in this issue many over the counter (OTC) drugs can cause false positives in UA tests. And there is no provision or instructions regarding this possibility, as those drugs can cause a false positive whether tested by an 'instant' results kit or by a laboratory. And for an OTC med, there is no script to justify the use, because, well, they're over the counter, non-controlled substances.

The proposed regulation change does call for the agent to ascertain if the parolee is taking a prescription med that might show up in the test, "The PA shall document the parolee's response to the inquiry on the CDCR Form 1650-D (Rev. 06/12), Record of Supervision, which is incorporated by reference, only when the parolee declares that he or she is taking prescription medication. If the parolee admits to taking prescription medication, and/or the PA suspects that the type of medication may indicate a positive UA test result for a prohibited substance, the PA shall instruct the parolee to provide proof of the current and valid prescription."

What that proof would be is left unspecified. We won't mention here the fact that we find the wording of the above quote a bit demeaning--why should anyone have to 'admit' to taking a prescribed medication? Sorry, guess we did mention it.

And it appears that if the instant field test shows positive, the same specimen used for that test will be secured through a chain of custody process and sent to a laboratory for verification. Great, but it's the SAME specimen, now possibly contaminated by being open in the field. And if you've taken an OTC drug that is causing a false positive, it will still be there when the outside lab runs its tests.

And while the new regs note that parole conditions are set forth in CDCR Form 1515 Addendum, Special Conditions of Parole, it also gives considerable leeway to the agents by allowing "If reasonable belief exists that a prohibited substance was recently used, the CDCR Form 1515 Addendum is not required for the PA to instruct the parolee to provide a UA specimen for testing." And while noting in the official language that the frequency of testing will be determined by a parolee's supervision requirements (level of supervision), it also has more than a hint of Big Brotherism.

*"The instant test kit yields a far higher percentage of the use of the Voluntary Statement of Admission.....When the parolee has knowledge he or she will be held immediately accountable*

*for a specimen testing positive for the use of prohibited substance(s), a measure of deterrence occurs... In order to be effective, a process must keep offenders 'guessing'...offenders are known to find drugs they can use which are "safe" from detection."*

The new directive is not yet the law of the land and public comment is being accepted by the CDCR until Sept. 24. The entire language of the new proposal, the ISOR and associated forms can be found at:

[http://www.cdcr.ca.gov/Regulations/Adult Operations/Pending Rules.](http://www.cdcr.ca.gov/Regulations/Adult%20Operations/Pending%20Rules)

That will take you to the CDCR website page with all notice of change in regs docs, just look for NCR 14-08, Urinalysis Testing Program for Parolees. The page will also tell you how you can submit your comments/concerns to CDCR, either by mail or at the public hearing on Sept. 24 in Sacramento. Part of being home and a responsible citizen is voicing your opinion---this might be a good time and issue to start practicing that right.



## **BEWARE: SOME OTC DRUGS CAN GIVE FALSE POSITIVES**

Nearly all paroled lifers are subject to some sort of UA drug testing. How often and where depends on your agent and level of supervision. We suspect everyone knows the inherent dangers in taking even cough syrup which might contain active ingredients that could snag you up on testing. But there are other cautionary substances.

According to a leaked report from a lab testing company there are more than 250 over the counter (OTC) and even prescription drugs that can cause false positives, as can some medical conditions. These drugs are totally legal, but could none the less cause you some difficulties with UA, most especially if CDCR goes through with proposed changes that would allow field testing for immediate UA results, as already outlined.

Herein is a partial list of over the counter medications that could cause a false positive. Be careful what you reach for on the pharmacy shelf, and perhaps ask the pharmacist or do a bit of research before you self-medicate, even legally.

The following medications or conditions can cause false positive reactions indicating the presence of THC/marijuana usage:

- Ibuprofen (Advin, Nuprin, Motrin, Excedrin IB)
- Ketoprofen (anti-inflammatory NSAID)
- Naproxen (Aleve)
- Promethazine (antihistamine Phenegran)
- Riboflavin (B2, hempseed oil)

Among those medications that can show a false positive for Amphetamines are:

- Almost anything with 'ephedrine' in the name; pseudoephedrine, propylephedrine, phenylephrine, or desoxyephedrine (Nyquil, Contact, Sudafed, Allerest, Tavist-D, Dimetapp)
- OTC diet aids containing phenylpropanolamine (Dexatrim, Accutrim)
- Over-the-counter nasal sprays (Vicks inhaler, Afrin)
- Some asthma meds (Marax, Bronkaid tablets, Primatine Tablets)

False positives for opiates can be produced by:

- Tylenol with codeine
- Most prescription pain medications
- Cough suppressants with Dextromethorphan (DXM, Nyquil, Mucinex)

Amoxicillin, a popular antibiotic and, surprisingly, tonic water can produce false positive results for cocaine. Some antibiotics can test false positives for heroin use.

Kidney infection/disease, liver disease, and diabetes can also produce false positive results for any of the (for lifers at least) illicit substances listed above. And trouble doesn't have to come from the corner drug store. Poppy seeds on the average bagel at the deli can show up as opiates and even if you don't inhale, just being around those using pot can cause enough absorption of smoke through the skin to make it appear you, too, have had a toke or two.

## **IF YOU'RE A PAROLED LIFER AND A VETERAN**

*You may be eligible for some additional services*

Although lifers and other prisoners lose many civil rights once convicted of a felony, those who served and were honorably discharged from any of the nation's armed services retain eligibility for additional services through the Veteran's Administration, especially if you have a disability. Paroled lifer and Viet Nam vet Mitch Herdman offers the following tips:

*If you are a veteran of the US military who served during any wartime era and suffer from any sort of disability you are very likely eligible for a pension whether it be service connected or a non-service related disability. An example of a non-service related disability would be having HEP-C and having served on active duty during a war era.*

*If you have a disability be sure to see your local VA service officer for a referral to VOC REHAB as it will speed up the process of obtaining benefits you are entitled to. For example, the VA will pay to send veterans with disabilities to truck driving school. In about 6 weeks you*

*can earn a commercial drivers' license {class A}. This training would otherwise cost you up to \$5,000. You can also receive \$190.00 a month for your transportation to school and the payments will continue until you are employed.*

*Veterans may also qualify for additional medical care benefits and pensions. A couple of phone calls may help you access these benefits. Call the VA at 877-294-6380 to find out all relevant information and contact CDCR at 916-229-0475 receive the proper form to release your medical records to the VA.*

## **FIRST GOAL: BECOMING A PERSON AGAIN**

*Suggestions for goal setting and success from David Pack*

Getting a second opportunity at life is no doubt a huge blessing! With that said, however, in light of being incarcerated within a culture much different than the one in mainstream society, there can certainly be some challenges. If these challenges are not prepared for, and then met head on, what was supposed to be a very happy moment can turn into an overwhelming one. That is why setting some basic, realistic goals is so important.

In order to function on the day-to-day business in society, there are a few things you MUST have in place. The first is a birth certificate. It is impossible to get anything established without having this. This is the first stepping-stone in order to reach your other hopes and dreams. The good news is you or a family member order a CERTIFIED COPY of your birth certificate from the County Office of Records where you were born. This costs about \$12.00 and you can usually find out where to send your request by checking online. Transitional homes often do help and provide opportunities to obtain one.

The second essential goal in order to move forward is your California ID card. You need your birth certificate in order to obtain your state ID. You can go online to make an appointment with DMV to do so. When you go to DMV, you will complete an application, provide a thumbprint, and take a picture (No CDC#).

When the time comes to get your driver's license, the process is very similar to your state ID. A certified birth certificate is necessary, unless you've already obtained a State ID. By making an appointment online you can avoid long lines. DMV provides practice tests online as well as a booklet to study.

Once you have your birth certificate and ID, you can apply for your social security card if you have lost yours. Obtaining your social security card requires two forms of ID. You can call your local SS office to make an appointment. If you get hired for work, you must provide your card to your employer within 3 working days.

OK, enough of the boring stuff! Let's talk about family. A smooth transition in the area of reintegrating with your family goes a long way in determining your overall success of reintegration back into society. Here are some things to think about:

1) If you have previously violated their trust, they may be a little more cautious in reestablishing that relationship than you are. Be willing to move slowly, if necessary.

2) Don't expect perfection. Yes, this is a much better world than the old one, but you will still encounter problems, sometimes with those you care about most. When this happens, don't be shocked, and remember the tools you've learned.

3) Be creative in the ways you can serve and give back to them.

At first, it probably won't be financially, but ask yourself what you can do to contribute to their well-being. Can you pray or meditate with them? Draw a picture for them? Help out around the house? Or possibly even show off some new culinary skills?

The more disciplined you become about setting goals the more likely your time will be prioritized the way it needs to at first in order to ensure a smooth transition.

## **THE AFFORDABLE CARE ACT INCLUDES YOU**

*"Obama-care" will benefit paroled lifers*

Federal and state health insurance reforms recently enacted ("Obama care") means there has been a significant increase in the number of California residents, including many paroled lifers, who are eligible for Medi-Cal benefits. Medi-Cal is managed by the California Department of Health Care Services and County Social Service Offices, but CDCR's Division of Rehabilitative Programs, in partnership with the Division of Adult Parole Operations (DAPO), is working with community based providers to assist parolees who wish to enroll in Affordable Health Care Act Insurance.

Medi-Cal health plans include benefits known as "essential health benefits," which cover outpatient and emergency services, hospitalization when needed, mental health and substance use services, including behavioral health treatment. Also covered are prescription drugs and laboratory services, dental care, preventative and wellness services and chronic disease management. Physical and occupational therapy and assistive devices are also covered.

Many parolee's qualify as they have income less than about \$15,800 per year. All of the info is posted on the CDCR website under DRP. For many individuals who enroll in Medi-Cal, there are no premiums, no co-payments, or other out of pocket costs.

To see if you are eligible visit the California Department of Health Care Services website at Steps-to-Medi-Cal; if you are in transitional housing, the program provider should be able to give you information. If you have trouble finding out if you are eligible or signing up, please let us know.

## **SIGN UP FOR *AFTER\*LIFE***

If you're reading someone else's copy of *After\*Life* and would like your own, send your email address to: [lifesupportalliance@gmail.com](mailto:lifesupportalliance@gmail.com) and ask to be put on the After\* Life email list. It's free!

Also send us your questions, comments and helpful hints you have for lifers coming home. Coming issues will cover travel passes for work, inter-state transfer of parole supervision and hidden challenges of coming home.