

April 9, 2007

FLORIDA LAWYERS ASSISTANCE, INC. **Random Drug Testing Procedure**

All random drug testing done by Florida Lawyers Assistance, Inc. (FLA) will be done pursuant to a signed contract. Frequency of testing shall be determined by contract or court order, but may be modified for cause or as deemed necessary by FLA. Additional testing such as hair follicle, sweat, alcohol monitoring ankle bracelet, or other special procedures may be required at the clients expense.

FLA's testing is administered by **FirstLab**. Upon receipt of your FLA contract, you must also register online with FirstLab by: 1)going to www.firstlab.com/phmmem; 2) clicking on the "New Enrollment" button; 3) entering the Program Login ID: **FLAW** and Passcode: **enroll**; 4) providing the requested information; and 5) clicking the "Submit" button, after which you can print out and fax the Application and Payment Form to FirstLab. You will be provided all necessary information, including your starting date and pin number. You will also be supplied with forms if you decide to use Quest Labs as a drop site; LabCorp sites have the FLA forms on hand and do **not** need them to be provided by the client.

FirstLab will request a credit card number from you, as well as your social security number. If you do not have a credit card and cannot obtain a secured card, arrangements will be made for you to pay for your tests by cashier's check or money order. This must be set up with **FirstLab** before your testing begins. The cost of each test is currently \$39.00 for a standard 12-drug panel plus alcohol, but may be subject to moderate increase from time to time. An initial deposit of \$39.00 is required and will be applied to the last test taken by the client. Any special testing required will be charged accordingly. Test sites **other than LabCorp or Quest**, some of which have extended hours, may be available in *certain* areas at a cost of \$53.00. Information about these sites can be obtained from FLA or **FirstLab**.

You will be required to call a toll-free number or log on to the FirstLab notification web site at www.firstlab.com/phmmem (you will have to register your first time on the site) **between 4:00 am and 2:00 pm**, Monday through Friday, to determine if you have been selected for testing that day. You will be provided a list of **LabCorp** test sites in your area where you may submit for your test before the close of business that day. Certain **Quest** sites will also do testing, but you must confirm with the individual site and bring the necessary paperwork to **Quest** (Quest forms are provided in the packet sent by **FirstLab**). If there is no **LabCorp** within a twenty (20) mile radius of your home or office, arrangements should be made with **FirstLab** to locate an alternate drop-site for you. There

may, however, be an additional charge if no **LabCorp** facility exists.

FirstLab provides a weekly "No-call Report" to FLA that identifies clients who fail to call the system regularly or miss scheduled tests. This record may be reported to the Florida Bar, Board of Bar Examiners, or other specified entity together with test results, as required. **A pattern of test rescheduling due to missed calls or tests, or participant requests for rescheduling may result in an increase in testing frequency or a report of non-compliance at FLA's discretion, either of which may result in an extension of probation or denial of admission to the Bar.**

Due to advances in drug testing procedures that have improved the ability to detect the consumption of alcohol in urine tests, even very small amounts can be detected several days after being ingested. The FLA contract requires abstinence from alcohol, including even the relatively small amounts contained in some cough and cold medications, mouth wash, and so-called "non-alcoholic beer and wine." **You must make it a habit to read labels and avoid any product containing alcohol.** There is almost always a no-alcohol alternative, and we would suggest consulting your doctor or pharmacist if necessary. Pursuant to the FLA contract, **any alcohol-positive tests received will be deemed valid and considered prima facie evidence of a violation of the abstinence provision of the contract.**

In the event of a positive result, FLA will be notified immediately and a re-test may be scheduled. The results will also be transmitted to FLA's **Medical Review Officer** (MRO) who will call you to discuss the test results. The MRO will provide an assessment to FLA which we will discuss with you before submitting our report and recommendations to the Bar, if required. Test results obtained after the use of "flushing" products will likely reveal low creatinine and low specific gravity levels. These test results will generally be followed by a re-test and transmittal to the MRO.

If you are going on vacation, or will be unavailable for other reasons, you must notify **FirstLab** and FLA as soon as possible. **FirstLab** and FLA prefer that this information be faxed to them at least two weeks prior to unavailability, if at all possible. All questions should be directed to Val Lackey at FLA.