

Access to Medication Assisted Treatment in Jails and Prisons

Part 1: ADA and Legal Considerations

Bureau of Justice Assistance (BJA)

Residential Substance Abuse Treatment (RSAT)
Program for State Prisoners

Training and Technical Assistance Resource

This project was supported by grant No. 2019-J2-BX-K001 awarded by the Bureau of Justice Assistance. The Bureau of Justice Assistance is a component of the Office of Justice Programs, which also includes the Bureau of Justice Statistics, the National Institute of Justice, the Office of Juvenile Justice and Delinquency Prevention, the SMART Office, and the Office for Victims of Crime. Point of view or opinions in this document are those of the author and do not represent the official position or policies of the United States Department of Justice.



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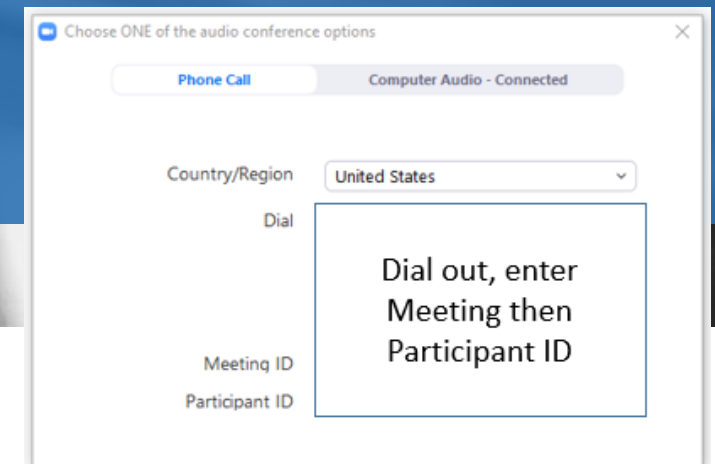


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Questions and Answers, Download Materials, How to Participate

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Today's Speakers

Andrew Klein, Ph.D.

Senior Scientist for Criminal Justice
Advocates for Human Potential, Inc.

Amy R. Romero, J.D.

Assistant United States Attorney
U.S. Attorney's Office - District of Rhode Island

Greg Dorchak, J.D., Ph.D.

Assistant United States Attorney
U.S. Attorney's Office - District of Massachusetts

Learning Objectives and Agenda

Agenda

- 2:05 pm **Dr. Andrew Klein** – Introduction of Topic and Speakers
- 2:15 pm **Assistant US Attorney Amy Romero**, USAORI – Wyatt Facility Agreement
- 2:30 pm **Assistant US Attorney Greg Dorchak**, USAOMA – ADA Compliance in the District of Massachusetts
- 2:45 pm Q&A

Learning Objectives

After completing this webinar, participants will be able to:

- Understand potential legal consequences for denying access to MAT to individuals who are detained or incarcerated.
- Identify at least two ways the ADA protects the rights of individuals with opioid use disorder.
- Learn what civil rights violations can be reported under the ADA.

Current Profile – Prison and Jail MAT Programs

Prisons

- ~33 Departments of Corrections provide MAT (excluding pregnancy)
- ~22 do not provide MAT for pregnancy
- ~16 provide agonist & antagonist medications
- ~17 provide antagonist only

Jails

- 450+ provide MAT
- 300+ provide antagonist only
- ~2,500 have no MAT
- ~1,750 have no MAT for pregnancy

ADA and Opioid Use Disorder



What is the ADA?

- The ADA is a federal law that gives civil rights protections to individuals with disabilities in many areas of life. The ADA guarantees that people with disabilities have the same opportunities as everyone else to enjoy employment opportunities, participate in state and local government programs, and purchase goods and services.

https://www.ada.gov/opioid_guidance.pdf

ADA and Opioid Use Disorder

Is OUD considered a disability?

- People with OUD typically have a disability because they have a drug addiction that substantially limits one or more of their major life activities. Drug addiction is considered a physical or mental impairment under the ADA. The ADA also protects individuals who are in recovery, but who would be limited in a major life activity in the absence of treatment and/or services to support recovery.

Does the ADA protect individuals who are taking legally prescribed medication to treat their opioid use disorder?

- Yes, if the individual is not engaged in the illegal use of drugs. This includes medications for opioid use disorder (MOUD) or medication assisted treatment (MAT). MOUD is the use of one of three medications (methadone, buprenorphine, or naltrexone) approved by the Food and Drug Administration (FDA) for treatment of OUD; MAT refers to treatment of OUD and certain other substance use disorders by combining counseling and behavioral therapies with the use of FDA-approved medications



MAT Considerations

Individuals entering the facility who are prescribed buprenorphine/naloxone (sold as Suboxone) for OUD

1

MAT Considerations

2

- Individuals entering the facility who are enrolled in an OTP (opioid treatment program) for methadone

MAT Considerations

Individuals entering the facility who are withdrawing from opioids and experiencing severe symptoms

3

Opioid Use Disorder Withdrawal

- ▶ “Yes, young healthy patients can tolerate being sick with no lasting problems from withdrawal. But what about someone who is not healthy to begin with? Someone with asthma or heart disease? Or with underlying sepsis acquired from sharing needles? Or malnourished and dehydrated from not eating? Add physiological stress of withdrawal, of course they can die.” *Dr. Jeffrey Keller, editor JAIL MEDICINE*
- ▶ “Mix in benzodiazepines (Valium, Xanax, Ativan, Librium, Klonopin, Restoril), alcohol and other drugs, and detoxification becomes even more dangerous.” *Klein & Klein, Death Before Sentencing*
- ▶ “Opioid withdrawal, left untreated, has serious medical consequences for inmates including increased risk of suicide.” *U.S. Department of Justice, Civil Rights Division, United States Attorney’s Office, District of New Jersey*

MAT Considerations

Individuals with OUD
(opioid use disorder)
requesting MAT

4

MAT Considerations

Reentry of individuals
leaving prison or jail
prescribed MAT



5



Assistant US Attorney Amy Romero

- Wyatt Detention Center ADA investigation
- Obligations for OUD treatment under the ADA
- Discriminatory practices found at the facility
- Details of the agreement entered into with the facility to provide medication continuation
- 8th Amendment considerations





Assistant US Attorney Greg Dorchak

- Massachusetts Parole Board ADA investigation
- Availability of different types of MOUD and specific conditions
- Massachusetts jails and the ADA
- Exceptions to the ADA and exceptions to the exceptions



QUESTIONS

▶ Type your questions in the Q&A box on your screen.



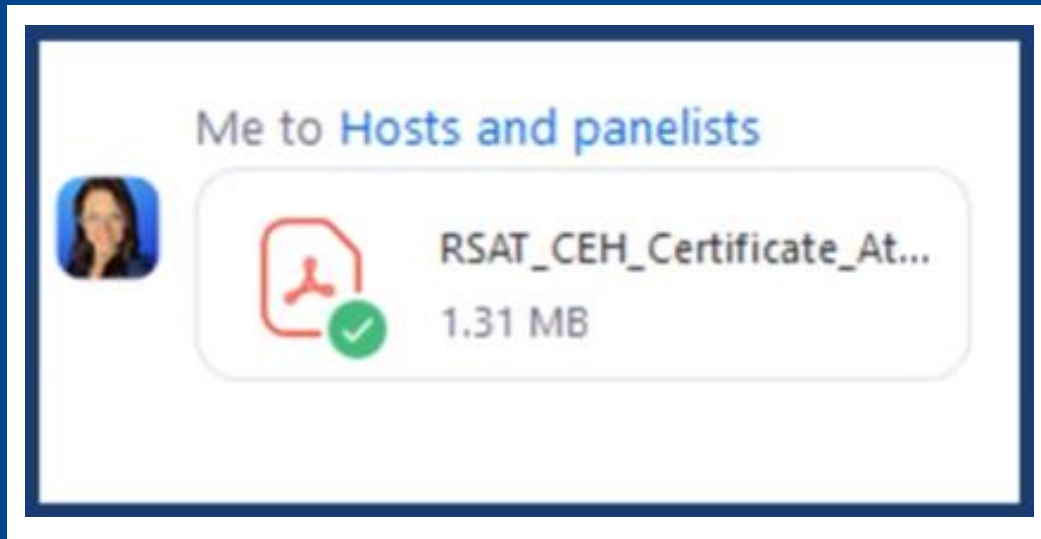
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You can download the certificate of attendance from the chat.





CERTIFICATE OF CONTINUING EDUCATION



1 Continuing Education Hour (CEH) approved by NAADAC, the Association of Addiction Professionals



Pass 10-question quiz with 7 correct answers



Download certificate upon completion of the quiz

July 20, 2022 RSAT webinar CEH quiz link:

<https://survey.alchemer.com/s3/6948644/July-20-2022-RSAT-Webinar-CEH>



CONTACT



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Stephen Keller

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