

# ADVOCATING FOR YOUR RECOVERY WHEN ORDERED OFF ADDICTION MEDICATION



**“My probation officer instructed me to taper off Suboxone. Can he do that?”**

**“The judge won’t give me custody of my kids unless I withdraw from methadone. What can I do?”**

**“My methadone showed up in a drug test. Can my employer fire me?”**

People receiving medication-assisted treatment (“MAT”) for opioid addiction often are forced by courts and other government agencies to stop taking their addiction medication. A judge or probation officer might require an individual to stop MAT because of the mistaken belief that the individual is “substituting one addiction for another” and not truly in recovery. These officials often do not understand how opioid addiction and MAT work and do not realize that this conduct can violate anti-discrimination laws. In addition, employers sometimes deny jobs to people receiving MAT.

This guide explains how people in MAT, their treatment programs, and advocates can fight for their right to get in or stay in the treatment they need.<sup>2</sup> Keep copies of everything sent to and received from courts, employers, etc. Also keep notes about conversations (date, name, what was said).



## 1. Get a lawyer who will fight for you to stay on MAT.

- a. Criminal cases:
  - i. If you have an active criminal case, seek legal representation. If you cannot pay a lawyer, ask for a free, court-appointed attorney.
  - ii. Post-conviction (e.g., probation, parole), ask if the attorney who represented you pre-conviction can represent you post-conviction.
  - iii. If the court or probation office has a written policy that prohibits MAT, get a copy and share it with the Legal Action Center at (212) 243-1313 or [lacinfo@lac.org](mailto:lacinfo@lac.org).
- b. Child welfare, employment and other civil cases:
  - i. Unless you have been appointed a lawyer, call your state bar association for a referral to an attorney. A list of state and local bar associations is available on the American Bar Association's website: <http://apps.americanbar.org/legalservices/Iris/directory/>.
  - ii. You can also search [LawHelp.org](http://LawHelp.org) for an attorney.

## 2. Educate your lawyer about MAT.

- a. Give your lawyer **Attorney's Guide: Addiction Medication and Your Client** (see paragraph 6).
- b. Your lawyer can call the Legal Action Center at (212) 243-1313 for advice about challenging a requirement to stop MAT or a discriminatory job denial.

## 3. If you do not have a lawyer, educate the court, agency or employer.

- a. Give educational materials to the person denying your rights (see paragraph 6).
- b. For criminal justice and child welfare cases, you could write a letter modeled on **Sample Letter Advocating to Stay on Medication Assisted Treatment** (see paragraph 7).
- c. If you have a chance to speak in court, say that requiring you to stop MAT against your doctor's recommendation is discrimination and violates the Americans with Disabilities Act. If the court has a policy prohibiting MAT, ask that an exception be made for you as a "reasonable accommodation."



- d. Employment cases: tell the employer that the federal government has obtained large monetary settlements against Volvo and another large employer, Copper Hussey, for illegally denying jobs to people because they take methadone or buprenorphine to treat their opioid use disorder. Information is available at <https://www.eeoc.gov/eeoc/newsroom/release/2-11-11.cfm> and <https://www.eeoc.gov/eeoc/newsroom/release/1-19-18a.cfm>.

## 4. Get help from your prescribing/treating doctor and counselor.

- a. Have your treatment provider write a letter. They can use **Sample Treatment Provider Letter Supporting Medication-Assisted Treatment** (see paragraph 7). If you have a prescribing doctor and counselor, get letters from both.
- b. Ask your doctor to testify in court.

## 5. File complaints with government agencies that enforce anti-discrimination laws.

- a. Criminal and child welfare cases: U.S. Department of Justice, [www.ada.gov/filing\\_complaint.htm](http://www.ada.gov/filing_complaint.htm).
- b. Employment cases: U.S. Equal Employment Opportunity Commission. Find the nearest field office at [www.eeoc.gov](http://www.eeoc.gov). Or call (800) 669-4000 (voice) or (800) 669-6820 (TTY).
- c. Note: if you have a lawyer, consult with your lawyer first!

## 6. Share these educational resources with the court and/or your lawyer.

- a. **Attorney's Guide: Addiction Medication and Your Client**, by the Legal Action Center.
- b. **Medications to Treat Opioid Addiction**, by National Institute on Drug Abuse, available at <https://www.drugabuse.gov/publications/research-reports/medications-to-treat-opioid-addiction/overview>.
- c. **Medication Assisted Treatment for Opioid Addiction, Myths and Facts**, by the Legal Action Center.



- d. U.S. Department of Justice letter regarding MAT denial in courts.
- e. **Legality of Denying Access to MAT in the Criminal Justice System**, by the Legal Action Center, 2011.
- f. **Medication-Assisted Treatment in Drug Courts Recommended Strategies**, by the Legal Action Center, 2016.
- g. **Resolution of the Board of Directors on the Availability of Medically Assisted Treatment (M.A.T.) for Addiction in Drug Courts**, by National Association of Drug Court Professionals, 2011, available at [www.nadcp.org/sites/default/files/nadcp/NADCP%20Board%20Statement%20on%20MAT.pdf](http://www.nadcp.org/sites/default/files/nadcp/NADCP%20Board%20Statement%20on%20MAT.pdf).
- h. **Adult Drug Courts and Medication-Assisted Treatment for Opioid Dependence**, by Substance Abuse and Mental Health Services Administration, Summer 2014, available at [store.samhsa.gov/shin/content](http://store.samhsa.gov/shin/content).
- i. **Medication-Assisted Treatment for Opioid Addiction: Facts for Families and Friends**, by Substance Abuse and Mental Health Services Administration, Summer 2014, available at [store.samhsa.gov](http://store.samhsa.gov).

## 7. Sample Letters.

- a. **Sample Treatment Provider Letter Supporting Medication-Assisted Treatment**, by the Legal Action Center.
- b. **Sample Letter Advocating to Stay on Medication-Assisted Treatment**, by the Legal Action Center.

<sup>1</sup> Medication-assisted treatment (“MAT”) is the use of medications, in combination with counseling and behavioral therapies, to provide a whole-patient approach to the treatment of substance use disorders. MAT for opioid addiction utilizes medications to stabilize brain chemistry, block the euphoric effects of opioids, relieve physiological cravings, and normalize body functions. Numerous studies have shown that MAT reduces illicit drug use, disease rates, and criminal activity among opioid addicted persons. While the variety of medications used in MAT is growing, this publication focuses only on medications used to treat opioid addiction: methadone, buprenorphine and buprenorphine-naloxone (e.g., Suboxone) (referred to collectively as “buprenorphine”), and injectable naltrexone (e.g., Vivitrol).

<sup>2</sup> This document provides legal information, not legal advice. For legal advice, please speak to a lawyer.

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