

Rapid Research Report: Medication Assisted Treatment in Prison (Region VIII) Reference Sheet

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What is Medication Assisted Treatment (MAT)?

MAT is a form of substance abuse treatment that uses a combination of counseling, behavioral therapies, and Food and Drug Administration (FDA) approved medications to treat Opiate Use Disorders (OUD).⁴ Three medications that have been approved by the FDA for use in MAT include methadone, buprenorphine, and naltrexone.⁵

How does the Americans with Disabilities Act (ADA) or the Rehabilitation Act apply to state and federal prison inmate access to MAT?

Under the Americans with Disabilities Act (ADA), an OUD is considered a disability because it is a physical or mental impairment that substantially limits one or more major life activities. The ADA applies to the protection of a person in recovery from an OUD, as long as they are no longer engaging in the illegal use of drugs.⁶ The United States Supreme Court has held that the ADA applies to inmates of government-run prisons under Title II on both the state and federal level.⁷ Federal prisons, as part of federal executive agencies, are subject to the Rehabilitation Act of 1973, which, like the ADA, provides protections against discrimination on the basis of a disability.⁸

What state or federal prisons in Region VIII currently offer MAT treatment for prison inmates?

Colorado offers Vivitrol (a form of naltrexone) for the treatment of OUDs and has recently passed legislation to require the continuation of MAT to inmates who had been receiving MAT at a local jail prior to their incarceration.^{9,10} Utah offers Vivitrol to prison inmates, and has recently passed legislation to require the compilation of annual reports to investigate the potential use of MAT in prisons and jails.¹¹ Montana is in the process of developing a prison MAT program, with a goal of implementation by the end of 2020.¹² North Dakota offers a methadone program for certain inmates.¹³ Currently there are no MAT programs in place in either South Dakota or Wyoming. Federal prisons offer limited methadone use for inmates.¹⁴

Future Outlook for Prison Inmate Access to MAT:

There have been several legal cases recently that forced the federal Bureau of Prisons to provide access to MAT for inmates. Currently, Rhode Island is the only state to offer all three MAT medications for prison inmates. New Jersey, Kentucky, and Massachusetts also offer limited MAT medications to their state prison inmates. The success of these state programs, combined with the legal cases, state and federal legislative initiatives and a better understanding of MAT suggest that inmate access to MAT will expand in future years in both state and federal prisons systems.

Citations

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⁴ *Medication-Assisted Treatment (MAT)*, Substance Abuse and Mental Health Services Administration, <https://www.samhsa.gov/medication-assisted-treatment> (last visited Mar. 29, 2020).

⁵ *Medication and Counseling Treatment*, Substance Abuse and Mental Health Services Administration, <https://www.samhsa.gov/medication-assisted-treatment/treatment#medications-used-in-mat> (last visited Mar. 29, 2020).

⁶ *The ADA, Addiction and Recovery*, ADA National Network, <https://adata.org/factsheet/ada-addiction-and-recovery> (last visited Mar. 29, 2020).

⁷ *Pennsylvania DOC v. Yeskey*, 524 U.S. 206 (1998).

⁸ Rehabilitation Act of 1973, 29 U.S.C. § 794(a).

⁹ Col. Rev. Stat. § 250-78 (2018).

¹⁰ Col. Rev. Stat. § 17-2-113.8 3(a) (2018).

¹¹ S.B. 205, 2018 Leg., 62nd Reg. Sess. (Utah 2018).

¹² Montana Department of Corrections, DOC, Community Partners Explore Medication-Assisted Treatment To Help Offenders With Substance Use Disorders (Feb. 28, 2020) <https://news.mt.gov/doc-community-partners-explore-medication-assisted-treatment-to-help-offenders-with-substance-use-disorders>.

¹³ North Dakota Dept. of Corrections and Rehabilitation, 2017-2019 Biennial Report (2020) https://www.docr.nd.gov/sites/www/files/documents/Biennial%20Report%20Archive/2017-2019%20Biennium%20Report_links.pdf.

¹⁴ Federal Bureau of Prisons, *Program Statement Number p6360.01* (Jan. 15, 2005), p. 37, https://www.bop.gov/policy/progstat/6360_001.pdf.

¹⁵ See *Pesce v. Coppinger*, 355 F.Supp.3d 35 (D. Mass. 2018); *Godsey v. Sawyer*, American Civil Liberties Union Washington, <https://www.aclu-wa.org/cases/godsey-v-sawyer> (last visited Apr. 13, 2020); *Kansas and Missouri ACLUs Sue On Behalf Of Inmate Who Risks Death Because Prison Officials Are Denying Him Opioid Treatments*, American Civil Liberties Union Kansas, <https://www.aclukansas.org/en/press-releases/kansas-and-missouri-aclus-sue-behalf-inmate-who-risks-death-because-prison-officials> (last visited Apr. 13, 2020).

¹⁵ Use of Medication-Assisted Treatment for Opioid Use Disorder in Criminal Justice Settings, Substance Abuse and Mental Health Services Administration, <https://store.samhsa.gov/product/Use-of-Medication-Assisted-Treatment-for-Opioid-Use-Disorder-in-Criminal-Justice-Settings/PEP19-MATUSECJS> (last visited Apr. 10, 2020).