

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?”

“The skilled nursing facility refuses to admit me because I take methadone. Is this allowed?”



People taking medications for opioid use disorder (MOUD)¹ are often told by court systems, employers, or health care providers to stop taking their addiction medications as a condition of participating in a program, working, or receiving services. A judge or probation officer might require an individual to stop MOUD because of the mistaken belief that the individual is “substituting one addiction for another” and not truly in recovery. Employers may say that people can not work while they take methadone or buprenorphine because it is not safe. These entities often do not understand how opioid use disorder (OUD) and MOUD work and do not realize that this conduct can violate anti-discrimination laws.



This guide explains how people taking MOUD, their treatment programs, and advocates can fight for people’s right to get in or stay in the treatment they need.² Keep copies of everything sent to and received from courts, employers, health care providers, etc. Also keep notes about conversations (date, name, what was said).



1 GET A LAWYER WHO WILL FIGHT FOR YOU TO STAY ON MOUD.

Criminal cases:

- If you have an active criminal case, seek legal representation. You can ask the court for a free, court-appointed attorney or hire a defense attorney.
- Post-conviction (e.g., probation, parole), ask if the attorney who represented you pre-conviction can represent you post-conviction.
- If the court or probation office has a written policy that prohibits MOUD, get a copy and share it with Disability Rights NC 919-856-2195 or sara.harrington@disabilityrightsn.org.

Family regulation (child welfare), employment, access to healthcare, and other civil cases:

- 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](#).
- You can also search [LawHelp.org](#) for an attorney.



2 EDUCATE YOUR LAWYER ABOUT MOUD.

- Give your lawyer [Attorney's Guide: Addiction Medication and Your Client](#) (see paragraph 6).
- Your lawyer can call Disability Rights NC at 919-856-2195 for advice about challenging a requirement to stop MOUD or a discriminatory job denial.
- Share other resources from [LAC's MAT Advocacy Toolkit](#) with your lawyer, like [Cases Involving Discrimination Based on Treatment with Medication for Opioid Use Disorder](#).

IF YOU DO NOT HAVE A LAWYER, EDUCATE THE COURT, AGENCY, HEALTH CARE PROVIDER, OR EMPLOYER.

- Give educational materials to the person denying your rights (see paragraph 6).
- For criminal legal and family regulation (child welfare) cases, you could give the court/office a letter from LAC explaining why it violates the law to deny MOUD. Depending on the court you can give [Letter from LAC to Criminal Legal System Judge/Official](#) or [Letter from LAC to Child Welfare & Foster System Judge/Official](#) (see paragraph 6).
- Denial of Health Care: If you are denied health care, such as primary care or admission to a nursing home or recovery residence, because you take MOUD, tell the agency that this is illegal. You can say that the United States Department of Justice says that people can not be denied care because they have OUD or take MOUD.



You can also provide them with educational materials, like [Opioid Use Disorder and Health Care in Skilled Nursing Facilities](#) or [Opioid Use Disorder and Health Care in Recovery Residences](#) (see paragraph 6).

- Employment cases: Tell the employer that they cannot deny you a job just because you take MOUD - even in a safety sensitive job - or deny you a reasonable accommodation to access treatment for OUD. The federal government obtained large monetary settlements from employers who discriminate in this way. For examples of cases, see [Cases Involving Discrimination Based on treatment with Medication for Opioid Use Disorder \(MOUD\)](#) (paragraph 6).



4 GET HELP FROM YOUR PRESCRIBING/TREATING DOCTOR AND COUNSELOR.

- 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.
- Ask your doctor to testify in court.



5 FILE COMPLAINTS WITH GOVERNMENT AGENCIES THAT ENFORCE ANTI-DISCRIMINATION LAWS.

- Criminal legal (courts/probation/etc.) and health care cases: [U.S. Department of Justice](#).
- Family regulation (child welfare) cases: [US Department for Health and Human Services Office for Civil Rights](#).
- Employment cases: U.S. Equal Employment Opportunity Commission. Find the nearest field office at www.eeoc.gov. Or call (800) 669-4000 (voice) or (800) 669-6820 (TTY).

Note: if you have a lawyer, consult with your lawyer first!



6 SHARE THESE EDUCATIONAL RESOURCES WITH THE COURT AND/OR YOUR LAWYER.

- [Attorney's Guide: Addiction Medication and Your Client](#), by the Legal Action Center
- [Cases Involving Discrimination Based on Treatment with Medication for Opioid Use Disorder \(MOUD\)](#), by the Legal Action Center
- [Letter from LAC to Criminal Legal System Judge/Official](#), by the Legal Action Center
- [Letter from LAC to Child Welfare & Foster System Judge/Official](#), by the Legal Action Center
- [Opioid Use Disorder & Health Care: Skilled Nursing Facilities](#), by the Legal Action Center
- [Opioid Use Disorder & Health Care: Recovery Residences](#), by the Legal Action Center
- [Medications to Treat Opioid Addiction](#), by National Institute on Drug Abuse
- [Medication Assisted Treatment for Opioid Addiction, Myths and Facts](#), by the Legal Action Center

[Legality of Denying Access to MAT in the Criminal Justice System](#), by the Legal Action Center

- [Medication-Assisted Treatment in Drug Courts Recommended Strategies](#), by the Legal Action Center
- [Treatment of Opioid Use Disorder](#), by the National Judicial Opioid Task Force
- [Civil Rights Protections for Individuals in Recovery from an Opioid Use Disorder](#), by the US Department of Health and Human Services Office for Civil Rights and the National Center on Substance Abuse and Child Welfare
- [Medication-Assisted Treatment in the Courtroom: A Benchcard for Judicial Professionals Serving Parents and Children Affected By Opioid Use Disorders](#), by the National Center on Substance Abuse and Child Welfare

7 SAMPLE LETTER

- [Sample Treatment Provider Letter](#), by the Legal Action Center

¹Medication for opioid use disorder (MOUD) is the use of medications, in combination with counseling and behavioral therapies, to provide a whole-patient approach to the treatment of opioid use disorder (OUD). MOUD utilizes medications to stabilize brain chemistry, block the euphoric effects of opioids, relieve physiological cravings, and normalize body functions. Numerous studies have shown that MOUD reduces illicit drug use, disease rates, and involvement in the criminal legal system. While the variety of medications used to treat addiction are growing, this publication focuses only on MOUD: methadone, buprenorphine (e.g., Suboxone), and injectable naltrexone (e.g., Vivitrol).

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

For help in North Carolina, please contact the following at Disability Rights NC:
Dane Mullis at dane.mullis@disabilityrightsn.org or 919-856-2195 ext. 240
Sara Harrington at sara.harrington@disabilityrightsn.org or 919-856-2195 ext 209

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