

U.S. Attorney's Office warns Massachusetts facilities to not refuse treatment to opioid users

"As part of its response to the opioid crisis, United States Attorney Rachael S. Rollins sent a letter to all skilled nursing facilities in Massachusetts warning that refusing to provide care for persons with opioid use disorder (OUD) violates the Americans with Disabilities Act (ADA) and that the U.S. Attorney's Office will aggressively enforce these protections.

The ADA, which prohibits discrimination based on disability, protects individuals with OUD. Since 2018, the U.S. Attorney's Office has entered into 10 settlement agreements with entities owning a total of 51 skilled nursing facilities for refusing to admit individuals prescribed medications for opioid use disorder (MOUD), including buprenorphine (Suboxone), vivitrol and methadone. To ensure compliance with the nondiscrimination provisions of the ADA, skilled nursing facilities must evaluate each applicant individually to determine suitability for admission, rather than enacting a blanket policy denying admissions to all persons treated with MOUD.

"Medications can be a crucial tool in battling the opioid crisis. In many instances, these prescription treatments save lives," said U.S. Attorney Rollins. "Yet each year, countless people are turned away from skilled nursing facilities solely because they are on prescribed MOUD. This puts vulnerable people in the awful position of either risking their life by not taking their MOUD or risking their life by continuing their opioid use. Denying access to necessary healthcare, based solely on someone's substance use disorder exacerbates

the tremendous damage opioids already cause residents of our Commonwealth and their loved ones.”

Courts may impose civil penalties for ADA violations, which could be as high as \$92,383 for a first violation, and potentially double that amount for subsequent violations. These ADA enforcement actions are part of a larger effort by the United States Attorney’s Office to eliminate discriminatory barriers to treatment for Opioid Use Disorder in the medical community, in the criminal justice system, and in housing.

Assistant U.S. Attorney Gregory Dorchak of Rollins’ Civil Rights Unit handled this matter.

The Civil Rights Unit of the U.S. Attorney’s Office was established in 2015 with the mission of enhancing federal civil rights enforcement. For more information on the Office’s civil rights efforts, please visit www.justice.gov/usao-ma/civil-rights.” -Massachusetts Department of Justice.