

MOUD in jails makes sense

Access to medications for opioid use disorder can:

- help you avoid withdrawal
- Stop cravings so you can focus on your day-to-day activities and work on recovery/staying in treatment
- Lower your risk for overdose death after leaving jail
 - In the first 2 weeks after release, people leaving jail in NC have a 50 times greater risk of dying from an overdose compared to the general public
- Break the cycle of substance use to incarceration, by helping you remain in treatment in the community, allowing you the stability to integrate back into your community and family, and may also increase your chances to gain and/or maintain employment
- improve health outcomes for both the mother and the baby for pregnant women who have an opioid use disorder
- Make the jail environment safer for both people in custody and the jail staff

Opioid Use Disorder (OUD) is a treatable medical condition. There are effective FDA approved medications that can help:

- methadone
- buprenorphine (known as Suboxone or Sublocade)
- naltrexone (known as Vivitrol)

The decision of whether to take one of these medications should be made between individuals and their medical provider. The decision should not be based on a sheriff's or jail's blanket policy. OUD is a disability that is covered under the Americans with Disabilities Act (ADA). The right to MOUD in jails is protected under the ADA and by the 8th & 14th Amendments of the Constitution.

Disability Rights North Carolina is the federally mandated protection and advocacy agency for the state of North Carolina dedicated to advancing the rights of people with disabilities, of all ages, statewide.

©2024 This document is informational and does not constitute legal advice.



Medications for Opioid Use Disorder (MOUD) in Jail

KNOW YOUR RIGHTS

How do I request MOUD in jail?

WHAT YOU CAN DO

If your jail facility does not have an MOUD program or you are having problems getting your MOUD, here is what you can do.

- Tell the medical staff at the jail on intake about your OUD and need for treatment.
- If you do not tell the jail medical staff at intake about your OUD, tell them as soon as possible, but at intake is the best.
- If you were already receiving MOUD before you went to jail, sign a release of information form at your intake so that the medical staff at the jail can contact your MOUD provider and continue your treatment.
- You may also ask family/friends or your medical provider to contact the jail's medical staff on your behalf.
 - The jail's medical provider will not be able to discuss your case without a release of information. However, your family or medical provider can provide information about your medical condition and need for treatment.

If I cannot get MOUD, what can I do?

1. FILE A GRIEVANCE

If you are not provided with MOUD, you should file a grievance through the facility administrative process.

- Be sure to meet all deadlines and follow all instructions.
- In the grievance, let them know if you were already on MOUD when you arrived and what you were prescribed (if this applies to you).
- Let them know that you are requesting MOUD medications.
- Explain clearly the physical and other symptoms that you are experiencing without the medication.
- Let them know that failing to provide MOUD violates the ADA and 8th/14th amendments.
- Keep a log of:
 - your sick calls,
 - requests for treatment,
 - grievances,
 - the responses you receive and any written or verbal communications with jail staff.

If you are experiencing other health issues not related to OUD, be sure to ask for help/file those grievances separately.

2. CONTACT DRNC

(write "legal mail" on the outside of the envelope):

Disability Rights North Carolina
Attn: Jail MOUD Project
801 Corporate Center Dr. Ste 118
Raleigh, NC 27607

1-877-235-4210 (toll-free)
1-919-856-2195

3. FILE A COMPLAINT WITH THE US DOJ CIVIL RIGHTS DIVISION

civilrights.justice.gov

More information about the ADA is available by calling the Department's toll-free ADA information line at 800-514-0301 or 800-514-0383 (TTY), or accessing its ADA website at ada.gov. If you cannot access the online complaint form, you can write and mail your complaint or call:

U.S. Department of Justice
Civil Rights Division
950 Pennsylvania Avenue, NW
Washington, D.C. 20530-0001

Phone: 1-855-856-1247 (toll-free)
Telephone Device for the Deaf
(TTY) (202) 514-0716