



# Using the ADA to address the overdose crisis

Gregory J. Dorchak, Ph.D., Assistant U.S. Attorney,  
U.S. Attorney's Office, D. Mass.

December 6-7, 2022  
[overdoseleadershipsummit.org](https://overdoseleadershipsummit.org)

Presented by



# ADA Protections Generally

What? The ADA protects individuals with disabilities from discriminatory treatment, when that treatment is based on disability.

Who is protected? A disability is a physical or mental impairment that affects one or more major life functions.

What is covered?

- Places of Employment
- State or Local Governments
- Places of Public Accommodations

# ADA: Addiction

*Physical or mental impairment* includes, but is not limited to, contagious and noncontagious diseases and conditions such as the following: orthopedic, visual, speech and hearing impairments, and cerebral palsy, epilepsy, muscular dystrophy, multiple sclerosis, cancer, heart disease, diabetes, intellectual disability, emotional illness, dyslexia and other specific learning disabilities, Attention Deficit Hyperactivity Disorder, Human Immunodeficiency Virus infection (whether symptomatic or asymptomatic), tuberculosis, drug addiction, and alcoholism.

# ADA: Addiction

*Physical or mental impairment includes, but is not limited to, contagious and noncontagious diseases and conditions such as the following: orthopedic, visual, speech and hearing impairments, and cerebral palsy, epilepsy, muscular dystrophy, multiple sclerosis, cancer, heart disease, diabetes, intellectual disability, emotional illness, dyslexia and other specific learning disabilities, Attention Deficit Hyperactivity Disorder, Human Immunodeficiency Virus infection (whether symptomatic or asymptomatic), tuberculosis, drug addiction, and alcoholism.*

# ADA Protections Generally

Treatment is inherently linked to disability. So when barriers are created for treatment, those barriers are tied to disability.

# ADA Addiction

Treatment is inherently linked to disability.  
Barriers to treatment are barriers to disability.

# ADA: Addiction & Criminal Justice

## What the ADA Covers

- Maintenance on treatment that has already begun prior to intake at a correctional facility. Administrative burdens against initiating treatment.
- Discontinuing people on treatment *because* they are illegally using other drugs.
- Mandating people onto specific forms of medication as a matter of *policy*
- Mandating people off a specific form of medication
- Mandating people onto a specific form of medication as a condition of parole or probation

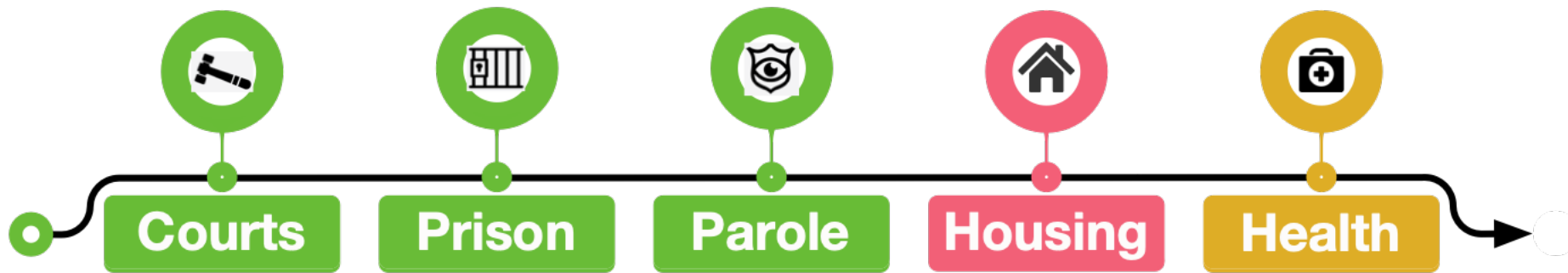
# ADA: Addiction & Healthcare

## What the ADA Covers

- SNFs cannot reject a patient because they have a history of SUD or are using MOUD.
- Surgeons cannot refuse to treat a patient because they have a history of SUD or are using MOUD.



# A Massachusetts Perspective



# DOJ Guidance



U.S. Department of Justice

**Civil Rights Division**

## The Americans with Disabilities Act and the Opioid Crisis: Combating Discrimination Against People in Treatment or Recovery

# CONTACT

Gregory J. Dorchak, Ph.D.  
Assistant U.S. Attorney  
U.S. Attorney's Office, D. Mass.  
Gregory.Dorchak@usdoj.gov