



Serving Residents with Substance Use Disorder

SKILLED NURSING FACILITIES KNOW YOUR RESPONSIBILITIES



SUBSTANCE USE DISORDER IS A DISABILITY

Discrimination against people with disabilities is unlawful. Substance use disorder is a condition that results in impairment in daily life. As a result, the definition of “disability” covers substance use disorder, according to the Washington Law Against Discrimination (WLAD), [RCW 49.60.040\(7\)](#) and the Americans with Disability Act (ADA), [42 U.S.C. 12102\(1\)-\(2\)](#).

DENYING INDIVIDUALS WITH SUBSTANCE USE DISORDER ACCESS TO SKILLED NURSING FACILITIES MAY BE DISCRIMINATORY

Refusing or limiting a person’s access to a skilled nursing facility because they take medications for opioid use disorder or have a substance use disorder could violate the WLAD or ADA.

Examples of potential discrimination include requiring residents to:

- Stop taking prescribed medication, such as buprenorphine, methadone, or naltrexone.
- Switch to a different medication, such as buprenorphine instead of methadone.
- Decrease the dosage of prescribed medication.
- Bring a certain number of take-home doses of medication to the facility.

IS ILLEGAL DRUG USE PROTECTED?

Generally, no, but there are exceptions. Disability laws protect individuals in recovery, including those taking medications for opioid use disorder or participating in a treatment program. Federal law states that ongoing illegal drug use is **not** considered a disability. But, residents **cannot be denied access to health care or substance use disorder treatment** that they otherwise qualify for because they currently use illegal drugs.

WHERE CAN I GET MORE INFORMATION?

Substance use disorder is a treatable health condition. Visit the Health Care Authority’s [Medications for Opioid Use Disorder](#) page to learn more and find out how to request free technical assistance.

For FAQs about federal civil rights protections, refer to [this guidance](#).

REASONABLE ACCOMMODATIONS MAY BE REQUIRED FOR INDIVIDUALS WITH SUBSTANCE USE DISORDER

When skilled nursing facilities have notice that an individual has a disability, they may be required to provide reasonable accommodations.

For example: Some skilled nursing facilities provide some of the FDA-approved medications to treat opioid use disorder, but they may not provide methadone. These facilities must admit residents taking methadone and help them continue to take their prescribed medication. They can accommodate residents by partnering with an [opioid treatment program \(OTP\)](#) that can supply methadone and by helping residents find transportation to the OTP. Residents with Apple Health can [get free transportation](#) to an OTP.

HOW DO I REPORT A VIOLATION?

Make a complaint with the Washington State Human Rights Commission [online](#) or call 800-233-3247. *Complaints must be filed within **six months** of the incident or date of harm.*

¹ Diagnostic and Statistical Manual of Mental Disorders, Fifth Edition

This informational flyer is provided as a resource for general education and is not provided for the purpose of giving legal advice of any kind.