



BEHAVIORAL HEALTH AGENCIES 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.¹ 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\(1\)-\(2\)](#).

EXCLUDING INDIVIDUALS WITH SUBSTANCE USE DISORDER FROM BEHAVIORAL HEALTH SERVICES MAY BE DISCRIMINATORY

Refusing or limiting a person’s access to behavioral health services, including substance use disorder and mental health treatment programs—both residential and outpatient—withdrawal management, and involuntary treatment facilities because they take medications for opioid use disorder or have a substance use disorder could violate the WLAD or ADA.

Similarly, it may be discriminatory if you require patients to:

- Stop taking prescribed medicine, such as buprenorphine, methadone, or naltrexone.
- Switch to a different medicine, such as buprenorphine instead of methadone.
- Decrease the dosage of prescribed medication.
- Bring a certain number of take-home doses of medicine to the treatment facility.
- Withdraw from opioids without medication.

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, patients **cannot be denied access to health care or substance use disorder treatment** that they otherwise qualify for because they currently use illegal drugs. However, a substance use disorder treatment program can require the participant to follow a rule prohibiting the use of illegal drugs while they are in the program. And, if the participant **routinely** breaks that rule, the program **can** discharge them.

WHERE CAN I GET MORE INFORMATION?

Visit the Health Care Authority’s [Medications for Opioid Use Disorder](#) page.

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

REASONABLE ACCOMMODATIONS MAY BE REQUIRED FOR INDIVIDUALS WITH SUBSTANCE USE DISORDER

When behavioral health agencies have notice that an individual has a disability, they may be required to provide reasonable accommodations.

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