

[Date]

Sent via [electronic mail or mail]

[Name of Recipient]

[Address]

[City, State Zipcode]

[Email]

RE: Medication-Assisted Treatment in [Name of Jail or Prison]

Dear [Recipient—Sheriff or Jail Administrator]:

I write on behalf of my client currently incarcerated at [jail or prison], [name]. Mr. [name] has been denied Medication-Assisted Treatment while at [jail], and this denial may violate the Americans with Disabilities Act and Maine statutes and regulations. His MAT must be reinstated at a medically appropriate dosage for as long as medically necessary.

As you know, in 2019 the Maine federal court issued a landmark ruling requiring Aroostook County and Sheriff Gillen to provide Brenda Smith with MAT during her incarceration. *Smith v. Aroostook Cnty*, 376 F.Supp.3d 146 (D. Me. 2019). The court concluded that the Aroostook County Jail’s refusal to provide Ms. Smith with MAT was illegal discrimination under the Americans with Disabilities Act, and would cause Ms. Smith severe harm including “painful physical symptoms” of withdrawal and “an increased risk of later relapse, overdose, and death.” *Id.* at 162. The First Circuit Court of Appeals affirmed the federal district court’s order requiring the County to provide MAT. 922 F.3d 41 (1st Cir. 2019). Ultimately, Aroostook County faced fee petitions to pay plaintiffs’ attorneys’ fees and costs of over \$290,000 for their work prevailing in the trial court and on appeal.

Maine has codified the federal court’s ruling requiring MAT in both statute and regulation. In 2022, the Maine legislature enacted a statute expressly compelling jails to screen all residents for opioid addiction, provide “medically managed withdrawal treatment,” whichever addiction treatment medication is most appropriate for a given person, behavioral treatment, and post-incarceration transitional support for residents with substance use disorder. 34-A M.R.S. § 1208-B(4)(B). The Maine Standards for County and Municipal Detention Facilities require that Maine jails provide residents with substance use disorder with, *at minimum*, a treatment plan “which *must include* MAT,” pre-release “relapse prevention education” and “inmate involvement in aftercare discharge plans, including referrals for continuity of care in the community.” Department of Corrections, *Detention and Correctional Standards for Maine Counties and Municipalities*, Policy K.19 (2021) (emphasis added).

When Mr. [name] entered [jail], he was regularly taking MAT. After he was admitted to the jail, he was forced to abruptly taper off MAT and the treatment is now being withheld from him completely. This appears to be in violation of the Americans with Disabilities Act, 34-A M.R.S. § 1208-B(4)(B), and Policy K.19. The jail must remedy this violation and restore Mr. [name’s] MAT.

We urge you to end any policy or practice that interferes with the ability of individuals to receive MAT as prescribed by their physician.

Sincerely,

[name]