

# Federal Government Set To Crack Down On Drug Courts That Fail Addicts

Posted: 02/05/2015 8:51 pm EST Updated: 02/06/2015 9:59 am EST

[http://www.huffingtonpost.com/2015/02/05/drug-courts-suboxone\\_n\\_6625864.html](http://www.huffingtonpost.com/2015/02/05/drug-courts-suboxone_n_6625864.html)

WASHINGTON -- The federal government is cracking down on drug courts that refuse to let opioid addicts access medical treatments such as Suboxone, said Michael Botticelli, acting director of the White House's Office of National Drug Control Policy, on Thursday.

Drug courts that receive federal dollars will no longer be allowed to ban the kinds of medication-assisted treatments that doctors and scientists view as the most effective care for opioid addicts, Botticelli announced in a conference call with reporters.

"Part of what we've been working on at the federal level is to strengthen our contractual language around those grants," he said. The new language will "show that if you are getting federal dollars that you need to make sure that people, one, have access to these medications [and two], that we're not basically making people go off these medications, particularly as a participant of drug court."

Botticelli said the drug czar's office would coordinate with the Substance Abuse and Mental Health Services Administration to make sure the policy had the broadest impact.

"We've made that clear: If they want our federal dollars, they cannot do that," said Pamela Hyde, SAMHSA's administrator. "We are trying to make it clear that medication-assisted treatment is an appropriate approach to opioids."

Last week, a [Huffington Post investigative story](#) on the heroin epidemic reported that drug courts in Kentucky forced addicts off medications like Suboxone as part of a statewide court policy. Defendants who wish to participate in Kentucky's drug court program, which can defer prison sentences and place individuals in treatment, may only seek abstinence-based treatment.

Suboxone is a semi-synthetic opioid that eliminates an addict's cravings, largely prevents overdoses and, if used properly, does it without causing intoxication. Its use to combat heroin and other opioid addiction is widely endorsed by the medical establishment. But many courts are uncomfortable with letting heroin users take such medication.

"It sounds terrible, but I don't give them a choice. This is the structure that I'm comfortable with," Judge Karen Thomas, who handles felony drug court in Campbell County, Kentucky, [told The Huffington Post](#). (Watch an interview with Thomas above.)

Thomas said her defendants relapse between 10 and 15 times; many of them end up back behind bars. In Northern Kentucky in 2013, a majority of opioid addicts who died from overdoses lost

their lives shortly after leaving jail or after having at least some experience with an abstinence-based program, a HuffPost analysis found. Meanwhile, heroin addicts in the region -- and across the country -- face waiting lists to get medications like Suboxone.

"As the Huffington Post article pointed out, we have highly effective medications, when combined with other behavioral supports, that are the standard of care for the treatment of opiate addiction. And for a long time and what continues to this day is a lack of -- a tremendous amount of misunderstanding about these drugs and particularly within our criminal justice system," Botticelli said on the call.

In addition to the bias against opioid-based treatment, federal restrictions play a key role in limiting access to Suboxone in many areas of the country. Doctors must be certified to prescribe Suboxone and are barred from treating more than 100 patients at a time -- and the Drug Enforcement Administration is watching.

A prosecutor in Ohio told HuffPost on Thursday that "whether we permit Suboxone use or not [by defendants] is irrelevant if no local doctor is willing or able to prescribe it. And our clinicians feel that Suboxone is unlikely to be effective in this community with the lack of integration in the health care system. Even if we were to allow participants [in drug court] to use Suboxone, there would have to be significant structural changes before it would be recommended."

In Minnesota, state Sen. Chris Eaton (D), whose daughter died of a heroin overdose in 2007, is [trying to make such state-level changes](#) legislatively. To get movement on the federal level, she said she plans to talk to Minnesota's two U.S. senators.

A spokesman for the Office of National Drug Control Policy, elaborating on Botticelli's initiative, said that applicants for drug court grants will be required to affirm that they will allow access to medications such as Suboxone and will not force defendants to ween off the medication as a condition of participating in court programs.

The drug courts, he said, will be provided the following notice: "Under no circumstances may a drug court judge, other judicial official, correctional supervision officer, or any other staff connected to the identified drug court deny the use of these medications when made available to the client under the care of a properly authorized physician and pursuant to a valid prescription and under the conditions described above."

The federal policy tying funding to access may not affect all of Kentucky's drug courts. They're mostly funded by the state, according to Leigh Anne Hiatt, a spokeswoman for Kentucky's Administrative Office of the Courts. She noted that a few counties, however, have received some federal funding for their drug courts.