# MEDICATION-ASSISTED TREATMENT IN PROBLEMSOLVING COURTS

DOUGLAS B. MARLOWE, JD, PHD

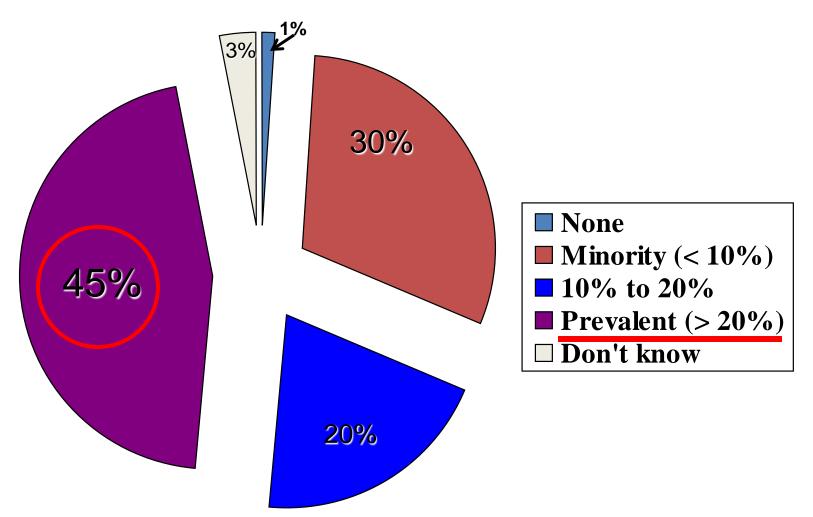
NATIONAL ASSOCIATION OF DRUG COURT

PROFESSIONALS

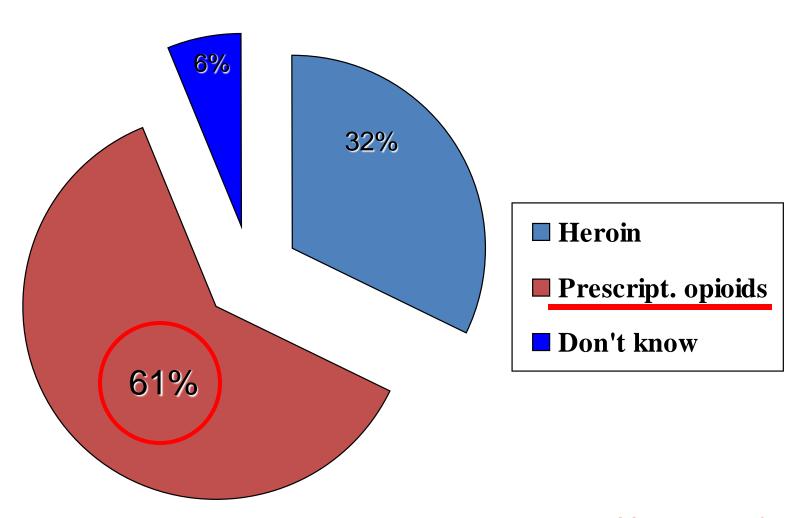




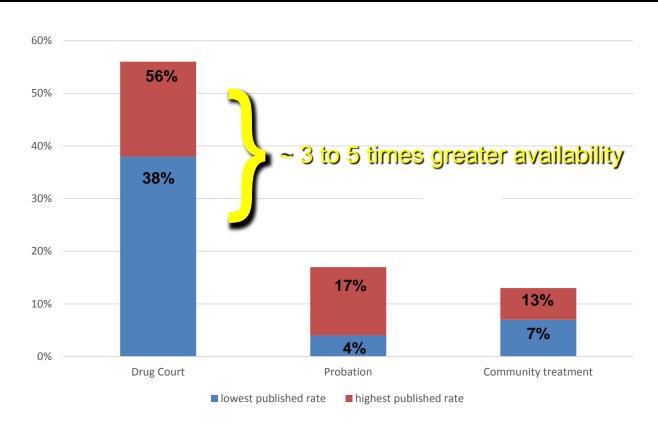
# Opiate/Opioid Dependence



# Type of Opioid Problem



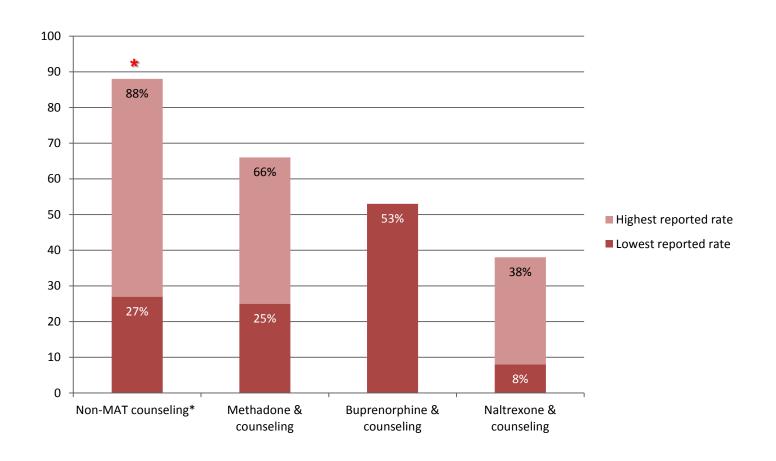
# Availability of MAT



Sources: Chandler et al. (2009); Friedmann et al. (2012); Matusow et al. (2013); SAMHSA (2014a).



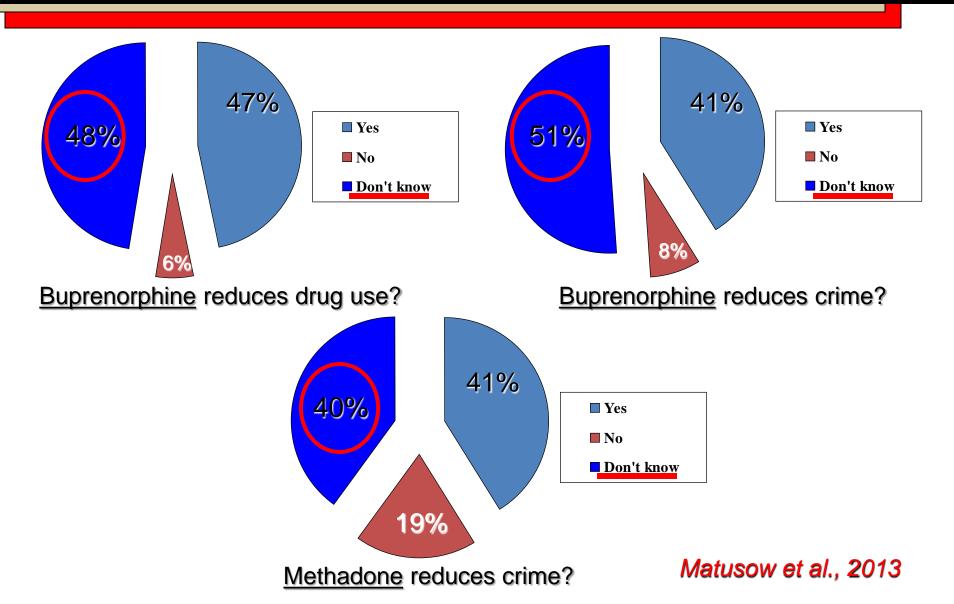
## Opiate Use After Treatment



<u>Sources</u>: Cornish et al. (1997); Coviello et al. (2012); Coviello et al. (2010); Gordon et al. (2008); Gryczynski et al. (2012); Kinlock et al. (2009); Lee et al. (2013); Magura et al. (2009); Mitchell et al. (2013).

\*Only comparisons against non-MAT counseling were statistically significant.

## Drug Court Knowledge



## **Best Practice Standards**

- Affirmative obligation to learn the facts about MAT
- No blanket prohibitions for entry or graduation
- Particularized inquiry
- Obtain expert consultation

#### www.AllRise.org

ADULT DRUG COURT
BEST PRACTICE STANDARDS

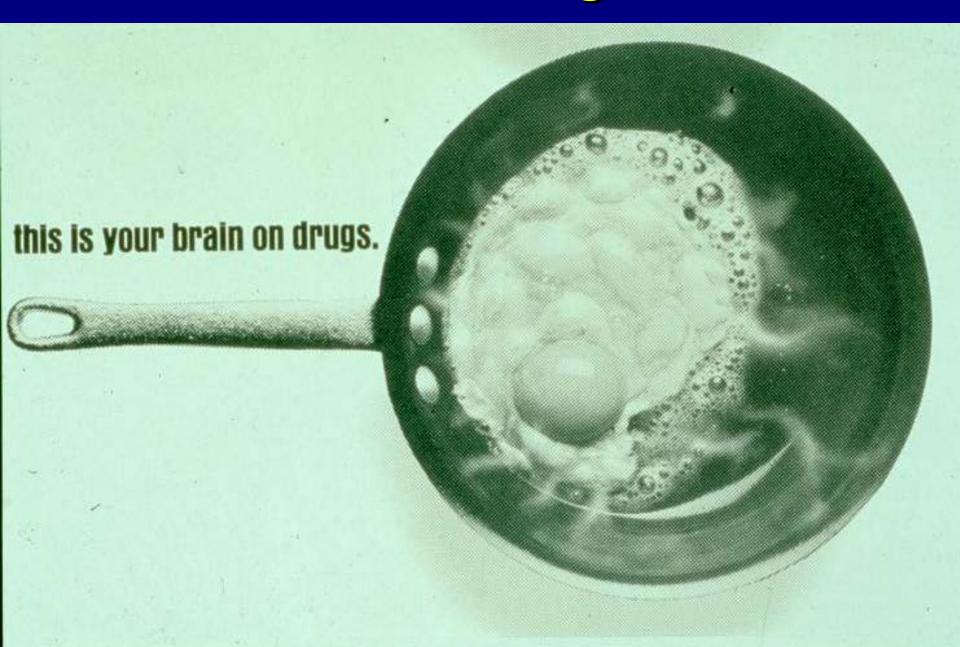
VOLUME I



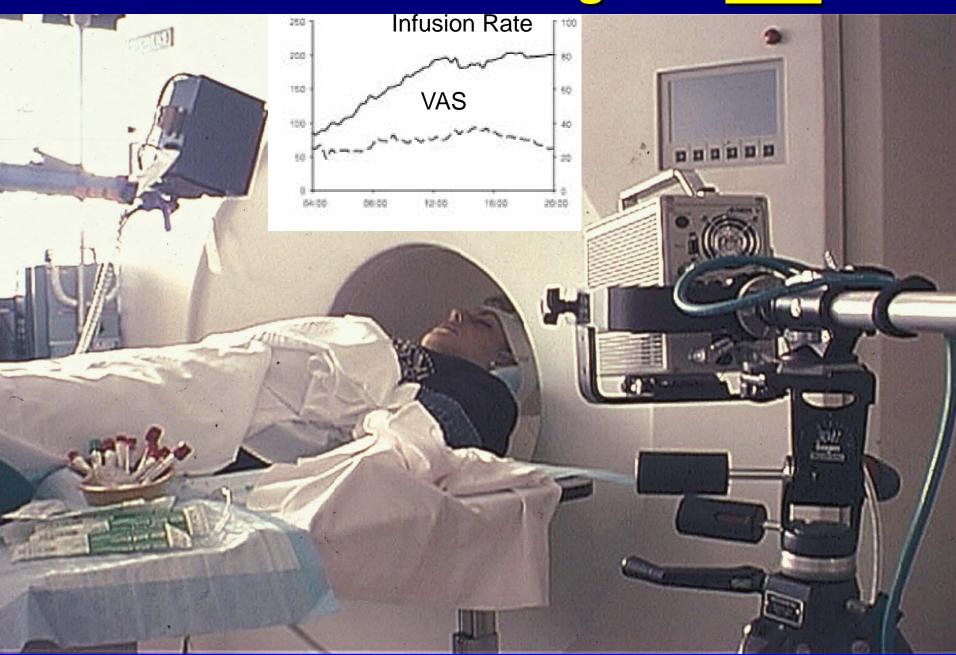
NATIONAL ASSOCIATION OF DRUG COURT PROFESSIONALS ALEXANDRIA, VIRGINIA

(NADCP, 2013, 2015)

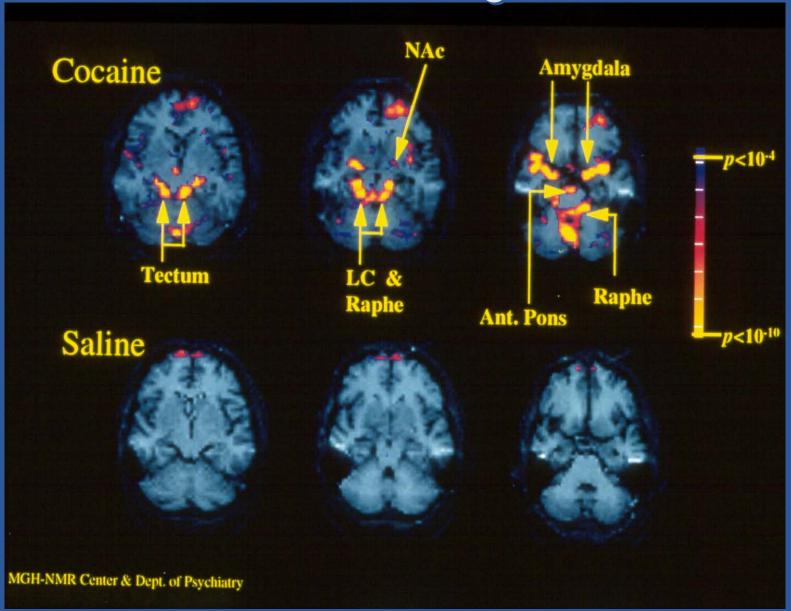
## Your Brain on Drugs . . . then



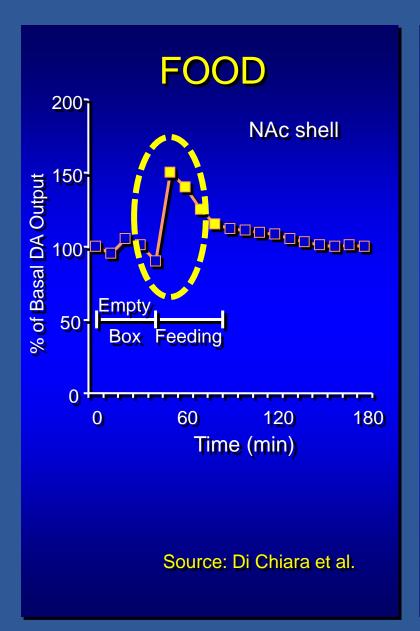
## Your Brain on Drugs . . . now

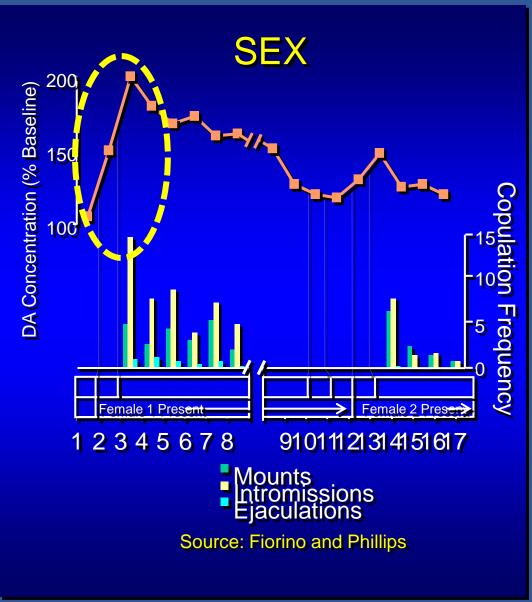


### Your Brain on Drugs – Now

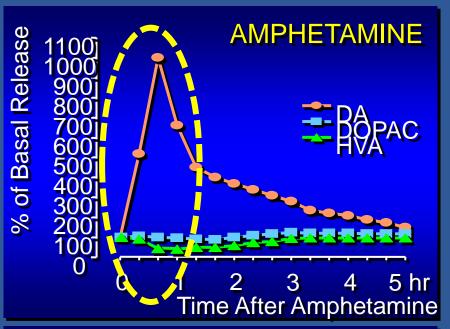


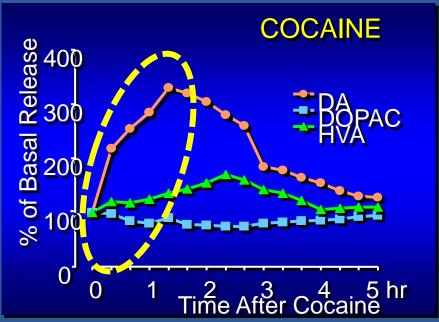
## Natural Rewards Elevate Dopamine

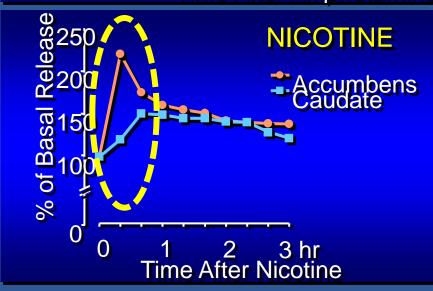


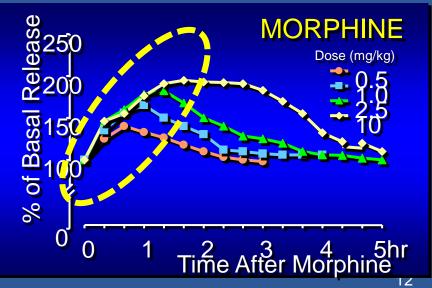


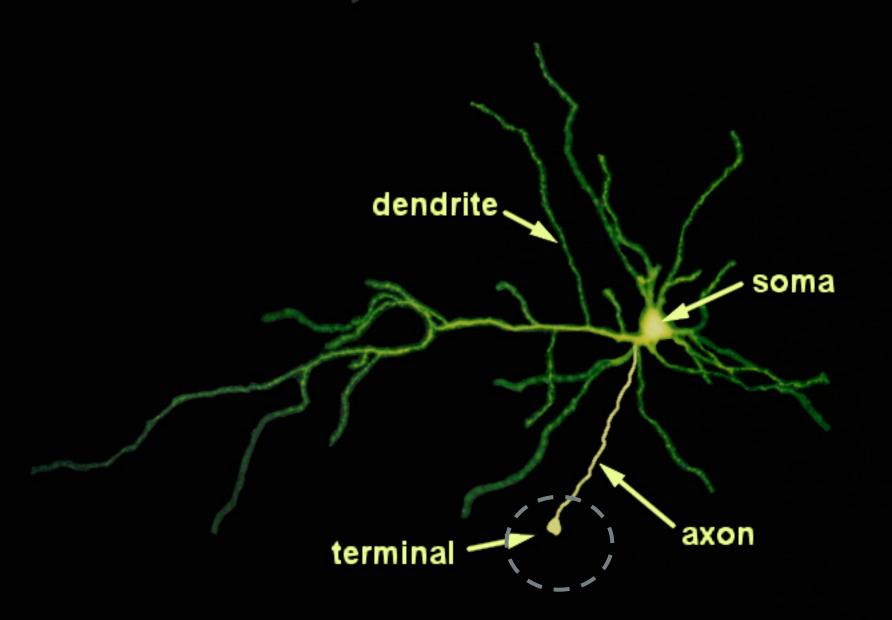
## **Drugs Elevate Dopamine MORE**



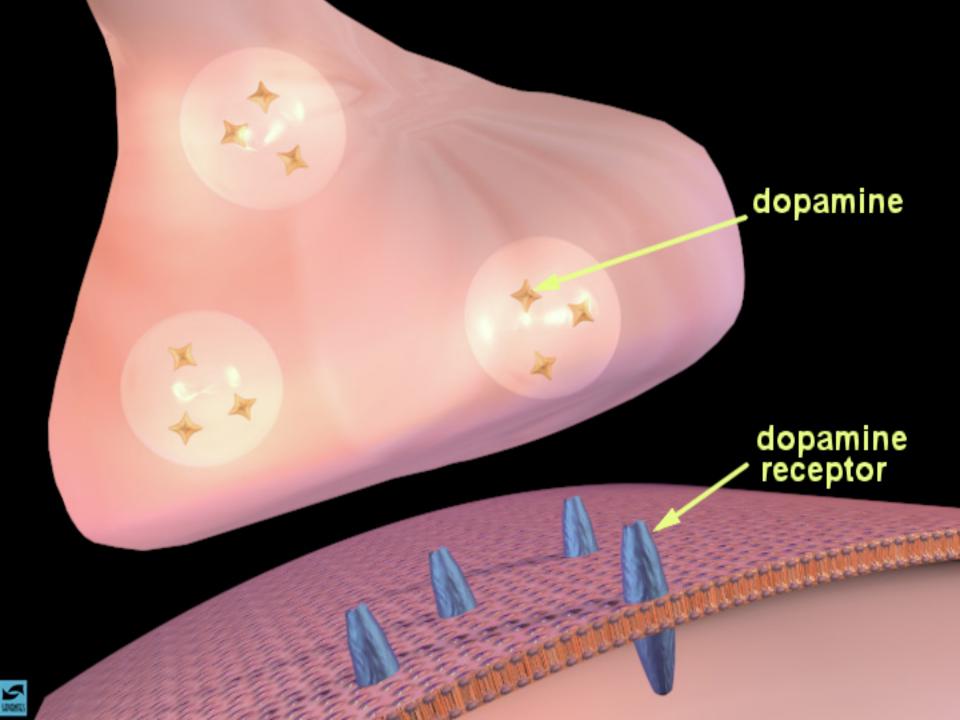


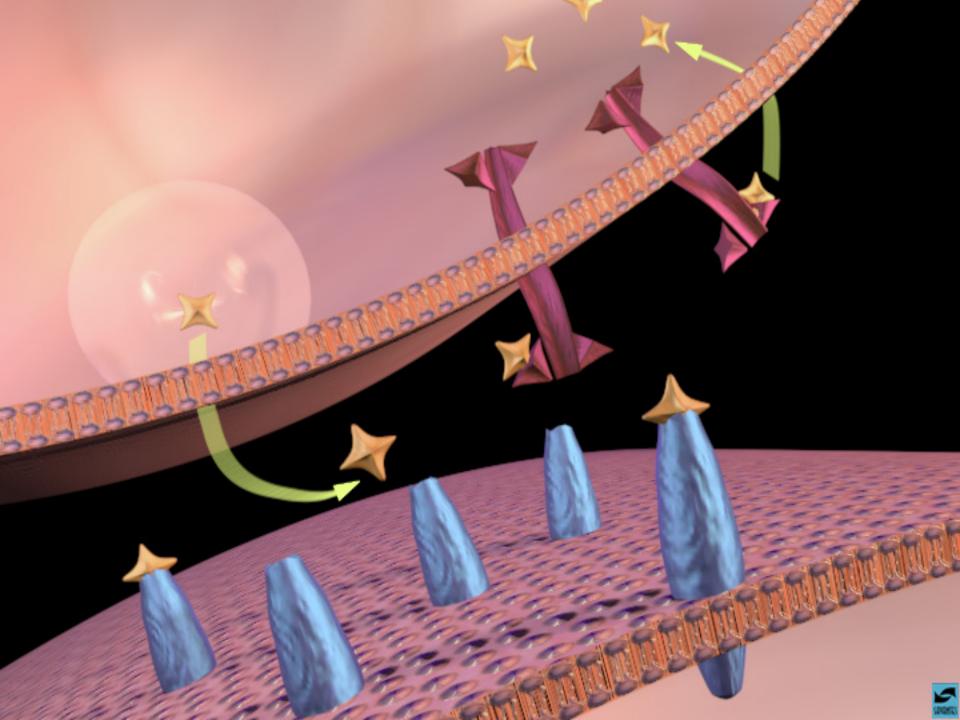


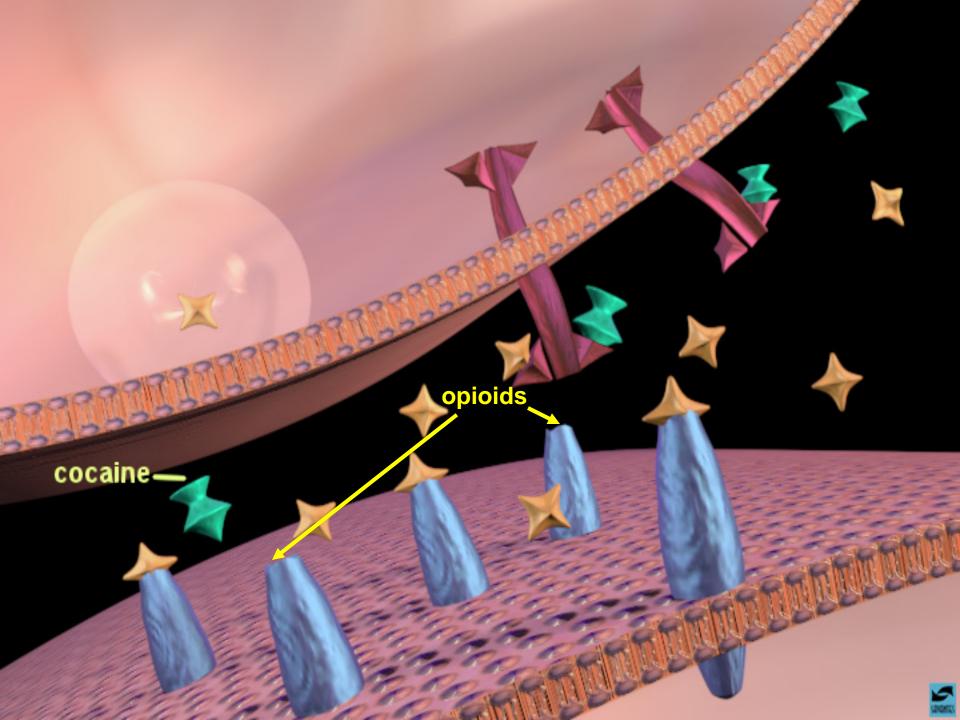








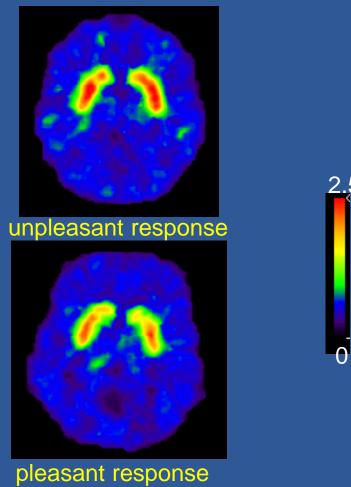




# Predisposition

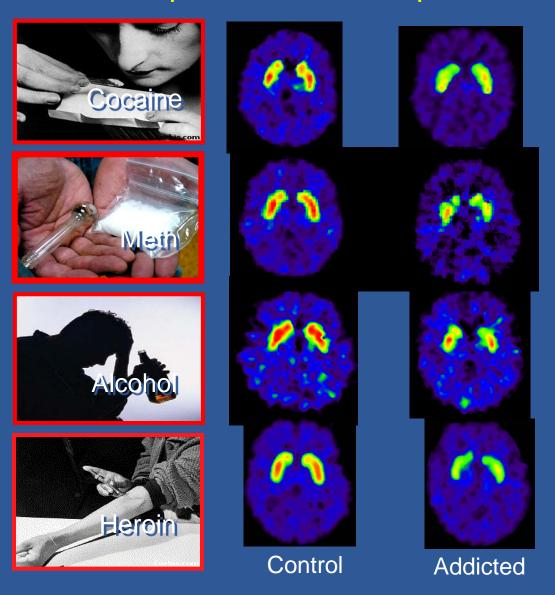
#### Dopamine Receptors and Response to

Methamphetamine



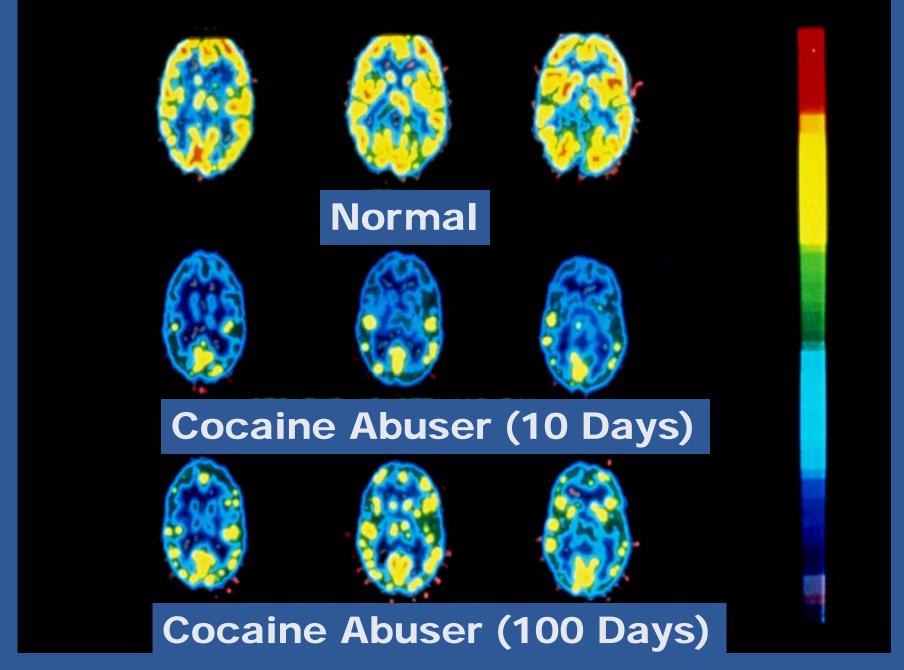
Subjects with <u>low</u> receptor levels found methamphetamine <u>pleasant</u> while those with <u>high</u> levels found it <u>unpleasant</u>

#### Dopamine D2 Receptors are Lower in Addiction

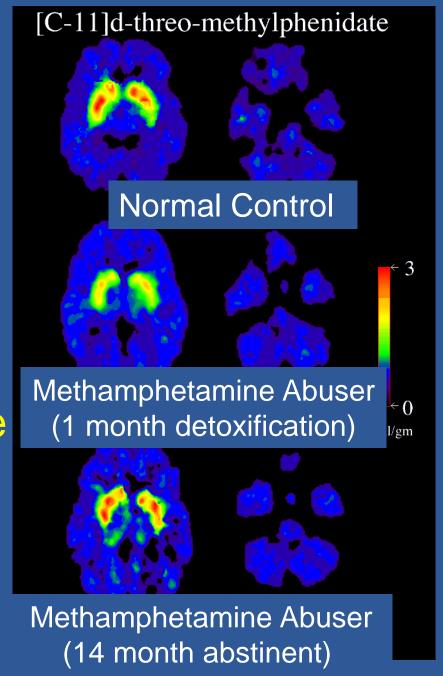


Explains both <u>predisposition</u> to addiction and development of <u>tolerance</u>

# Recovery of Function



Recovery
with prolonged
abstinence from
methamphetamine



Source: Volkow, N.D. et al., Journal of Neuroscience, 21(23), pp. 9414-9418, December 1, 2001.

# Medication Treatment Strategies

- Agonist (replacement/substitution)
- Antagonist (blockade)
- Aversive (e.g., Disulfiram)
- Treatment of underlying/associated disorders (e.g., depression, mood lability)

## **Medications for Opiate Dependence**



## Legal Standards

Prisoners: convicted jail inmates; discretionary Loco parentis parolees

**Drug Court Standards** Drug court jail sanctions?

**Probationers** detainees

Pretrial jail

Discretionary funding or authorization condition

Unbridled discretion

**Deliberate Indifference** "At least I care" "Because I said so!"

#### **Rational Basis Test**

"I have a good reason"

- Substantial state interest
- Reasonably related to the person's crime, rehabilitation needs, or public safety

#### **Strict Scrutiny**

"Nothing else will do"

- Compelling state interest
- Narrowly tailored

No discretion

"I have no choice"

#### **Medically indicated**

- Proven effective
- Generally accepted



#### **Medically necessary**

- Proven effective
- **Generally accepted**
- Acceptable risk/benefit ratio
- No better alternatives
- **Appropriate level & intensity**



Statutes (e.g., ADA) and professional best practice standards can increase the level of scrutiny, but cannot decrease it.

# Federal Drug Court Funding

- MAT must be permitted if:
  - Diagnosed substance use disorder
  - Licensed clinician acting within scope of practice
  - Examined the participant
  - Medication is appropriate
  - Legally valid prescription
- Unless the judge finds misuse, abuse or diversion
- Apt for all uncontested matters



## Minimizing Diversion

- Observed administration
- Adherence monitoring

Failure to abide by these conditions is a proximal (willful) infraction, and merits a higher-magnitude sanction

- Random call-backs
- Medication event monitoring system (MEMS)
- Pre-approval, full disclosure, and release of information for new prescriptions
- Prescription drug monitoring program (PDMP)
- Abuse-deterrent formulations

## Choice of Medication

- Patient preference
- Past performance in treatment
- Age of onset and length of drug use
- Family history (genetic predisposition)
- Comorbid medical or psychiatric disorder; adaptive stability
- Side effect profile (e.g., addiction and intoxication potential; respiratory suppression; driving hazard)
- Reduced tolerance
- Street value (diversion)
- Specialized training and regulations
- Progressive tapering
- Ambiguous diagnostic picture



## **Tapering**

 Successful tapers are typically after 18 to 24 months (correlational studies)

Should not be a requirement for graduating from a 12- to 24-

month program, such as a drug court

Past performance in treatment

- Age of onset and length of drug use
- Family history
- Comorbid medical or psychiatric disorder; adaptive stability
- Protracted abstinence syndrome (PAS)



## **Locating Providers**

- American Academy of Addiction Psychiatry www.aaap.org/patient-resources/ find-a-specialist
- American Board of Addiction Medicine <u>www.abam.net/find-a-doctor</u>
- American Society of Addiction Medicine community.asam.org/search
- SAMHSA Behavioral Health Treatment Services Locator findtreatment.samhsa.gov
- SAMHSA Buprenorphine Treatment Physician Locator <u>www.samhsa.gov/medication-assisted-treatment/physician-program-data/treatment-physician-locator</u>