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## Department of Justice

Office of Public Affairs

FOR IMMEDIATE RELEASE

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# Justice Department Finds that Indiana State Nursing Board Discriminates Against People with Opioid Use Disorder

The Justice Department found today that the Indiana State Board of Nursing (Nursing Board) violated the Americans with Disabilities Act (ADA) by prohibiting nurses who take medication to treat Opioid Use Disorder (OUD) from participating in the Indiana State Nursing Assistance Program. The program assists in rehabilitating and monitoring nurses with substance use disorders, and is often required for these nurses to maintain an active license or have one reinstated. The letter of findings asks the Nursing Board to work with the Justice Department to resolve the civil rights violations identified during the course of its investigation.

The department opened an investigation in response to a complaint from a nurse alleging that she was denied participation in the State Nursing Assistance Program because she takes prescribed medication for OUD. The investigation corroborated that the Nursing Board prohibits program participants from using OUD medication and that tapering the nurse off her medication would come with a significant risk of relapse and harm.

“Recovery and monitoring programs must allow individuals to use proven medications that support their recovery, including prescribed medications that treat Opioid Use Disorder,” said Assistant Attorney General Kristen Clarke of the Justice Department’s Civil Rights Division. “Refusing to allow individuals to participate in a required support program because of their disabilities violates the ADA and makes it harder for individuals to secure and maintain jobs and livelihoods. Removing discriminatory barriers to employment is an important priority of the Civil Rights Division.”

“Opioid Use Disorder is a difficult disease that impacts people in every occupation. Patients must not be forced to choose between medically approved treatments and their livelihoods,” said U.S. Attorney Zachary A. Myers for the Southern District of Indiana. “We will work closely with our partners in the Civil Rights Division to ensure that the Americans with Disabilities Act is appropriately enforced.”

Methadone and buprenorphine (including brand names Subutex and Suboxone) are approved by the Food and Drug Administration to treat OUD. According to the U.S. National Institute on Drug Abuse (NIDA), methadone and buprenorphine help diminish the effects of physical dependency on opioids. When taken as prescribed, these medications are safe and effective.

Under Title II of the ADA, the department provided the Nursing Board with written notice of the supporting facts for these findings and the remedial measures necessary to address them. For more information on the ADA, please call the department’s toll-free ADA Information Line at 1-800-514-0301 (TDD 800-514-0383) or visit [www.ada.gov](http://www.ada.gov). For more information on the Civil Rights Division, please visit [www.justice.gov/crt](http://www.justice.gov/crt).

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### Attachment(s):

[Download Letter of Findings.pdf](#)

### Topic(s):

Civil Rights

Disability Rights

**Component(s):**

Civil Rights Division

Civil Rights - Disability Rights Section

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