



U.S. Department of Justice

Nathaniel R. Mendell
Acting United States Attorney
District of Massachusetts

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Boston, Massachusetts 02210

November 4, 2021

SENT VIA EMAIL

Carol A. Mici
Commissioner
Massachusetts Department of Correction
50 Maple Street
Milford, MA 01757

Re: ADA Investigation of the Massachusetts Department of Correction's Provision of Medications for Opioid Use Disorder

Dear Commissioner Mici:

As you know, in March 2018, our office opened an investigation to determine whether the Massachusetts Department of Correction ("DOC") complied with the Americans with Disabilities Act by not providing medications used to treat opioid use disorder (OUD) to individuals receiving that medication prior to entering the DOC's custody.

Since we opened our investigation, the DOC addressed the underlying issue of our concern. It is our understanding that the DOC has implemented a program that:

1. Does not change or discontinue a medication used to treat OUD except upon an individualized determination made by a qualified medical specialist that the treatment is no longer appropriate based on the person's current condition;
2. Does not use incentives, rewards, or punishments to encourage or discourage a person to receive any particular medication used to treat OUD while in the facility's custody; and
3. Does not deny health services, or services provided in connection with drug rehabilitation, to an individual on the basis of that individual's current illegal use of drugs, if the individual is otherwise entitled to such services.

Accordingly, the U.S. Attorney's Office will close its investigation of this matter.

This does not constitute a finding by the United States that the DOC is in full compliance of the ADA in regards to any other matter, nor does it affect the rights of private individuals to enforce their rights under the ADA.

As we have expressed before, we appreciate your cooperation in this matter and applaud your proactive efforts. If you have questions or concerns, please do not hesitate to contact our office.

Sincerely,

/s/ Gregory J. Dorchak
Gregory J. Dorchak
Assistant United States Attorney

CC: Jennifer A. Serafyn
Assistant U.S. Attorney
Chief, Civil Rights Unit