

SGIM Supporting Addiction Treatment Over the Years

Avital Y. O'Glasser, MD, FACP, FHM, and Benjamin P. O'Glasser, JD

Avital O'Glasser (oglassea@ohsu.edu) is an academic hospitalist at Oregon Health & Science University (OHSU), with a clinical focus in pre-operative medicine. She is OHSU's internal medicine residency program's assistant program director for social media and scholarship, and she can be found on Twitter @aoglasser. Benjamin O'Glasser (boglasser@bullardlaw.com) is a junior partner at Bullard Law in Portland, OR.

The following commentary in italics had originally published in the October 1999 issue of the *Forum*. The piece may be found via this link: <http://www.sgim.org/File%20Library/SGIM/Resource%20Library/Forum/1999/forum9910.pdf>

SGIM Joins Court Effort Supporting Access to Methadone Treatment

SGIM has signed on to a friend-of-the-court (amicus curiae) brief, filed in an important federal case. The court case, Bay Area Addiction Research Treatment, Inc. (BAART) vs. the City of Antioch, concerns Antioch's attempts to keep BAART from opening a methadone clinic in its community. The purpose of the amicus brief, co-signed by SGIM and several other medical organizations, is to ensure that methadone treatment is recognized as an integral part of medical care and remains accessible to patients who need it.

As the brief states, "SGIM is deeply concerned about policies and practices that effectively limit access to quality substance abuse treatment due to an erroneous belief that such services are different from or not part of essential medical care." Additional co-signers' amici curiae statements offer institutional expertise, experience, and research findings intended to educate the court about how methadone works and about the efficacy and benefits of methadone treatment for opiate dependent persons and their families.

It is hoped that this brief will

support BAART's case by correcting misunderstandings and misperceptions about methadone treatment and by allaying communities' fears about having clinics in their neighborhoods.

SGIM, and by extension JGIM and *SGIM Forum*, has confronted over the years opioid-abuse and substance-abuse related issues head-on. A quick search of the JGIM archives revealed multiple articles pertaining to such, including a special issue dedicated to substance abuse and primary care in May 2002.

In searching for this month's #FBF article, our attention was caught by an *SGIM Forum* announcement related to the legal aspect of substance abuse. "SGIM Joins Court Effort Supporting Access to Methadone Treatment"¹ appeared as a small text box, without a listed author, in the October 1999 issue.

The case, Bay Area Addiction Research Treatment, Inc. (BAART) v the City of Antioch, was filed in July 1998 when the City of Antioch changed its zoning laws in an aggressive attempt to prevent a new methadone clinic from opening by banning methadone clinics from operating within 500 feet of any residential area.² The case initially was heard before the United States District Court for the California Northern District, which denied BAART's motion for a preliminary injunction. On appeal, the Ninth Circuit Court of Appeals found that a zoning ordinance can violate the Americans with Disabilities and Rehabilitation Acts and ordered the District Court to reconsider BAART's request for an injunc-

tion.³ On remand, the District Court granted the injunction after hearing testimony from at least five physicians regarding their experience working in methadone clinics. Based on the evidence presented, the District Court found that the City ordinance reflected the community's "hypothetical or presumed risk" and that there was no evidence that the BAART clinic would pose "a significant risk to the health or safety of the community."³ The District Court granted the injunction. The Ninth Circuit's decision continues to guide courts' resolution of ADA issues to this day, and has been cited in over one hundred court decisions since 1999.

The amicus curiae (friend-of-the-court) brief was signed by SGIM and several other medical organizations. Because of the age of the record, we could not locate a digital copy of the brief. However, based on review of the Civil Docket for the case, it appears that the California Medical Association was the lead on the brief.⁴

This was not the only amicus curiae brief to which SGIM would contribute. In February 2000, SGIM joined nearly two dozen organizations on a brief in *Ferguson v City of Charleston*.⁵ The case challenged a Medical University of South Carolina and Charleston, SC, police department policy imposing pregnant woman with drug testing without a search warrant or consent. The United States Supreme Court ultimately decided in favor of the defendants. This amicus participation was highlighted in other *SGIM Forum* articles, including one by

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Daniel Abrahamson, the attorney who filed the brief in *BAART v City of Antioch and Ferguson*.⁶

Finally, you may be interested to know that BAART, Inc., still operates a clinic in Antioch, CA, providing medication-assisted treatment for addiction.

References

1. "SGIM Joins Court Effort Supporting Access to Methadone Treatment". *SGIM Forum*. 22(10):9.
2. FindLaw. Bay Area Addiction Research & Treatment, Inc. v. City of Antioch, No. 3:98-cv-2651-SI (N.D. Cal. decided June 3, 1999). <http://caselaw.findlaw.com/us-9th-circuit/1142347.html>. Accessed December 28, 2017.
3. Bay Area Addiction Research & Treatment, Inc. v. City of Antioch, No. 3:98-cv-2651-SI (N.D. Cal. filed March 16, 2000).
4. Brief of Amici Curiae California Medical Association, et al. In Support of Plaintiffs' Motion for Preliminary Injunction. Bay Area Addiction Research & Treatment, Inc. v. City of Antioch, No. 3:98-cv-2651-SI (N.D. Cal. filed September 3, 1999).
5. Abrahamson D. *Amicus Curiae Brief: Cornelia Whitner v. The State of South Carolina*, 9 Hastings Women's L. R. 139 (1998). <http://repository.uhastings.edu/hwlj/vol9/iss2/1>. Accessed December 28, 2017.
6. Abrahamson DN. Pregnancy and drug use: Treatment or jail? *SGIM Forum*. 2000, 23(4):4, 9.

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