

WMDCP Prescription Medication Policy

Definitions

"Drug" - A drug is any substance that can be ingested, injected, inhaled, or otherwise absorbed into the body that change^s an individual's mental or physical state. For the purposes of WMDCP policy it includes those substances which have been labeled schedule I-III by the DEA due to having a high potential for abuse and dependence (a list of which can be found at <https://www.dea.gov/drug-scheduling>). Other "mind altering" substances not included in the DEA's list are also restricted, these include but are not limited to; over the counter stimulants such as: Addall, Kratom and similar substances.

"Mind Altering" - Causing marked changes in patterns of mood and behavior or distortions in the user's perception, thoughts and/or cognition.

"Stimulants" - A group of drugs that result in accelerated activity in the brain and body, used primarily for increased alertness and mood elevation.

Disclosure

A. Disclosure of the client's status as a Respondent in the WMDCP, as well as their history of abuse of or dependence on controlled substances, must be made promptly to the prescribing/authorizing physician. The client will be required to submit the WMDCP Prescription Policy as written verification that said disclosure has been made. If the prescription is made after the client is admitted to the WMDCP, disclosure must be made immediately by the defendant at the time the prescription or authorization is written by the physician.

B. The Respondent must sign a Release of Information allowing for the free flow of information regarding the Respondent's medical condition and case status between the probation department, the prescribing/authorizing physician or physicians (should there be more than one), and the Court.

C. The Respondent must obtain and disclose all relevant information documenting his/her medical need for the controlled substance. Such documentation must include a written statement from the prescribing/authorizing physician documenting the existence of a bona fide physician-patient relationship, the diagnosis which necessitates the use of a controlled substance – including the chronic or debilitating nature of the disease or condition, the prognosis for how long such treatment is anticipated to be necessary, attempted alternative treatments which have been tried and deemed ineffective and/or insufficient, and the appropriate dosage and method of ingestion of the controlled substance. Other types of supporting documentation required to substantiate the defendant's medical need for a controlled substance may include, but are not limited to, medical records and reports, physician notes, treatment plans, and prescription records.

D. Due to WMDCP's focus on abstinence-based wellness practices, marijuana and its compounds, THC and CBD, are not eligible for an exception to the restriction on controlled substances under this policy. Similarly, no exception is available for mind-altering over the counter stimulants, examples of which include Addall and Kratom. If Respondent is unsure if a product falls under this restriction, they are required to contact the probation department prior to use.

E. The Respondent will be required to abstain from use until the Court has reviewed the provided documentation and determined that it is sufficient to allow for an exception to the Court's policy prohibiting the use of controlled substances in that defendant's individual case.

F. For Respondents taking prescribed controlled substances at the time of their plea, there will be a two (2) week grace period in which to provide the required medical documentation, on or before the date of Orientation. If the required medical documentation is not provided, then pursuant to the plea agreement and the terms and conditions of WMDCP, the defendant will be prohibited from consuming controlled substances and shall be subject to sanctions imposed by the Court for failure to comply.

G. In all cases where the respondent is granted an exception to the general prohibition on the use of controlled substance, the defendant will be required to provide the Court with supplemental statements from the prescribing/authorizing physician documenting the ongoing need for the controlled substance and any changes to the defendant's prognosis or treatment plan every 90-180 days as deemed appropriate by the Court.

H. In no event will any respondent be allowed to serve as a caregiver of an individual currently prescribed a prohibited controlled substance or work in the medical marijuana dispensary business.

I. If, in the determination of the probation officer and/or the Court, a respondent's use of a controlled substance is or becomes abusive or contributes to continued criminality or a pattern of probation non-compliance, the Court may require the respondent to terminate his/her use of the controlled substance UNLESS an independent medical evaluation performed by a board-certified addiction psychiatrist and paid for at the respondent's expense, determines that the respondent continues to have a legitimate medical need for the controlled substance and that no alternative method of treatment is medically appropriate. In the event of such a determination, the respondent will be unable to progress in the WMDCP until it is determined that they no longer have a legitimate medical need for the controlled substance, at which time use of the prescribed substance must cease immediately, or a board certified addiction psychiatrist determines there is no longer a risk of abuse or non-compliance due to continued use.

MAT Policy

WMDCP allows the use of MAT, or "medically assisted treatment," where it is necessary for the client's holistic recovery and follows the procedures and prescription requirements established by the issuing treatment provider.