



## **USE OF ILLEGAL AND HARMFUL SUBSTANCES BY PREGNANT WOMEN**

### **Background**

The use of illegal and harmful substances by pregnant women is a major public health problem in the United States. Efforts to protect the fetus have included screening pregnant women for illegal substance use and reporting positive findings to law enforcement. Rather than promoting prenatal care and treatment, drug screening with mandatory report laws threatens patients' confidentiality. The potential legal implications of patients' substance use being disclosed to law enforcement would discourage pregnant women from seeking prenatal care and treatment for their substance use disorder. Mandatory disclosure of patients' substance use to law enforcement would also negatively impact the confidential psychiatrist-patient relationship.

### **Introduction**

All states have mandatory report statutes that require professionals to report suspicions of child abuse and neglect. When pregnant women use illegal substances, the need to protect the fetus must be balanced with patients' right to treatment confidentiality, their need for prenatal care, and their need for treatment of substance use disorders.

### **Policy Statement**

The American Academy of Addiction Psychiatry (AAAP) supports increased funding for prevention strategies to reduce substance use during pregnancy and lactation. Examples of prevention strategies include:

- Age-appropriate education about substance use during pregnancy in school curricula.
- Public education about alcohol and other drug use in pregnancy and lactation
- Education of healthcare professionals in the care of reproductive age women with substance use disorders.

AAAP supports the voluntary screening of pregnant women for substance use disorders and mental illness for the purpose of providing prenatal care and treatment to the mother and fetus.

AAAP is opposed to legislation or policies that require mandatory reporting of illegal substance use by pregnant women. Psychiatrists have an obligation to maintain confidentiality that includes information gathered during the assessment and treatment of substance use disorders.

When the use of harmful substances by pregnant women is identified, clinicians should provide timely, sensitive, confidential, and voluntary treatment services to the full extent possible. AAAP supports improved access to cost-effective, evidence-based drug and alcohol treatment services and prenatal care for pregnant women.

AAAP supports the provision of increased social services to pregnant women with substance use disorders to ensure a safe home environment, assess for domestic violence, and ensure the safety of any children residing with the pregnant patient.

AAAP is opposed to punitive actions against pregnant women who use substances solely based on child abuse laws. Pregnant women identified by law enforcement as using illicit substances should not receive incarceration or other punitive measures as a substitute for providing effective health services.

AAAP supports funding of research and the development and implementation of effective models for comprehensive treatment of pregnant women with substance use disorders.

**Revises Previous Policy Endorsed: November 2001**

**Revised: May 2015**

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