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## Player challenges mental health protocol

Royce White was selected with the 16th pick in the 2012 NBA draft, instantaneously earning \$3.5 million over two years as long as he played basketball for the Houston Rockets or their corresponding NBA Developmental League team, the Rio Grande Valley Vipers.

To date, White has not played a single game and was formally suspended on Jan. 6 for “refusing to provide services” required by his contract.

White’s refusal is not the customary dispute involving money, playing time or a disagreement with the coach (a la *Sprewell v. Carlesimo*), but rather what he classifies as a failure by the team to establish a protocol to sufficiently deal with his generalized anxiety disorder.

White is extremely candid about his anxiety and uses Twitter to tell his story. Under the Twitter handle @Highway 30, White has made it clear that basketball, money and fame are secondary to his mental health. Initial reports on White’s anxiety focused on his fear of flying, but White has clarified on Twitter that flying is no longer a point of contention with the Rockets.

Instead, White wants team doctors to have the exclusive authority to make medical decisions concerning his mental health. In response to the Twitter question posed by @CougarTrace whether he believes he is entitled to special treatment, White responded that he is protected under the “ADA [Americans with Disabilities Act] ... LAW.” (@Highway 30, Jan 6, 2013) On the same day, White tweeted “It is also alarming how many (people) don’t understand their own rights as an employee in workforce in the U.S. #BeWell #ADALaw # Research.” (@Highway 30, Jan 6, 2013)

Although White may be standing up for a noble cause, his right to the establishment of a

mental health protocol under the provisions of the ADA is dubious at best. The ADA requires employers to make reasonable accommodations for employees’ known disabilities, unless this places an undue hardship on the employer. The creation of a reasonable accommodation varies on a case-by-case basis and as White acknowledged in a Jan. 1 tweet “#MentalHealth is new territory for the entire NBA. Needs thoughtful resolution.” (@Highway 30, Jan 1, 2013)

In the office environment, reasonable accommodation for an anxiety disorder entails practical solutions — reduced working hours, longer and more frequent breaks, more flexible hours and even a mental health professional on staff. Unfortunately for White and the Rockets, these solutions offer little guidance. Unlike an office employee who generally works from 9 to 5, five days a week, an NBA player’s attendance is required in more condensed blocks.

A player’s time can generally be categorized three ways: practices, games and study. It is hard to imagine that White’s contention involves his required time to study and so the problem likely involves his required attendance at practices and games when he feels heightened levels of anxiety.

**“Royce White has the absolute right to refuse to play basketball citing his mental health as a problem that needs to be solved first.”**



BY BENJAMIN HASKIN

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White’s tweets say he is seeking to establish a “Protocol (that) gives executive authority to chosen medical professionals in ALL & any medical situations.” (@Highway 30, Jan 1, 2013) White additionally said he believes that it is “UNSAFE 4 ANY PLAYER, when management takes exec. authority in a medical situation. It is a conflict of interest.” (@Highway 30, Jan 6, 2013).

A reasonable inference from White’s Twitter activity is that he is seeking to have a medical professional, in lieu of a coach or manager, evaluate mental health and determine his ability to play in a similar manner as is done with physical health.

If an NBA player suffers a concussion, that player is forced to undergo a series of tests to confirm that he is healthy enough to return. Such a system provides for an objective determination whether the player is physically capable of returning. It is not clear how a similar policy could translate to mental health.

White has not elaborated on his required protocol, only that he wants all medical decisions to be made exclusively by medical professionals, not by the coach, general manager or front office personnel. This poses the question of whether having a medical profession capable of diagnosing a player’s level of anxiety to be so severe to warrant his absence from a game or practice is a reasonable accommodation and whether it is

an undue hardship for the team. The simple answer is, nobody knows. Unlike a medical decision involving a sprained ankle, a diagnosis regarding anxiety is much more subjective.

How can anxiety be classified as restricting the ability to play basketball? While it is plausible that White’s anxiety could reach the level of limiting his ability to play, only White, not a doctor, could ever say whether it has reached this state. If installing such a system would result in White missing a handful of practices and one or two games all seasons, it may be a reasonable accommodation to have a medical professional clear a player with anxiety. However, if this same system resulted in White missing half of the practices and upward of 20 games, this system starts to look much more like a burden for the Rockets, who would presumably have to pay White his full salary.

Additionally, installing this protocol for White would require it to be available to all players, where it would almost certainly lend itself to abuse by numerous NBA players looking to collect their paycheck on the bench. White has the absolute right to refuse to play basketball citing his mental health as a problem that needs to be solved first.

Conversely, the Houston Rockets have the absolute right to suspend White and refuse to pay him until he reports to either the Rockets or Vipers. Unfortunately, the ADA is not the answer to this solution.