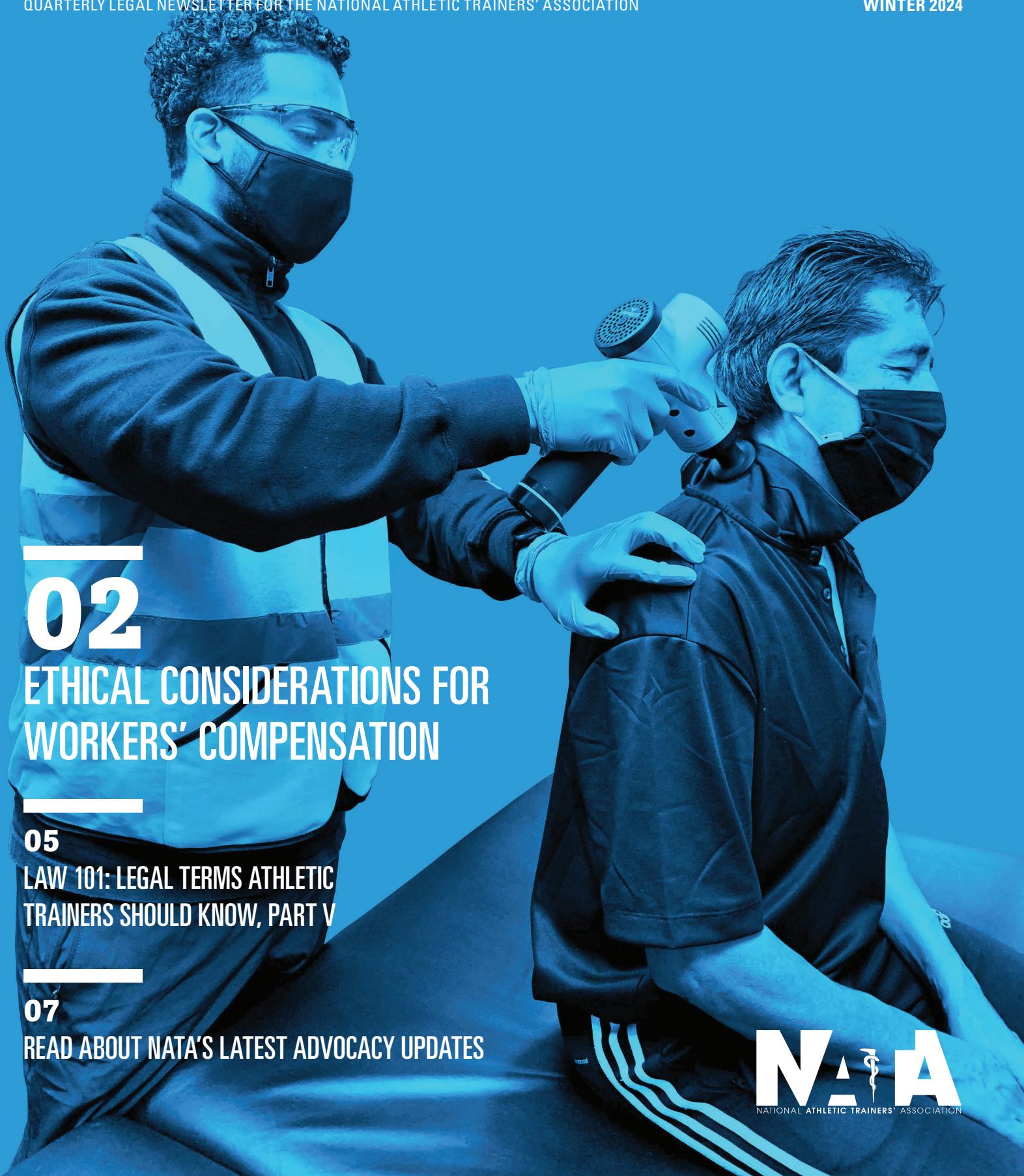


SPORTS MEDICINE

# LEGAL DIGEST

QUARTERLY LEGAL NEWSLETTER FOR THE NATIONAL ATHLETIC TRAINERS' ASSOCIATION

WINTER 2024



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# Ethical Considerations for Workers' Compensation

**Insight into what athletic trainers need to know to provide responsible care**

BY KYLE RUTLEDGE, MS, MHA, AT, NATA COMMITTEE ON PROFESSIONAL ETHICS

**A**s the settings in which athletic trainers work continue to grow, some ATs may encounter patients who are covered under workers' compensation. Workers' compensation, also known as "workers' comp," provides benefits to workers who become injured or ill on the job due to a work-related accident. Workers' compensation helps the injured employee with coverage for medical expenses, health care benefits, income lost due to injury on the job and disability pay. Medical expenses paid can include physician appointments, physical or occupational therapy, job reconditioning and body ergonomics training. The athletic trainer may be involved in any part of this process to return the patient safely back to work.

The laws of workers' compensation vary from state to state, and some states don't cover all employees. These laws guide how and when treatment can be delivered to the patient. Each state has its own set of rules governing the selection of doctors, the approval of treatments and the rights of injured workers. Understanding these regulations is crucial for both employers and

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employees to ensure compliance. For example, in most cases, workers' compensation will only allow the patient to receive care from a certain provider.

Workers' compensation can also dictate what will be allowed and what will not. For instance, certain diagnosis codes will be allowed for the patient and if an additional diagnosis code is needed, then the provider will have to ask the workers' compensation manager for approval to add this diagnosis. In terms of treatment, should a patient benefit from a corticosteroid injection, the health care provider may have to ask the workers' compensation officials for approval so that the patient can receive it and the provider can be reimbursed for the service. These regulations can relate to other aspects of workers' compensation care such as rehabilitation and durable medical equipment. The need for approval before diagnosis and treatment can delay care, leading to frustration for the clinician and the patient.

At the core of athletic training is the commitment to the athlete and patient's welfare. Ethical considerations compel athletic trainers to prioritize the health and safety of athletes over competitive pressures. This is particularly significant in workers' compensation scenarios, where athletic trainers must accurately assess injuries and advocate for appropriate care. The athletic trainer has an ethical duty to advocate for the patient whether a treatment, diagnosis, piece of medical equipment or other aspects of care is approved or not. This is noted in the very first principle of the NATA Code of Ethics, which states in Article 1.2, "Member's duty to the patient is the first concern, and therefore members are obligated to place the well-being and long-term well-being of their patient above other stakeholders to provide competent care in all decisions, and advocate for the best medical interest and safety of their patient as delineated by professional statements and best practices."

In this scenario, the athletic trainer is advocating for their patient to workers' compensation. Ensuring that patients understand their rights and the implications of their injuries as well as what is going on in their treatment is critical. Athletic trainers must provide clear information about the workers' compensation process, including what benefits are available and how to navigate potential legal complexities.

It's the duty of the athletic trainer to accurately document the objective findings to advocate for the patient for all necessary treatments. It's essential that the athletic

trainer also be mindful of not falsifying any documentation for the patient to get treatment that may not be necessary. Falsifying documentation can lead to the athletic trainer being at risk of investigation not only by the Bureau of Workers' Compensation but also the state licensure board, Board of Certification for the Athletic Trainer (BOC) and NATA Committee on Professional Ethics. If found guilty of falsifying information, the athletic trainer will be subject to disciplinary action from all mentioned parties. In addition, there are potential legal ramifications as the AT would be falsifying medical documentation and possibly committing insurance fraud.

To ensure athletic trainers are practicing in line with their state's practice act and within the guidelines of workers' compensation, it's essential to be well-versed in this topic. Workers' compensation is a confusing topic, so pursuing continuing education on the subject is encouraged.

There may be times during treatment where the athletic trainer will be faced with an ethical dilemma that may be unfamiliar to them. To navigate these ethical considerations effectively, ongoing education for athletic trainers is essential. Workshops and seminars that focus on legal aspects of workers' compensation, ethical decision-making and best practices for injury management can equip athletic trainers with the tools they need to act in the best interest of their patients. Not only will this help ensure that the athletic trainer is proficient in this subject matter but also practicing in a legal manner. Doing so will help protect the athletic trainer from the risk of violating state licensure acts, BOC standards and/or the NATA Code of Ethics.

Ethical considerations in the realm of workers' compensation are integral to the practice of athletic training. By prioritizing patient health, maintaining appropriate medical records, protecting the patient's confidentiality, advocating for their well-being and upholding professional integrity, athletic trainers can navigate the complexities of workers' compensation while fostering a culture of trust and respect. It's essential for the athletic trainer to maintain professional integrity and appropriately document all objective findings – whether those are for the patient's benefit or not – to ensure they are legally protected. This ensures that the athletic trainer complies with the standards that have been set forth by their respective state licensure board, BOC and NATA. Ultimately, these ethical practices not only protect patients but enhance the reputation and effectiveness of the athletic training profession.

## Q&A

### INSIGHT INTO STATE BOARDS



Chris King,  
LAT, ATC

State boards overseeing the athletic training profession play critical roles in the professional life of every athletic trainer. The primary role of virtually every state board is to protect the public by monitoring AT practices. But what specifically is the role of the board chair in all this?

*Sports Medicine Legal Digest* interviewed Chris King, LAT, ATC, chairman of the Alabama Board of Athletic Trainers (ABAT) and the District Nine representative of the NATA Government Affairs Committee, for insight into his role and how the state board protects the public.

#### Q. How long have you been chair of the Alabama Board of Athletic Trainers?

**Chris King, LAT, ATC:** I have been chair for four years and have served on the board for about 10 years.

#### Q. What are the major responsibilities of ABAT?

**King:** The primary job of ABAT is to protect the public by ensuring proper regulation and practice of ATs in the state of Alabama.

#### Q. Who does the board report to?

**King:** The Alabama state legislature as well as Steve Marshall, the current attorney general for Alabama.

*continued on page 04*

**Q. What are your major duties as chair of ABAT?**

**King:** The chair is selected by the other board members to set agendas and run the meetings appropriately. This includes making sure that executive directors properly run our license renewal process, the regulatory compliance of licensees and follow all state regulations of boards.

**Q. What's the relationship between the board and NATA?**

**King:** There is no regulatory relationship between the two, but NATA does use the nomenclature of all state laws and shares such information with all 50 states to aid in the growth of other state laws. This is done mostly through the NATA Government Affairs Committee and NATA State Association Advisory Committee. I can promise you that without NATA, there would be no new practice act or advisory council here in Alabama.

**Q. What areas of licensing are the most complex to administer?**

**King:** In Alabama, athletic training has grown tremendously during the past three years. We completely revamped our practice act in 2021 and developed the AT Advisory Council, which fosters vast professional growth opportunities. We have a general standard of practice protocol that all licensed ATs adhere to under the supervision of their supervising physician. We are presently creating specific practice protocols for the occupational, secondary school, collegiate and clinic settings. These protocols allow for scope flexibility based upon practice setting expectations. This allows ATs in Alabama to practice skills that were previously excluded from their scope of practice based on their employment setting.

*continued on page 05*

**CASE SUMMARY**

# Judge Dismisses Defamation Case Against University, Athletic Trainer

*Editor's note: To ensure readers have access to unbiased, valuable content, the real-life case summaries published in Sports Medicine Legal Digest have been deidentified. Case summaries are shared for educational purposes to provide insight into legal proceedings and lawsuits relevant to athletic trainers as health care providers.*

A federal district court judge in Massachusetts has dismissed a lawsuit brought by a former Indiana university basketball coach.

The coach alleged that the university, its athletic trainer and the AT's attorney had defamed him while the coach was embroiled in a sexual assault investigation involving the athletic trainer.

The coach met the athletic trainer about a year after he became coach at the university. Subsequently, they engaged in some kind of sexual contact, which led to the coach meeting with the athletic director and president of the university.

At that meeting, the coach was informed that he was the subject of an investigation stemming from a report of misconduct related to his contact with the athletic trainer.

The coach was then placed on administrative leave pending the outcome of the investigation. During the investigation, the university allegedly made statements accusing the coach of "engaging in nonconsensual sexual activity and exhibiting predatory behavior to women." After the investigation concluded, the university terminated the coach's employment.

The athletic trainer sued the university, claiming that it hadn't protected her against the hostile work environment created by the coach.

Meanwhile, in his defamation action, the coach cited two instances of published articles that were written about or discussed the lawsuit brought by the athletic trainer. He asserted that the articles contained defamatory statements about him. One article summarized the lawsuit, he claimed, excerpting portions of the complaint and quoting several statements made by the defendants. The other incident involved a cable TV network that published a similar article with largely the same information.

Those articles and others allegedly caused the coach to "suffer reputational harm," according to

his lawsuit, preventing him from finding another job. His complaint cited several counts against the defendants, including invasion of privacy and defamation.

In response, the defendants moved to dismiss the complaint for lack of personal jurisdiction, improper venue and failure to state a claim upon which relief could be granted.

After discussion and analysis, the court concluded that it couldn't assert general jurisdiction over the defendants, ruling that there is "no evidence of any continuous systemic contact by any defendant with Massachusetts, [the coach's state of residence], such that they would be 'at home' in the commonwealth."

On relatedness, the court determined that the plaintiff "has carried his burden to show a jurisdictional nexus between his claims and Massachusetts." However, the court also ruled that "even crediting [the coach's] assertion that he remained a resident of Massachusetts throughout his time at [the university] and afterwards – including the entire period he was employed full-time in Indiana – that fact alone does not establish defendants' knowledge of [the coach's] residence at the time of the relevant statements. At best, it might be supposed that [the university] could have known that [the coach] resided in Massachusetts."

The court concluded that there was no evidence supporting the proposition that either the athletic trainer or her attorney knew that their statements would affect the coach in Massachusetts.

The court also concluded that the defendants didn't have minimum contacts with Massachusetts such that maintenance of the suit didn't offend traditional notions of fair play and substantial justice.

"Because the claim underlying the litigation only tenuously arises out of, or relates to, defendants' forum-state activities, and because defendants' in-state contacts do not represent a purposeful availment of the privilege of conducting activities in the forum state, the exercise of personal jurisdiction over defendants would be inconsistent with the requirements of due process," the court ruled.

The court therefore ruled in favor of the motion to dismiss the case. ¶

# Legal Terms Athletic Trainers Should Know, Part V



In continuation of this series, Law 101 breaks down some of the legal terms athletic trainers should know to practice at the top of their game.

Part V of the legal terms to know, compiled by *Sports Medicine Legal Digest* editors and legal experts, outlines common terms all athletic trainers should learn and continue to brush up on.

Parts I and II of the series are found in the Spring 2021 and Summer 2021, and Parts III and IV are found in the Summer 2022 and Summer 2024 issues of *Sports Medicine Legal Digest*.

**Automatic stay:** An injunction in a legal proceeding that automatically stops lawsuits, foreclosures, garnishments and most collection activities against the debtor the moment a bankruptcy petition is filed. The injunction may be issued by a court or a judge.

**Bench trial:** A trial without a jury, in which the judge serves as the finder of fact. A decision by a judge at a bench trial is generally appealable, the same as a jury trial.

**Chapter 11:** A reorganization bankruptcy, usually involving a corporation or partnership. A Chapter 11 debtor usually proposes a plan of reorganization to keep its business alive and pay creditors over time. Individuals or people in business can also seek relief in Chapter 11. This is the most common bankruptcy action.

**De novo:** This term is Latin, meaning "anew." A trial *de novo* is a completely new trial. Appellate review *de novo* implies there is no deference to the trial judge's ruling.

**Docket:** A log containing the complete history of each case in the form of brief chronological entries summarizing the court proceedings. Docket can also mean that a case is officially on a court's calendar.

**Felony:** A serious crime, usually punishable by at least one year in prison. Felonies are more serious than misdemeanors, which involve lesser fines and penalties.

**Hearsay:** Evidence presented by a witness who didn't see or hear the incident in question but heard about it from someone else. With some exceptions, hearsay generally isn't admissible as evidence at trial. Often, at a trial, an attorney will object to certain testimony by objecting that it's hearsay.

**Magistrate judge:** A judicial officer of a district court who conducts initial proceedings in criminal cases, decides criminal misdemeanor cases, conducts many pretrial civil and criminal matters on behalf of district judges and decides civil cases with the consent of the parties.

**Oral argument:** An opportunity for lawyers to summarize their position before the court and also to answer the judge's questions.

**Pleadings:** Written statements filed with the court that describe a party's legal or factual assertions about the case. ¶

Q&A, continued from page 04

before the AT Practice Act update of 2021. The Athletic Training Advisory Council recommends these protocols. Our growth no longer requires legislative action, which is a great thing, but it requires more regulatory action on a larger scale than in the past. Basically, if the physicians' board and our board agree to the proposed scope advancement, then we get it done without opening our law. We can grow without politics getting in the way.

## Q. What's the role of the advisory council under ABAT?

**King:** The advisory council is a practice act vehicle established by Alabama's 2021 law to allow for the growth and development of the profession under a joint body alongside the Board of Medical Examiners (BME), which is the regulatory board of physicians in the state and provides direct oversight of our professional growth.

## Q. What happens if there are changes to best practices in athletic training or health care?

**King:** This is where Alabama has a great professional growth advantage. The advisory council evaluates any growth of practice and debates this thoroughly. The council is made up of three physicians and three ATs, appointed by their prospective professional boards. If the council makes a recommendation to add a new practice, then both BME and ABAT can choose to accept or deny the recommendations. If both boards agree, then the new practice is added to the practice act without the need for legislative action.

## Q. How are complaints processed by the board?

**King:** Complaints are only accepted in writing on the ABAT official complaint form. Anonymous or oral complaints are not accepted. The board vice-chair, along with the attorney general's office, will then investigate the complaint.

## Q. What do you enjoy most about being chair of the board?

**King:** I enjoy having the opportunity to serve alongside the great leaders presently on our board and working hand-in-hand with the Alabama Athletic Trainers' Association to grow the profession. It's an honor to be a part of this, and I am hopeful to leave it better than I found it. 

## Looking for Your State Regulatory Board?

The NATA website makes it easy for members to connect to their state regulatory boards thanks to the interactive State Regulatory Board webpage, [www.nata.org/state-regulatory-board](http://www.nata.org/state-regulatory-board). Click on your state – or multiple states – and a list including the state agency's website, contact information, address and rules, regulations and statute information will appear.

## Keep Learning

The course "Staying Courtside and Out of Court - What Athletic Trainers Need To Know About the Legal Process" has been added to NATA EducATe. This course provides an overview of legal principles that affect the athletic training practice, including HIPAA, state privacy laws and laws regarding carrying/dispensing medications. It will also provide an overview of professional liability issues and a discussion on recent legal issues and trends that affect the profession.

## PRAT COLUMN

# Business Structures for Athletic Training: What Makes Sense For You?

BY MATT MILLS, EdD, LAT, ATC, NATA PROFESSIONAL RESPONSIBILITY IN ATHLETIC TRAINING COMMITTEE

*Editor's note: This article is provided for educational purposes only. Business owners should consult with legal and tax experts to consider the implications for their individual situations.*

**W**hile athletic training has traditionally been performed as part of a large organization, athletic trainers are increasingly leveraging their skills and capabilities to provide services across a diverse patient population. This has allowed athletic trainers to develop their own businesses, which can allow them to have increased control over their time, resources and projects. This has provided ATs with upside potential both personally and financially. However, ATs may not have the business background and understanding to appreciate the various options for business structures and the pros and cons of each organizational structure.

The differences between each structure have substantial implications for the tax burden and potential liability for the provider and, thus, should be closely scrutinized for maximum benefits. The most common business structures for outpatient-based health care providers include sole proprietorship, limited partnerships, limited liability corporations (LLCs) and corporations (S-corps and C-corps).

### Sole Proprietorship

A sole proprietorship is a business structure in which the owner doesn't create a separate business entity for the sake of both taxes and liability. As such, a sole proprietor doesn't separate their personal finances from their business finances; thus, it is one of the simplest structures. Furthermore, this structure provides the most control as one individual has complete control over all aspects of the business, making the business more responsive and nimble than more complex structures.

However, that simplicity comes with a trade-off – the owner can be held personally responsible for any debts or obligations for which the

business is responsible. Additionally, banks and other financial institutions may be reluctant to give loans to sole proprietorships as they are commonly evaluated similarly to personal loans.<sup>1</sup>

Sole proprietorships may be a good choice for those who want control over their businesses, simple accounting and don't have a lot of legal exposure as a result of their work.

### Limited Partnerships

Limited partnerships are another common type of business structure and are considered the simplest structure for multiple individuals to work together. Limited partnerships allow for one member to have unlimited liability (sometimes called the "general partner"), and other partners holding limited liability for any debts or obligations of the business. The member with the increased liability exposure also has more control over operations, with the other members holding less control. This allows for the sharing and pooling of resources within the business.

However, each individual member gives up some control compared to those with a sole proprietorship, and friction between partners can cause damage to the business. Finally, the general partner must pay self-employment taxes in addition to their income taxes; however, the business itself isn't taxed, as profits are passed through to the partners' personal tax returns.<sup>1</sup>

### Limited Liability Corporation (LLC)

An LLC allows the business owner to take advantage of a corporate structure while maintaining a relatively simple organizational structure compared to a corporation. LLCs can have a single member or a group of individuals and provide the members of that organization with personal liability, as their personal assets are generally at less risk in the event of bankruptcy or lawsuits, which is unique compared to partnerships and sole proprietorships.<sup>2</sup> Also, LLCs allow profits to get passed through to the individual's personal income without corporate taxes; however,

## Learn More

For athletic trainers interested in pursuing a private practice, there are numerous resources available online including:

- [www.sba.gov/business-guide/launch-your-business/choose-business-structure](http://www.sba.gov/business-guide/launch-your-business/choose-business-structure)
- [www.irs.gov/businesses/small-businesses-self-employed/business-structures](http://www.irs.gov/businesses/small-businesses-self-employed/business-structures)
- [www.legalzoom.com/articles/which-business-structure-is-right-for-my-business](http://www.legalzoom.com/articles/which-business-structure-is-right-for-my-business)

NATA also offers resources to members to help them along their business ownership journey. The Private Practice and Emerging Settings webpage, [www.nata.org/private-practice-and-emerging-settings](http://www.nata.org/private-practice-and-emerging-settings), features several resources including the Private Practice & Entrepreneurship Value Model and The Cost of Starting a Business document, among others. Members can also access the "Business of Athletic Training" webinar series, which incorporates business concepts into the practice of athletic training. Learn more at [www.nata.org/practice-patient-care/revenue-reimbursement/business-athletic-training](http://www.nata.org/practice-patient-care/revenue-reimbursement/business-athletic-training).

members will have to pay self-employment tax on any income.<sup>2</sup>

For the LLC to maintain legal protections, personal and business assets must be kept separate, including opening business bank accounts and credit cards. An LLC requires diligent bookkeeping because the commingling of personal and business assets can void the protections of the LLC.<sup>3</sup>

While simpler in structure than corporations, LLCs have additional start-up paperwork and requirements that are more cumbersome than sole proprietorships and partnerships, as LLCs must be registered in most states. This registration also comes with fees and, thus, is more costly than sole proprietorships. LLCs are typically regulated at the state level. Each state has its own legal, structural and reporting requirements. LLCs may be a good choice for ATs concerned with personal liability associated with their business and those with significant personal assets they wish to protect.

## Corporations

A corporation is the most complex of the typical organizational structures for a business and provides the most legal protection for the owner, as it creates an entirely different legal entity from the owner. The owner is an employee of the corporation and, thus, typically not held personally responsible for debts or lawsuits associated with the business.

Corporations are typically the most difficult to manage as there are intensive bookkeeping, operations and reporting processes compared to other structures. They also frequently have more costly start-up fees compared to others. Many types of corporations (C-corps) also are subject to "double taxation," as income is taxed at the corporate tax rate when it comes into the corporation and then again when it is distributed to the employees, including the owner.

A unique type of corporate structure attempts to mitigate double taxation, referred to as an S corporation (S-corp). S-corps allow for some profits and losses to be passed directly to the owner's personal tax return, which mitigates the tax burden. However, S-corps aren't available in every state, and there are substantial restrictions on who can form an S-corp. S-corps must also have the same detailed accounting and operational practices as C-corps and maintain the same legal protections.<sup>1</sup>

## Summary

Athletic trainers are increasingly seeking business opportunities and working to expand their personal and financial potential, including starting their own businesses. ATs should be cognizant of the various business structures, weigh the pros and cons of each and carefully select the optimal organization for them. ATs should strongly consider seeking tax and legal counsel when starting a business to ensure the best alignment between their goals, risks, strategies and the appropriate legal and tax structure. 

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## READ ABOUT NATA'S LATEST ADVOCACY UPDATES

Every day, NATA and the NATA Government Affairs Department are working on behalf of the athletic training profession. With staff members experienced in all aspects of the legislative process, the NATA Government Affairs Department is the sole department focused on advocacy for the profession.

The October *NATA News* covers all the ways NATA advocates for the athletic training profession, from the state level to Washington, D.C., and everywhere in between. Read about major wins at the state level in 2024, including an update on victories from 2023. Gain insight into five pieces of federal legislation NATA is endorsing. Learn how NATA is advancing third party reimbursement for athletic training services and how to get involved in your state. This issue also includes a deep dive into NATA's involvement with Concussion Awareness Now and the Smart Heart Sports Coalition. Members can read every issue of *NATA News* online at [www.nata.org/news-publications/publications/nata-news](http://www.nata.org/news-publications/publications/nata-news).

Members can also stay up to date on NATA's latest advocacy efforts and achievements by subscribing to The NATA Beat, a new quarterly e-newsletter dedicated to everything NATA Government Affairs: state legislative, federal legislative, regulatory, reimbursement and NATAPAC. Each edition focuses on NATA's bipartisan work to advocate for ATs to practice to the fullest extent of their education and skill set. Accompanying The NATA Beat, NATA Now will provide further highlights each quarter in a quick, easy-to-digest format.

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 SCAN ME

# Interscholastic League Violated ADA By Not Allowing Student To Continue Playing Sports

*Editor's note: To ensure readers have access to unbiased, valuable content, the real-life case summaries published in Sports Medicine Legal Digest have been deidentified. Case summaries are shared for educational purposes to provide insight into legal proceedings and lawsuits relevant to athletic trainers as health care providers.*

**A**federal district court judge has ruled that a state-run interscholastic league violated the Americans with Disabilities Act (ADA) when it told a high school senior he couldn't continue playing sports.

While this ruling doesn't involve athletic trainers directly, it's important that ATs are aware of this important decision as the ADA is a significant anti-discrimination statute and that compliance with the act is essential.

In his ruling, the federal district court judge concluded his order with a direct message to the interscholastic league: "Let the kid play."

"The league's point amounts to saying that accommodating people with disabilities is hard and they should not have to do it," the judge said.

In the lawsuit against the interscholastic league, the high schooler and his parents were contesting a rule that prevents student athletes from playing sports after more than eight semesters of high school. Student athletes are only allowed to play beyond that time if they obtain a waiver from the organization.

In this case, the student – identified in the lawsuit as John Doe – was attending an unnamed parochial school in Rhode Island as a freshman in 2020 when the country was in the midst of the COVID-19 pandemic. Concerned about his academic and social well-being, his parents sent him to an out-of-state boarding school to repeat his freshman year.

According to court documents, the student struggled at the new school and, that summer, was diagnosed with anxiety, depression, ADHD and other learning disabilities. This meant that he could be considered disabled under the ADA. After securing a recommendation from a physician, the student subsequently returned to the parochial school in Rhode

Island and played on both the basketball and football teams.

"By all accounts, his time playing competitive football and basketball made a real positive impact on his mental health and overall well-being," the judge said in his opinion.

The interscholastic league rejected the student's claims of "undue hardship" and denied the student's request for a waiver to play sports in his senior year. His parents then filed the lawsuit asserting that the league had violated the ADA because it failed to make reasonable accommodations based on his disabilities.

"Instead of having John be fully part of a team, the league wants John to sit on the sidelines, despite the demonstrably profound benefits that extracurriculars, like team sports, have on students' mental health," the judge wrote. "Their justification? Well, that's the rule, and rules are rules."

In a footnote, the judge wrote he found it "curious why competitive high school sports have become such an elevated extracurricular activity."

"Had John wanted to participate in art club, marching band, mock trial, debate club or service club during his ninth and 10th semesters, it is highly doubtful that there would be a challenge to his participation," the judge wrote.

The judge said issuing a waiver for someone under the student's circumstances was similar to a U.S. Supreme Court case that determined allowing a PGA golfer with a disability to use a cart instead of walking the course. In the 2001 decision, the court found it didn't "fundamentally alter competition" because the walking rule was not an "essential aspect" of the game.

The interscholastic league argued it didn't violate the ADA because the student didn't repeat his freshman year due to his disabilities. They pointed out he was diagnosed the summer after his second freshman year. It was only the student's return to Rhode Island that prevented him from playing his senior year, the judge countered.



"Said differently, the school board would have allowed him to play competitively through his senior year," the judge noted, adding there indeed was a causal connection to his disability and the rule. "Had John not been suffering from anxiety, depression and ADHD, among other impairments, he would have completed his time at the boarding school and played sports through his senior year."

The bottom line: The judge rejected the interscholastic league's argument that some aspects of the ADA didn't apply to them because it's not a government body but rather a nonprofit that "administers, regulates and supervises competitive high school sports" across the state.

"Member schools – a majority of which are public – delegate their authority to [the interscholastic league] and allow it to use their facilities to host events and competitions," the judge wrote. "[The interscholastic league] is an 'instrumentality of the state,' and thus is a 'public entity.'"

Finally, it's important to note that the interscholastic league also argued that if the judge ruled against it, it would get a "floodgate of requests" for eight-semester rule waivers.

"[The interscholastic league's] assertion, however, is neither backed by adequate evidence, nor compelling even if true," the judge said.

The judge also wrote in his opinion that allowing the student to play didn't give the school an unfair advantage because the student wasn't a star player and "to put it bluntly, John's school does not seem to have an athletics program that is contending to win a state championship." \$