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# **Proceedings of the Academy of Healthcare Management, Finance and Law**

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## ROBERTSON V. THE NEUROMEDICAL CENTER: WOULD YOU *REALLY* WANT YOUR NEUROLOGIST TO HAVE ATTENTION DEFICIT DISORDER?

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### ABSTRACT

This paper explores the issues involved in the case of *Robertson v. The Neuromedical Center*, 161 F. 3d 292 (5<sup>th</sup> Cir. 1998). The *Robertson* case involved a neurologist working in a private practice in Baton Rouge, Louisiana, who – ironically – had an increasingly common neurological condition.

The case was brought under the Americans with Disabilities Act (ADA). Dr. James Robertson alleged that he was unlawfully terminated after being diagnosed with Attention Deficit Disorder (ADD). The condition severely affected Dr. Robertson's job performance, specifically his ability to read and interpret patient test results. The legal question was whether this was an "essential function" of the doctor's job that he must perform in order to be a "qualified individual" under the ADA. Also, would he pose a "direct threat" to the health and safety of his patients – given the fact that the doctor's short-term memory problems had caused him to make demonstrable errors in both charting and prescriptions? In the end, both the district and the appellate court ruled in favor of the institution. They found that the unique circumstances of the *Robertson* case, given the nature of both his medical condition and his job duties, Dr. Robertson was unqualified for the position.

In this paper, the authors briefly review:

The Nature and Symptoms of Attention Deficit Disorder  
The Facts and Circumstances of the *Robertson* Case  
The Implications for Health Care Management

It is believed that the *Robertson* case, especially in light of the Supreme Court's subsequent 1999 rulings on the ADA, provides significant guidance to health care executives regarding the employment of individuals with Attention Deficit Disorder and other similar neurological/psychological disorders in patient care roles. These insights are outlined in the conclusion to this work.

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