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## Public Health & Policy

# Most Physicians Groups Pleased 'Gun Gag Law' Is Overturned

— But fight may progress to Supreme Court

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Several prominent physician groups applauded last week's Florida appellate court ruling that the state can't prohibit physicians from asking patients about firearms in the home.

This [most recent ruling](#) from the 11th Circuit Court of Appeals in Florida in the so-called physician "gag rule" case upheld a [lower court decision](#) from 2012 that permanently enjoined the law from going into effect.

The Florida Privacy of Firearms Act was [initially passed](#) in 2011, barring doctors from initiating discussions with patients about firearm ownership, with penalties including fines and loss of licensure for violations. A district court issued a ruling that permanently enjoined the law from going into effect in 2012, but a three-judge appellate panel [overturned](#) that ruling in 2014.

[Shawn Martin](#), senior vice president, American Academy of Family Physicians (AAFP), told *MedPage Today* that the AAFP was "very pleased" with the decision that "conversations between patients and physicians can continue, free of over-intrusive regulations and legislation" and can continue to be "one of trust, that is free from artificial barriers."

But not all groups were in agreement. [Robert B. Young, MD](#), executive editor at Doctors for Responsible Gun Ownership, said that the rights of gun-owning patients were ignored by the court's decision.

"The majority opinion did not go very deeply or rigorously into questions of the balance between not just the right to free speech on the part of physicians, but also the right of patients not to be inappropriately influenced by people who largely don't know what

they're talking about," he told *MedPage Today*. "The bulk of physicians are influenced by the political agenda of most of our professional groups, who want to see guns abandoned."

Doctors for Responsible Gun Ownership has a [history of advocating](#) for the Florida Privacy of Firearm Owners Act, and plans to issue its own statement on the decision.

Young added that the decision supported what he felt was the most important part of the law -- "that physicians have no right to terminate care of a patient because they don't like their gun-owning position," he said, commenting that the impetus of the law was that a mother and child were dismissed from their pediatrician, because the doctor and the mother disagreed on their positions about guns in the home.

Martin said that did not view this as an "anti-Second Amendment decision," adding "these were restrictions on the ability of patients and physicians to have conversations about all aspects of healthcare."

### **Other Physicians Groups Issue Statements**

The American Academy of Pediatrics, the American Medical Association, and the American College of Physicians issued statements lauding the court's decision. All three organizations, along with the AAFP, had previously filed an [amicus brief](#) on the case.

"We are delighted that the Constitution has been defended, particularly when it comes to the First Amendment," said AAP president [Fernando Stein, MD](#), in a statement.

"Pediatricians routinely counsel families about firearm safety just as they offer guidance on seat belt use, helmets, and parental tobacco use to reduce the risk of injury to children where they live and play."

The American College of Physicians cited preserving the rights of doctors to ask patients about firearms as one of the group's [nine recommendations](#) on firearm violence issued in 2014. The organization added that asking about gun ownership should be part of "[normal physician screening](#)," which also includes questions about drug and alcohol use, smoking, exercise, and eating habits.

The Florida chapters of the AAP, the AAFP, and the ACP, along with several individual physicians, [challenged the law](#) in court soon after it was passed.

"While the [Florida] Chapter does not wish to impinge on the rights of gun owners, it has

fought this legislation in the Legislature and in the courts because it is essential that physicians and patients have the right to an open dialogue, free from government restrictions," said [Jason M. Goldman, MD](#), governor of the Florida Chapter of ACP, in a statement.

The AMA's [statement of support](#) argued that studies have shown that patients who received physician counseling on firearm safety were more likely to adopt one or more safe gun-storage practices.

"The court found no evidence that any doctor has infringed on patients' Second Amendment rights," said AMA president [Andrew W. Gurman, MD](#), in a statement.

"Counseling patients we care for makes a difference in preventing gun-related injuries and deaths."

But the fight is likely not over on either side. Young said that his organization will continue to work on educating people, "so that patients will feel in a stronger position to refuse physicians' inappropriate requests for information," he said.

Martin of the AAFP said he thinks this decision will be appealed again and will ultimately land in Washington.

"Personally, I would be shocked if it doesn't get challenged to the Supreme Court," he said.

"We fully anticipate it will be."

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