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American Medical News

PROFESSION

AMA backs challenge of "don't ask" gun law

The measure restricts physicians' First Amendment rights and contradicts clinical guidelines on firearms counseling, delegates say.

By KEVIN B. O'REILLY, amednews staff. *Posted July 4, 2011.*

Chicago -- The House of Delegates directed the American Medical Association at its Annual Meeting to support litigation contesting a Florida law that restricts physician communication with patients and parents about firearms.

Gov. Rick Scott on June 1 signed the first-of-its-kind law into effect over vocal opposition from physician organizations. Under the law, physicians who ask patients harassing questions about gun ownership, enter unnecessary information about such ownership in medical records or discriminate against gun-owning patients could be referred to the state medical board for possible sanctions.

The law contradicts professional guidelines on counseling parents about the dangers to children who live in homes with unsecured guns, impedes doctor-patient communications and violates physicians' First Amendment rights, delegates said.

An earlier version of the legislation, supported by the National Rifle Assn., threatened fines of up to \$5 million or five years in prison for asking about gun ownership. The Florida Medical Assn. negotiated with state legislators to soften the measure.

"The implication of this bill is that the government sits by my side when I'm talking with patients and is capable of interfering with the patient-physician relationship," said Robert W. Block, MD, a pediatrician in Tulsa, Okla., and an alternate delegate who spoke on behalf of the American Academy of Pediatrics. "It's important to know of potential dangers to children. This is not a gun issue. This is the same issue as somebody who was a pool manufacturer saying we couldn't ask about swimming pools in my office."

Leon Reinstein, MD, agreed, arguing the Florida law could set a dangerous precedent.

"Next, some group will say we shouldn't ask parents about vaccinating their children. Some will say we shouldn't ask about sexual orientation," said Dr. Reinstein, a delegate for the American Academy of Physical Medicine and Rehabilitation who spoke on his own behalf. "This law is unconstitutional. We need to take the high road and take the right stand."

A group of Florida doctors, including Florida chapters of the American Academy of Pediatrics, American Academy of Family Physicians and American College of Physicians, has filed a lawsuit challenging the law.

The AMA has policy saying that firearms should be stored with trigger locks, unloaded, in locked cabinets. The Association also supports legislation to hold gun owners legally responsible if a child causes harm with a gun because they failed to take reasonable precautions to prevent unauthorized access.

ADDITIONAL INFORMATION:

Meeting notes: Medical ethics

Issue: Patients who provide samples of blood, cells, tissue and DNA may not fully understand that their biological materials may be pooled and stored for future research. Would the development of a universal consent form for research that involves stored biological materials be the best approach to ensure consent?

Proposed action: The Council on Ethical and Judicial Affairs said a universal consent form is not needed, as AMA policy already appropriately addresses informed consent as it relates to biobanking. The council proposed reaffirming several existing policies in reference to this issue. *[Adopted]*

Issue: Two resolutions asked the AMA to support specific positions on stem cell research and research involving human cloning.

Proposed action: CEJA said existing AMA policy must be updated to reflect the state of research. This means doctors

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Tulsa, Okla., pediatrician Robert W. Block, MD, an alternate delegate for the American Academy of Pediatrics.

[Photo by Peter Wynn Thompson]

who do stem cell research should adhere to institutional review board requirements. Doctors also should ensure that research is carried out with appropriate oversight and informed consent. *[Adopted]*

Issue: Studies say terminally ill hospice patients have an extended lifespan and improved quality of life compared with other terminally ill patients. But political discussions and media portrayals depict end-of-life issues in a bad light.

Proposed action: The AMA should meet with stakeholders to lead and direct the national discussion on end-of-life issues. *[Adopted]*

Issue: A museum exhibit in Michigan showcasing human bodies has raised questions about the cadavers' origins and whether consent was received from their families.

Proposed action: The AMA should request that federal or international authorities investigate if the bodies in the Premier Exhibition Inc.'s Bodies Revealed exhibits were obtained through approved international human rights measures. *[Adopted]*

WEBLINK

Dr. Bernd Wollschlaeger et. al. v. Rick Scott et. al., U.S. District Court for the Southern District of Florida
(www.fcaap.info/Fla_Gun_Law_Complaint.pdf)

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