

# Muzzling physicians is bad medicine

By Richard S. Pieters, M.D.

In 1991, President George Bush proclaimed March 30 as National Doctors Day, to salute physician leadership in the "prevention and treatment of illness and injury." Physicians honor the designation; few professions have an annual national day of recognition acknowledging their work.

This year, however, on the 25th anniversary of National Doctors Day, physicians across the commonwealth are taking the day to raise awareness about gun safety, and specifically, the right of physicians to discuss the subject with their patients.

At issue is a 2011 Florida law making it illegal for physicians to ask patients if they own a firearm or to record information about gun ownership in a patient's medical record. Regarding it as an intrusion into the physician-patient relationship, pediatricians in the state, backed by medical societies, sued to block the law, and it was initially struck down. The state appealed, however, and a three-judge panel of the U.S. Court of Appeals for the 11th Circuit upheld the law in a 2-1 decision, which declared that the law regulates physician conduct "to protect patient privacy and curtail abuses of the physician-patient relationship." A provision of the law does allow inquiries and records

if the physician "in good faith believes that this information is relevant to the patient's medical care or safety, or the safety of others."

Florida physicians, stunned at the ruling and believing the issue of "relevance" too weak to assure compliance with the law, have petitioned for a rehearing before the full court. The stakes are high: if the court's decision is again upheld, similar laws now pending in nearly a dozen other states are likely to be passed.

This is not just a bad law; it's bad medicine.

The exercise of an unrestricted patient interview is the physician's best approach to good patient care. To declare that asking patients about gun ownership and talking about gun safety is an abuse of the physician-patient relationship is illogical and strains the definition of common sense.

Physicians ask patients about many topics affecting their health, and we hope their responses are forthcoming and truthful. Smoking, substance abuse, alcohol use, driving ability, eating and exercise habits, and sexual activity are among those behaviors that affect health. Our obligation as health care providers compels us to ask about these subjects. All of them pose risks to health, and not only to the individual patient, but also to their loved

ones and those around them.

Guns likewise pose risks: Multiple studies show conclusively that guns in the home significantly raise the risks of homicide, suicide and unintentional shootings.

That pediatricians are leading the fight for the right to discuss gun safety is appropriate. Research shows that firearm violence is among the leading causes of death for teenagers and young adults.

The health risks of guns to youth cannot be overstated. Statistics from the U.S. Centers for Disease Control and Prevention, as reported by the Brady Campaign, show that more than 2,600 children and teens up to 19 years of age die from gun violence in an average year. Additional research indicates that, on average, 20 children and adolescents are hospitalized each day due to firearm injuries.

Tragic shootings like those at Columbine, Colorado and Newtown, Connecticut, grab our attention and inevitably raise calls for more action. Yet since the shootings at Sandy Hook School in Newtown in 2012, 104 additional school shootings in America — 59 of them in Grades K through 12 — have occurred.

Youths are not the only victims, of course. We must recognize that America is filled with guns. Ownership estimates range anywhere between

100 million and 300 million nationwide, and in Massachusetts alone, the U.S. Bureau of Alcohol, Tobacco, Firearms and Explosives has accounted for 32,682 registered weapons.

The final outcome in Florida will have national implications for how physicians care for the patients. It may also create a terrible precedent: If discussions about gun safety are prohibited, what topics might next be banned?

Doctors Day acknowledges our leadership in health care. The centerpiece of that care is the physician-patient relationship; it is where problems are discovered, diagnoses are made, care is delivered and prevention begins. Health care works best when physicians and patients engage in confidential, private, open and free discussions. Restricting this exchange to any degree only prevents physicians from practicing good medicine and denies patients — particularly our children — from getting the care they deserve.

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Rob here with Patriot Privacy and the Self-Reliance Institute.

As many of us feared and predicted about ObamaCare, it is true that your health records will be shared near and far when it comes to the federal government.

And of course the feds don't want you to notice the latest news, so they've released it during the holiday season when folks have less time to pay attention to the news as they're shopping for gifts and finishing end of year projects at work.

But you need to know this, so here it is.

The report you need to read, "[Feds Plan for 35 Agencies to Help Collect, Share, Use Electronic Health Info](#)," is from The Weekly Standard.

While I encourage you to read the report, here are the most important details.

*"This week, the Department of Health and Human Services (HHS) announced the release of the Federal Health IT Strategic Plan 2015-2020, which details the efforts of some 35 departments and agencies of the federal government and their roles in the plan to 'advance the collection, sharing, and use of electronic health information to improve health care, individual and community health, and research.'"* [emphasis added]

What departments and agencies?

Check out this list:

- Administration for Children & Families
- Administration for Community Living
- Agency for Healthcare Research and Quality
- Centers for Disease Control and Prevention
- Centers for Medicare & Medicaid Services

- Department of Agriculture
- Department of Defense
- Department of Education
- Department of Justice and Bureau of Prisons
- Department of Labor
- Department of Veteran Affairs
- Federal Communications Commission
- Federal Health Architecture
- Federal Trade Commission
- Food and Drug Administration
- Health Resources and Services Administration
- HHS Assistant Secretary for Financial Resources
- HHS (Health and Human Services) Assistant Secretary for Health
- HHS Assistant Secretary for Legislation
- HHS Assistant Secretary for Planning and Evaluation
- HHS Assistant Secretary for Preparedness and Response
- HHS Office of the National Coordinator for Health Information Technology
- HHS Office for Civil Rights
- HHS Office of the Chief Information Officer
- HHS Office of the Chief Technology Officer
- HHS Office of the General Counsel
- HHS Office of Minority Health
- HHS Office of the Secretary
- Indian Health Services
- National Aeronautics and Space Administration
- National Institutes of Health
- National Institute of Standards and Technology
- National Science Foundation
- Networking and Information Technology Research and Development
- Office of Personnel Management
- Social Security Administration
- Substance Abuse and Mental Health Services Administration

By the way, The Weekly Standard counts 35 departments and agencies. I count 37 on the list. But any way you look at it, that's an awful lot of federal agencies and federal employees who will have access to your health records.

I suspect this confirms what many of you knew would be one of the realities of ObamaCare, but there it is in black and white.

And, I suspect this is just the beginning.

As an information security expert, I can tell you that there is no way – **NO WAY** – that the feds will be able to keep your health records secure with that many federal agencies having some type of access.

The only questions are:

**Should ObamaCare be repealed?**

**Can ObamaCare be repealed?**

Let me know your thoughts by emailing me at [Rob@SelfRely.com](mailto:Rob@SelfRely.com)

And be sure to share this alert with your friends and family.

Be safe, secure and free!

*Rob Douglas – Former Washington DC Private Detective*