Medical Students, Residents, and Fellowship Trainees:

Two weeks ago, a three judge panel of the US Court of Appeals for the 11th Circuit issued a ruling which held that there is no First Amendment protection for physicians providing their best medical advice to their patients and that a state legislature can prohibit a doctor from discussing with a patient (or patient’s parent, in the case of minors) any medical issue that the legislature finds politically distasteful. Specifically, the court found that Florida Firearm Owners' Privacy Act of 2011 is a legitimate regulation of professional conduct” and “that good medical care does not require inquiry or record-keeping regarding firearms when unnecessary to a patient’s care.”

As child health providers, we see the toll of firearm injury and gun violence and understand it is a public health issue that profoundly impacts children. As advocates we remain undeterred in our message to keep children safe, and should continue to uphold the standard of medical practice and ask about the presence of guns in the environments of children and counsel their patients and patients’ parents about the importance of storing guns safely.

This PAVE update focuses on the recent ruling and what members may do to take action to maintain a physician’s right to counsel patients on important health issues, such as firearm injury prevention.

**US Court of Appeals Upholds Florida Gun Law**

By: Katie Crumley, MPP
State Government Affairs Analyst
Division of State Government Affairs American Academy of Pediatrics

On July 25, 2014, in a 2-1 decision, a 3 judge panel of the US Court of Appeals for the 11th Circuit issued a ruling in the appeal of Wollschaeger v. Florida, the lawsuit challenging Florida’s restriction on physician counseling about firearm safety. The panel’s majority held that there is no First Amendment protection for physicians providing their best medical advice to their patients and that a state legislature can prohibit a doctor from discussing with a patient (or patient’s parent, in the case of minors) any medical issue that the legislature finds politically distasteful.

The AAP **strongly disagrees with the decision** and is working with legal counsel at Ropes & Gray, who is representing the Florida chapters of the American Academy of Pediatrics, the American Academy of Family Physicians, the American College of Physicians, and the individual doctor plaintiffs, to seek further review of the decision before the full 11th Circuit.
The injunction blocking enforcement of the law—put in place by US District Court Judge Marcia Cooke when she struck down the law in 2012—remains in effect until the 11th Circuit decides whether to rehear the case. If the court agrees to the rehearing, the injunction will remain in effect until a decision is issued.

Because of its proven value in preventing injury and death, the AAP is advising its members in Florida and throughout the United States to continue to uphold the standard of medical practice and ask about the presence of guns in the environments of children and counsel their patients and patients’ parents about the importance of storing guns safely.

SoMSRFT members are encouraged to send the message that government interference in the patient-family-physician relationship is bad medicine by sharing this [AAP state advocacy infographic](#) on your Web sites, Facebook pages, and Twitter feeds. The image can also be printed as [handouts](#) and [posters](#) and posted in your hospitals and clinics to help spread the message. SoMSRFT members can also write letters to the editor and op/eds that stress the importance of physician counseling on firearm safety and safe storage practices to protect children. Christian Pulcini, MD, a pediatric resident at Children’s Hospital in Pittsburgh wrote a letter to editor that was published in the [Pittsburgh Post-Gazette](#) last week.

Bills like the Florida law have been introduced in at least 10 states since 2011 and more are expected to be introduced during the 2015 sessions of state legislatures. SoMSRFT members are encouraged to connect with their AAP chapters and offer to lend their support of AAP chapter advocacy efforts to oppose bills that restrict physician counseling on firearm safety and threaten the patient-family-physician relationship.

Though an influx of state bills that restrict physician counseling on firearm safety may occur in 2015, recent polling data has shown that this type of legislation is not politically popular among likely voters. The results of [public opinion poll](#) released in June by Everytown for Gun Safety showed that the majority of likely November 2014 voters, including likely voters that own guns, favor allowing physicians to ask about guns in the home.

Media response following the ruling has been largely supportive of the right of physicians to ask about guns in the home. Opinion pieces published in many national and [Florida news outlets](#) criticized the ruling as a violation of a physician’s First Amendment right to free speech.

For more information about the Florida lawsuit or legislation threatening physician counseling in other states, please contact Katie Crumley in the [AAP Division of State Government Affairs](#) at [kcrumley@aap.org](mailto:kcrumley@aap.org).

**ADVOCATE FOR FIREARM VIOLENCE PREVENTION IN MINUTES**
For the August edition of ADVOCATE FOR FIREARM VIOLENCE PREVENTION IN MINUTES, we ask you to raise awareness about the importance for physicians to maintain the right to counsel patient’s about firearm safety by:

1. Posting the AAP state advocacy infographic on your Facebook, Twitter, Instagram, or other social media account to raise awareness about the importance for physicians to maintain the right to counsel about firearm injury prevention. Remember to use/follow #PAVE
2. Printing the state advocacy infographic as handouts and posters and distributing/hanging these in your hospitals and clinics to help spread the message.

Please write to us (Christian.pulcini@gmail.com) so we can highlight your efforts in the next advocacy email, or if you have any questions and/or suggestions! Thank you for all you do for kids!

PAVE PROJECT SPOTLIGHT

The success of any advocacy campaign comes from grassroots support and efforts. The work happening in clinics, communities, residency programs, and medical schools across the country is impressive and appreciated. We want to know what is going on at your school and program! In an effort to share ideas, we will be placing the “spotlight” on a different project each month.

The August spotlight shows an example of advocacy at the individual level and comes to us from District V assistant district coordinator and med-peds resident at Wayne State University, Heather Abraham, MD. Dr. Abraham reflects on the important role physicians’ play in counseling patients.

This January in Detroit we were in the midst of the Polar Vortex bludgeoning us with records amounts of snow. Kids had seven or more days off school due to weather, but unfortunately due to record low temperatures, they still could not even get out and enjoy the powder! This winter put a strain on our parents, patients and communities. We also continued to hear terrible stories regarding gun violence. One that stood out to me was a tragic accident wherein a 4 year old girl accidentally shot and killed her 4 year old cousin. The children were playing in their grandfather’s home when they found a loaded shotgun underneath his bed. As an Internal Medicine and Pediatrics Resident in the city, I was deeply saddened, but not completely surprised. This is a story that is still far too common.

Without editorializing about behaviors that cause school shootings, suicides, etc. it is especially sad to hear this kind of story, knowing that it is so easily preventable. That is the issue that this year’s AAP SOMSRFT Advocacy Initiative has been working to address. The Pediatricians Against Violence Everywhere (P.A.V.E) campaign has gained national recognition
for its efforts to raise awareness about violence in the pediatric age group. I have personally also used this chance to expand the scope to the adult patients that I see in my clinical practice.

Ever since attending the NCE in October, I have asked every patient in my continuity clinic if there is a gun in the home where they live, stay or visit. I ask my adult patients if they have access to a gun.

Working in the city of Detroit where violent crime is not rare, and other threatening crime is prevalent, I probably should not have been surprised to learn that many of my patients have a gun in their home. I was, however, shocked to learn that there are so many parents who do not know if there are guns or other weapons in their homes or where their children play. We would not accept an "I don't know" answer from a question about smoke exposure or seatbelt use, and we should also not let this moment pass without an intervention.

I have begun to use that time to counsel about safety from accidental injuries with firearms. I cannot say with certainty that I have affected a significant change to date, given the complexities of the social structure of my home city and so many like it, but that is not my immediate goal. Our power as Physicians lies in our ability to educate our patients and communities, and to be a voice for change in order to improve the overall health of our Nation. I proudly take up this task and I hope that our P.A.V.E. campaign has inspired many to do the same.

**SOCIAL MEDIA ADVOCACY FOR FIREARM INJURY PREVENTION**

Use social media for advocacy by engaging with the AAP SOMSRFT on Twitter and Facebook. We continue to remember and honor those affected by gun violence, and raise awareness about the public health issue of firearm injury in social media.

We need your help: follow us, like us, tweet or post what is happening at your programs, and retweet or repost our social media advocacy efforts. Follow and use #PAVE #KeepKidsSafe #PutKids1st in messages about firearm injury. To raise awareness that approximately seven young people die each day from gun violence, according to the Centers for Disease Control and Prevention, change your profile pic to the PAVE logo on the 7th of each month.

**POETRY FOR PREVENTION**

We will continue to feature a poetry piece in each of our monthly PAVE advocacy updates, share pieces on SOMSRFT’s social media accounts, and among other platforms showcase submissions our website.
We are accepting submissions for poems written by you, pediatricians in training. The poem must have a firearm injury or gun violence prevention focus, but is otherwise open to your own creativity. Feel free to submit a poem in any format and creativity is encouraged: free verse, haiku, limerick (appropriate for pediatric advocate audiences of course), sonnet, etc. Please send your entries to PAVE Tri-Chair, Lisa Costello at costello.lisa@gmail.com

August Poetry for Prevention:
Physicians ask many questions each day
A Florida law threatens what we’re permitted to say
Knowing our mission is to protect
When it comes to keeping kids safe we won’t deflect
We must continue to provide sound guidance
Pediatricians will not be silenced

WHAT WE’RE READING, TWEETING, & WATCHING
• A Letter to the Editor published in the Pittsburgh Post-Gazette by Medical Student Subcommittee Chair and Children’s Hospital of Pittsburgh Intern, Dr. Christian Pulcini: “A Florida Law muzzles doctors on gun safety.”
• Perspective in New York Times by pediatrician Dr. Aaron Carroll “Do You Own a Gun? In Florida, Doctors Can’t Ask You That”
• Pediatrician Dr. Claire McCarthy in Boston.Com piece "Why the Florida Gun Gag Law Scares Me"
• New York Times op-ed by Institute for Justice lawyers Paul Sherman and Robert McNamara “Censorship in Your Doctor’s Office”
• Amer Acad Pediatrics (@AmerAcadPeds) 7/30/14, 11:25 AM In the wake of the FL ruling, please help share the message that firearm safety counseling helps keep kids safe #PAVE pic.twitter.com/uLG0eh4rnj
• AAP SOMSRFT (@AAPSOMSRFT) 7/28/14, 7:58 PM +1 @SeattleMamaDoc! FL politicians will not change pediatrician resolve to advocate for & protect children - seattlemamadoc.seattlechildrens.org/this-will-not-... #PAVE
• In this video, pediatricians describe how the prevention of gun violence is a child health issue, and advocate to keep children safe where they live, learn and play.

Pediatricians remain undeterred in our efforts to keep children safe, we encourage you to join and/or continue our efforts to PAVE the way to firearm injury prevention.

#Forkids

Pediatricians Against Violence Everywhere Advocacy Team

Thanks:
Thank you Katie Crumley, MPP, State Government Affairs Analyst for your assistance in keeping us updated on the Florida ruling and by providing ways to engage in advocacy.

Thank you Dr. Heather Abraham for reminding us the important role physicians play in counseling patients.

Thank you to all pediatricians who wrote op-eds, letters to the editor, blog posts, and more to promote the importance of physician counseling.