

Executive Orders on Guns Will Have Significant Impact on Doctor Patient Confidentiality

January 5, 2016 – How well do you know your doctor? If you are a gun owner, or simply want to maintain your right to own a gun, it is a question you need to ask yourself. That's because with the executive orders concerning gun control issued by President Obama today, the President did an end-run around HIPAA privacy regulations. He is telling doctors to report those with mental illness to the FBI for inclusion in the NICS (National Instant Criminal Background Check System); thus taking away the patient's right to purchase or possess firearms. That sounds just fine until you realize the order doesn't define "mental illness". And it completely kills the concept of doctor patient confidentiality. So let me ask the question again. How well do you know your doctor?

Tweet

```
(function() {
var s = document.createElement('SCRIPT'), s1 = document.getElementsByTagName('SCRIPT')[0];
s.type = 'text/javascript';
s.src = 'http://widgets.digg.com/buttons.js';
s1.parentNode.insertBefore(s, s1);
})();
```

```
(function() {
var po = document.createElement('script'); po.type = 'text/javascript'; po.async = true;
po.src = 'https://apis.google.com/js/plusone.js';
var s = document.getElementsByTagName('script')[0]; s.parentNode.insertBefore(po, s);
})();
```

Before any of our readers go nuts, no pun intended, and starts raving about gun control, pro or con, that's not what this article is about. This is an issue of privacy and due process. And it is an issue about the definition of mental illness.

Doctors who release your private information to unauthorized persons can face civil and criminal penalties. They can also face licensing issues and fines due to ethics violations.

What happened today is that the President of the United States issued an executive order which allows your doctor to report you to the FBI without any threat of penalty. In doing so, one of your constitutional rights can be taken away from you without any due process whatsoever. It is up to you to prove that your rights should be restored; a lengthy and expensive proposition.

And the report by your doctor doesn't have to involve a diagnosis of mental illness. In fact, doctors are being told to exclude any diagnostic information. All that the doctor has to say is that he thinks you might be a danger to yourself or others. In other words, your privacy can be violated and your rights can be taken from you on a hunch.

So if you are going to the doctor and he asks you about work, you probably shouldn't tell him a sad story about your employer and finish it off with the statement, "I'm so angry that I could kill him!" That innocent utterance could get you in trouble.

If you look at the order issued today from a 30,000 foot level, it brings up a disturbing question. If the President has the

power to remove your 2nd Amendment rights without due process, why can't he do that with other portions of the Bill of Rights? Why can't he issue an executive order that limits your 1st Amendment right to free speech? Or your 4th Amendment rights having to do with search and seizure?

It is also disturbing to think that this or future presidents could issue additional executive orders that remove your rights to keep your medical records private from the government. How that information would be used is unknown but I'm sure that someone would find your medical data useful. After all, if the government can force you to buy a product or pay a tax " medical insurance " why couldn't they use the same method to tell you to lose weight or pay a tax? If you think that is a stretch, just consider the fact that people who are overweight have more medical problems than those who aren't. That adds to treatment costs. And with Obamacare, that costs the government money.

One thing is for sure. The next time you visit the doctor's office you might want to think twice before telling him how much fun you had on your weekend hunting trip. The fact that you are a gun owner is no more the government's " or anybody else's - business than your weight is.

by Jim Malmberg

Note: When posting a comment, please sign-in first if you want a response. If you are not registered, [click here](#).

Registration is easy and free.

Follow me on Twitter:

Follow ACCESS