PUBLIC HEALTH ISSUE OF
GUNS IN OUR SOCIETY

The recent tragic events at the Sandy Hook Elementary School in Newtown, Connecticut have served to underscore the tremendous public health issue of gun violence in our nation. As a profession dedicated to the wellbeing, health and safety of our patients, AASPA believes that intelligent, effective, enforceable and public safety guided gun control policies must be in place across our nation.

We at AASPA clearly state our position on gun control as a public safety issue. We are in alignment with current and proposed state and federal policies concerning banning assault type weapons, as well as, the availability of high capacity ammunition magazines to the general population, limiting the total amount of ammunition for purchase within a specified time period, establishing state and federal databases of gun purchases, requiring background checks for all gun purchases, strict enforcement of existing gun control laws, close the "Gun Show" loopholes across the country allowing purchase of all types of weapons to persons without restrictions or data collection, assuring Physician Assistants are included as qualified and mandated to report to gun control enforcement agencies persons in their care exhibiting behavior dangerous to themselves or others making them unfit to purchase weapons, mandate strict storage requirements for in home, retail and wholesale establishments for all firearms and incorporate the use of trigger locks for all weapons.

AASPA has submitted a resolution to have a national PA voice on gun control as a public health issue to the House of Delegates of AAPA to be debated in May, at the 2013 AAPA Annual CME Meeting in Washington, DC. The resolution can be viewed in its entirety below. It includes the current AAPA policy on gun control as well.

Title
Gun control – A needed AAPA policy for the public health issue of firearm related deaths.

Resolved
AASPA proposes that the 2013 House of Delegates examine current AAPA policy concerning gun control in relation to the public health issue of firearm related deaths. We further resolve to assure that this policy is clearly stated to reflect alignment with current proposed state and federal policies concerning assault type weapons, banning high capacity ammunition magazines availability to the general population, limiting the total number of ammunition for purchase within a specified time period, establishing a database of gun purchases and requiring background checks for all gun purchases, strict enforcement of existing gun control laws, Physician Assistants being included in those capable and required* (NYS policy, 2013) to report to gun control enforcement agencies persons in their care exhibiting behavior dangerous to themselves or others making them unfit to purchase weapons, mandate strict storage requirements for in home, retail and wholesale establishments for all firearms and incorporate the use of trigger locks for all weapons.
Rationale

In the US gun related deaths are 20 times the average of other industrialized, educated nations.

This data is from the United Nations and the Organization of Economic Cooperation and Development published in the Washington Post 12/14/12 by Max Fisher.

Bloomberg published 12/19/12 that by 2015 firearm related deaths will surpass highway fatalities.

AASPA, AAPA and all our medical/surgical physician and nursing colleagues have spoken strongly for decades
about automobile/highway safety. We have militated change in driving culture, need for automobile design improvements, improvements and use of safety devices to prevent fatalities if a crash occurs, limiting speeds on our streets and highways and brought all these and more for our legislators to create laws ensuring they are part of our everyday lives locally, statewide and nationally. All the car manufacturers worldwide adhere to those demands. But we as a profession remain silent and without a stance on the threat firearms place on the health of our patients, neighbors, friends, families and ourselves.

There are currently approximately, 270,000,000 privately owned guns as reported by Gun Policy. Org. Roughly, there are 89 guns for every 100 persons in our country. We rank #1 in those respects of 178 nations for which the website submits data. As noted previously, we are also #1 in deaths by firearms.

Matthew Miller, Deborah Azael and David Hemenway wrote in the Journal of Social Sciences and Medicine (2001;64:656-64) that across our nation states that had more guns, had more gun related homicides, while there was no prevalence between increased gun ownership and non-firearm homicide. The Harvard Injury Central Research Center followed in 2004 with a review article by Lisa Hepburn and David Hemenway delineating the association between firearm availability and homicide in our country. (Aggression and violent behavior; Review Journal, 2004; 9:417-40).
Economist, Richard Florida in 2011 wrote that states with stricter gun laws had fewer gun related deaths. Though his sample size was small there was a substantial negative correlation between firearm deaths and states that had bans on assault weapons, required trigger locks and mandated safe storage requirements.

Ezra Klein wrote in the Washington Post on 12-14-12 “Twelve Facts about Guns and Mass Shootings in the United States”. Mr. Klein stated, ” If roads were collapsing all across the United States, killing dozens of drivers, we would surely see that as a moment to talk about what we could do to keep roads from collapsing. If terrorists were detonating bombs in port after port, you can be sure Congress would be working to upgrade the nation’s security measures. If a plague was ripping through communities, public-health officials would be working feverishly to contain it.

Only with gun violence do we respond to repeated tragedies by saying that mourning is acceptable but discussing how to prevent more tragedies is not. “Too soon,” howl supporters of loose gun laws. But as others have observed, talking about how to stop mass shootings in the aftermath of a string of mass shootings isn’t “too soon.” It’s much too late.”

He added:
This statement raises the question of background checks for persons purchasing guns legally.

Klein includes data from a social scientist, Mr. Kieran Healy at Duke University, illustrating that the US is a violent nation, even though statistically we are declining in our overall incidence of gun related assaults. Declining but still a major outlier as compared to other OECD countries.

Klein included interesting data from a 2010 Gallup Poll that stated:
Even as we continue to be a leader in gun violence as a nation, as a people we are in conflict in how to legislate gun ownership and safety for our citizenry.

A survey from CNN/ORC in August of 2012 asked persons to comment on various possibilities for gun controls.

**GALLUP**

Even as we continue to be a leader in gun violence as a nation, as a people we are in conflict in how to legislate gun ownership and safety for our citizenry.

A survey from CNN/ORC in August of 2012 asked persons to comment on various possibilities for gun controls.

**Public supports many gun control policies**

The Pew Research Group posted their findings in July 2012 of a poll concerned with views on gun control after the
most recent (prior to Newtown CT) mass shootings.

**Shootings Don’t Shift Views on Gun Control**

*What do you think is more important?*

<table>
<thead>
<tr>
<th>Before and after...</th>
<th>Control gun ownership</th>
<th>Protect right to own guns</th>
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<tr>
<td><strong>Aurora, CO</strong></td>
<td>July 26-29, 2012</td>
<td>47</td>
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<td>April 2012</td>
<td>45</td>
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<td><strong>Tucson, AZ</strong></td>
<td>Jan 13-16, 2011</td>
<td>45</td>
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<td>Sept 2010</td>
<td>50</td>
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<td><strong>Virginia Tech</strong></td>
<td>April 18-22, 2007</td>
<td>60</td>
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<td></td>
<td>Feb 2004</td>
<td>58</td>
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PEW Research Center July 26-29, 2012.

Americans mourn but they do not change.

The call for AAPA to be resolute on gun control is to set a standard for all its constituent organizations to be united in our responsibility, assuring our patients are kept from harm’s way due to gun violence. Our commitment will not mitigate the insane act. It will not be an assault on 2nd amendment rights but a statement of our belief in public health issues. We as Physician Assistants have to be part of the solution by stating clearly what is needed to keep our patients and fellow citizens safe, support legislation that is aligned with our views and invite our medical and surgical physician colleagues to share their perspective on this issue and join in support.

I have included as addenda the policies proposed by President Obama, Governor Andrew Cuomo of New York, the American College of Surgeons, AASPA’s physician organization colleague and the American Public Health Administration.

**Related AAPA Policy**

HX-4400.1.1

AAPA believes that physician assistants should be familiar with social and cognitive skills that foster nonviolent conflict resolution. In addition, physician assistants should support the incorporation of age-appropriate school and community-based curricula that recognize racial, ethnic, and cultural diversity and that teach the skills of non-violent conflict resolution.


HX-4400.2.2

AAPA supports handgun control legislation and other legislation that effectively reduces the criminal ownership and use of handguns. AAPA supports policies and educational programs that will effectively reduce homicide, suicide, and other violence.

**Possible Negative Implications**

Second amendment proponents may see AAPA aligning with legislation and organizations espousing tighter gun control and restrictions as confrontational and unconstitutional. Protecting children and all American lives is constitutional and mandated by our profession.

**Financial Impact**

None

**Signature/Title**

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AAPA House of Delegates

**Addenda Gun Policies**

*President Obama Position*

Closing background-check loopholes to keep guns out of dangerous hands; banning military-style assault weapons and high-capacity magazines, and taking other steps to reduce gun violence; making schools safer; and increasing access to mental-health services.

1. **CLOSING BACKGROUND-CHECK LOOPHOLES:**
   - Require background checks for all gun sales
   - Strengthen the background-check system

2. **BANNING MILITARY-STYLE ASSAULT WEAPONS AND HIGH-CAPACITY MAGAZINES**
   - Get military-style assault weapons and high-capacity magazines off the streets
   - Reinstate and strengthen the ban on assault weapons
   - End the freeze on gun-violence research
   - Preserve the rights of healthcare providers to protect their patients and communities from gun violence
   - Encourage gun owners to live up to their responsibility to store guns safely
3. MAKING SCHOOLS SAFER

• Put up to 1,000 more school resource officers and counselors in schools and help schools invest in safety

• Ensure every school has a comprehensive emergency-management plan

• Create a safer climate at schools across the country

4. IMPROVING MENTAL-HEALTH SERVICES

• Make sure students and young adults get treatment for mental-health issues

• Ensure coverage of mental-health treatment

NYS – Governor Andrew Cuomo Policy

New York State Gun Control Law of 2013

NYSAFE – New York Secure Ammunition and Firearms Enforcement Act.
A Brief Analysis for Counties
January 15, 2013

Today, the State Legislature passed and the Governor signed legislation known as NYSAFE – the New York Secure Ammunition and Firearms Enforcement Act. The questions concerning the implementation of this new law are likely to be directed to record keeping (County Clerk) and public safety (Sheriff) divisions of county government. A lot of data collection, monitoring and voluntary cooperation will be necessary to implement the many aspects of this law. The State has indicated they will assume the fiscal and programmatic responsibilities for any new activities stemming from this law.

The following summary focuses on the main provisions of the bill.

Assault Weapons, Magazine Capacity & Sale of Ammunition

Assault Weapons Defined

• The bill bans guns that meet all three of the following criteria:
  are semi-automatic,
  have a detachable magazine (in the case of pistols and rifles), and
  have one feature (two under current law) commonly associated with military weapons.

• Within one year of the effective date, all assault weapons under the new "one-feature" test, as well as weapons grandfathered in under the original NYS assault weapons ban, must be registered. Current owners of newly banned weapons may transfer the weapons only to a firearms dealer or to an out of state buyer. All registered owners will be subject to a review of disqualifiers by the State Police.

Magazine Capacity & Sale of Ammunition

The bill bans all large capacity magazines that can hold more than ten rounds of ammunition, regardless of the date of manufacture. The bill also creates a new ban on magazines that hold more than seven rounds of ammunition. Magazines that can hold more than seven rounds but not more than ten rounds and are currently possessed will be grandfathered in, but may only contain seven rounds of ammunition.

Though the New York State Association of Counties 2 www.nysac.org bill language lays out these provisions, the bill does not elaborate as to how these provisions are to be enforced.
- Exceptions are made for large capacity magazines that are curios or relics.
- Sellers of ammunition will be required to:
  - register with the superintendent of the State Police,
  - run a buyer through a State-created review of disqualifiers to ensure that the buyer is not prohibited by law from possessing ammunition before selling them ammunition, and
  - make ammunition sales electronically accessible to the State.
- The bill requires that any ammunition sold commercially to be conducted by a seller that can perform a background check. This law will effectively require all ammunition sales to culminate in a face-to-face transfer.

Licensing & Registration

- This bill establishes a statewide gun license and record database to be built and maintained by the State Police. It also:
  - Requires a wide variety of checks and cross references that the State police will be required to undertake including checking against FBI records, State databases criminal and mental health status changes, etc;
  - Requires the revocation of any gun license from and the surrender of any gun by a defendant upon an entry of a verdict of not responsible by reason of mental disease or defect, upon the acceptance of a plea of not responsible by reason of mental disease or defect, or upon a finding that a defendant is an incapacitated person pursuant to the CPL;
  - Requires, under certain circumstances, the mandatory suspension or revocation of the firearms license of a person against whom an order of protection or a temporary order of protection has been issued; and
  - Requires that the division of state police recertify a gun license holder's license every five years (failure to recertify during this five year period equates to revocation of the license).

This section of the bill would not preempt more restrictive local laws in place in New York City, Westchester, Nassau and Suffolk Counties. In addition, the electronic license and record database is designed to enable the more swift delivery of licenses to license holders and the speedy connection of license holders with disqualifying criteria.

Public Disclosure of Licenses

- Immediately following the enactment of this bill there will be a 120 day freeze on granting public disclosure requests (FOIL) for information on gun licensees or applicants for a license.
  - Those applying for a gun license and/or those currently with a pistol permit may submit a form requesting their information to be exempt from public disclosure.

Private Sales

- Dealers must maintain records of private sale background checks, and private sellers may charge a fee of up to $10 on a transaction.

Safe Storage

- This bill establishes safe storage requirements for rifles, shotguns and firearms by requiring a gun owner who lives with someone prohibited from possessing a gun to keep the gun secured in a safe storage depository or render it incapable of being fired by putting a safety lock on the gun.
  - Individuals prohibited from possessing a gun include those who have:
    - been convicted of a crime punishable by more than one year imprisonment,
    - been adjudicated mentally defective or committed to a mental institution, or
    - is subject to a court order of protection or has been convicted of a misdemeanor crime of domestic violence whose sentence has been completed in the last five years

Provisions Related to Persons with Mental Illness

Existing New York State law provides for involuntary outpatient commitment to community based mental health
services, also known as Assisted Outpatient Treatment (AOT) or "Kendra's Law". The NYSAFE Act contains the following language to strengthen Kendra’s Law:

- The maximum length of an initial order for AOT has been extended from 6 months to 12 months. A judge will now have the ability to order up to 12 months of AOT without reevaluating an individual to determine if they are still in need of AOT.
- Prior to the expiration of an order, the individual must be evaluated to determine whether they are in need of an extension of the AOT order. The local Director of Community Services (DCS) is responsible for ensuring the evaluation is performed.
  Where a local DCS has reason to believe an assisted outpatient has moved, or is moving to another county, the DCS must notify the DCS of the new county. The DCS in the new county would then become responsible for the assisted outpatient and the AOT order upon such relocation.
- AOT law was set to expire in 2015. It has been extended to June 30, 2017.

All patients being discharged from an Office of Mental Health (OMH) State Hospital who are Department of Correctional Services (DOCS) inmates must be evaluated by OMH to assess need for AOT. If indicated, the hospital director must file a petition or refer the matter to local DCS where the person being discharged is expected to reside, for further evaluation.

Additionally, if a "mental health professional" (physician, psychologist, RN, LCSW) determines that a person they are treating is "likely to engage in conduct that would result in serious harm to self or others," the must notify the DCS. If the DCS determines that the claim of the mental health professional is founded, the DCS must report to the Division of Criminal Justice Services. DCJS will then check registered firearms records to determine if gun license suspension or revocation is in order. New York State Association of Counties 4 www.nysac.org (NO MENTION OF PAS IN THE MIX OF MEDICAL EVALUATORS)

New and Enhanced Criminal Penalties
Numerous new and enhanced penalties are created under the law, including:

- life imprisonment without parole for the intentional murder of first responders,
- increased penalties for gang related illegal purchases, “straw purchasers” and knowingly selling or giving a gun to someone that is used in a crime,
- increases penalty for possession of a firearm on school grounds or on a school bus from a misdemeanor to a Class E Felony,
- creates a variety of new minimum sentences for gun related crimes, and includes criminal sale or disposal of a weapon by providing a firearm, rifle or shotgun to a person knowing he or she is prohibited by law from possessing such firearm, rifle or shotgun. The penalty is raised from a Class A misdemeanor to a Class D felony.

Safer Schools
The law:

- authorizes the Governor to establish the New York State School Safety Improvement Teams;
- amends Building Aid for Metal Detectors and Safety Devices so that schools would be eligible for additional funding for improved safety projects such as metal detectors, and other qualified devices for projects approved by the Commissioner of State Education July 1, 2013 and July 1, 2016. The additional aid would be equal to 10 percent of the current building aid ratio and is not to exceed 100 percent of the Building aid.

As more information becomes available, we will continue to update our web site. Cattaraugus County Pistol Permit holders and gun owners can also continue to check for updates on the New York State home page.

American Public Health Associations – Letter to President Obama
December 20, 2012

The President
The White House Washington, D.C. 20500

Dear Mr. President:

In wake of the heartbreaking and senseless tragedy that took the lives of innocent children and adults in Newtown, Conn., I write on behalf of the American Public Health Association in support of your leadership in developing a comprehensive public health approach to reducing gun violence in our nation. As you have stated in your public comments in recent days, these tragedies must end and we, as a nation, must change. We welcome your announcement that Vice President Biden will lead the administration’s inter-agency working group tasked with developing recommendations to reduce gun violence and we urge you to include strong public health representation in these discussions. We stand ready to work with you, the vice president and Congress to pass legislation to protect our nation’s children and their families from the growing epidemic of gun violence.

Gun violence is one of the leading causes of preventable death in our country and we must take a comprehensive public health approach to addressing this growing crisis. For too long we as a nation have failed to take on this devastating problem in our communities and we can wait no longer.

APHA believes there are several immediate steps that can be taken to reduce gun violence in the United States. We thank you for announcing your support for legislation to reinstate the federal ban on assault weapons and high-capacity ammunition magazines, which expired in 2004. These firearms are not suitable for hunting, collecting or self-defense, – but are meant for military combat and have no place on our streets or in our homes. We also urge the adoption of legislation to close the so-called “gun show loophole,” which exempts unlicensed private sellers of firearms from conducting criminal background checks on buyers at gun shows. This significant gap in federal law provides access to weapons for felons, the mentally ill and others prohibited from owning firearms. We must also expand the collection and analysis of data related to gun violence and other violent deaths in order to better understand the causes. In addition we must ensure that our state and local health departments have the resources they need to develop and implement appropriate interventions in their states and communities.

In addition to common sense gun control measures, we urge you to work with Congress to ensure adequate funding for critical mental health services. Like most public health funding at the state level, funding mental health services has been on the decline in recent years. At the same time, funding for the Substance Abuse and Mental Health Services Administration has been proposed for cuts. We urge you to ensure that state, local and community-based behavioral health systems have the resources they need to provide much-needed care. While the expansion of Medicaid coverage will provide mental health benefits to millions of currently uninsured Americans, gaps will likely still exist since several states have signaled they do not plan to expand this coverage. We also urge you to ensure that the Affordable Care Act provides comprehensive coverage for mental health and substance abuse disorder services as part of the Essential Health Benefits.

We join you in expressing our deepest sympathies to the families of the victims and the entire community of Newtown and pledge our support to work with your administration and leaders in Congress to pass legislation to better protect all of our nation’s children, families and communities from
senseless acts of violence and to ensure that all Americans have access to the critical mental health services they need.

Sincerely,

Georges C. Benjamin, MD, FACP, FACEP (E)
Executive Director

Cc: The Honorable John Boehner
The Honorable Harry Reid
The Honorable Nancy Pelosi
The Honorable Mitch McConnell

American College of Surgeons – Letter to President Obama

January 14, 2013

President Barack Obama
The White House
1600 Pennsylvania Avenue NW
Washington, DC 20500

Dear President Obama:

The American College of Surgeons (ACS) and our 78,000 members are concerned that violence inflicted by guns continues to be a daily event in the United States and mass casualties involving firearms threaten the health and safety of the public.

In order to prevent many of the injuries that surgeons treat every day, the American College of Surgeons supports legislation banning civilian access to assault weapons, large ammunition clips, and munitions designed for military and law enforcement agencies. The ACS also supports enhancing mandatory background checks for the purchase of firearms to include gun shows and auctions.

Healthcare professionals play a critical role in preventing firearm injuries by health screening, patient counseling, and referral to mental health services for those with behavioral medical conditions. These resources should be available to patients and any impediments to physicians accessing these services for their patients should be removed.

The ACS supports developing and promoting proactive programs directed at improving safe gun storage and the teaching of non-violent conflict resolution for a culture that often glorifies guns and violence in media and gaming.

Finally, the ACS believes that the creation of a national firearm injury database to inform federal health policy is essential.

Thank you for your work on this important issue. We look forward to continued collaboration.

Sincerely
A. Brent Eastman, MD FACS
President

David B. Hoyt, MD FACS
Executive Director

Michael F. Rotondo, MD FACS
Chair, Committee on Trauma

Julie A. Freischlag, MD FACS
Chair, Board of Regents

Andrew Warshaw, MD FACS
Chair, Health Policy and Advocacy Group