TuSalud

As States Diverge on Immigration, Hospitals Say They Won't Turn Patients Away

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California is advising health care providers not to write down patients' immigration status on bills and medical records and telling them they don't have to assist federal agents in arrests. Some Massachusetts hospitals and clinics are posting privacy rights in emergency and waiting rooms in Spanish and other languages.

Meanwhile, Florida and Texas are requiring health care facilities to ask the immigration status of patients and tally the cost to taxpayers of providing care to immigrants living in the U.S. without authorization.

Donald Trump returned to the White House declaring a national emergency at the U.S.-Mexico border, suspending refugee admissions, and challenging birthright citizenship, or the policy of giving U.S. citizenship to anyone born in the U.S. As he begins carrying out the "largest deportation operation" in the nation's history, states have offered starkly different guidelines to hospitals, community clinics, and other health facilities for immigrant patients.

Trump has also rescinded a long-standing policy not to arrest people without legal status at or near sensitive locations, including schools, churches, and hospitals. A proposal to formalize such protections died in Congress in 2023.

But no matter the guidelines that states issue, hospitals around the U.S. say patients won't be turned away for care because of their immigration status. "None of this changes the care patients receive," said Carrie Williams, a spokesperson for the Texas Hospital Association, which represents hospitals and health care systems in the state. "We don't want people to avoid care and worsen because they are concerned about immigration questions."

During Trump's first term, immigration agents arrested people receiving emergency care in hospitals and a child during an ambulance transfer. Immigration officers in Texas arrested a woman awaiting brain surgery in a hospital in Fort Worth. In Portland, Oregon, officers arrested a

young man leaving a hospital, and in San Bernardino, California, a woman drove herself to the hospital to give birth after her husband was arrested at a gas station.

An estimated 11 million immigrants live in the United States without authorization, with the largest numbers in California, Texas, Florida, New York, New Jersey, and Illinois, according to Pew Research Center.

Half of immigrant adults likely without authorization are uninsured, compared with fewer than 1 in 10 citizens, according to the 2023 KFF-Los Angeles Times Survey of Immigrants, the largest nongovernmental survey of immigrants in the U.S. to date. While some states are highlighting health care expenses incurred by immigrants, a KFF brief noted that immigrants contribute more to the system through health insurance premiums and taxes than they use. Immigrants also have lower health care costs than citizens.

Some health care providers fear Immigration and Customs Enforcement agents will disrupt their work at health facilities and cause patients, particularly children, to skip medical care. On Trump's first day, the Republican president issued an executive order aimed at ending birthright citizenship for children born to a parent without legal authorization or on a visa, which could leave them ineligible for federal health and social programs. The order was immediately challenged by states and a civil rights group.

"You are instilling fear into folks who may defer care, who may go without care, whose children may not get the vaccines they need, who may not be able to get treatment for an ear infection or surgery," said Minal Giri, a pediatrician and the chair of the Refugee/Immigrant Child Health Initiative at the Illinois chapter of the American Academy of Pediatrics.

A recent survey conducted by the Im/migrant Well-Being Research Center at the University of South Florida found that 66% of noncitizens reported increased hesitation in seeking care after Florida Gov. Ron DeSantis signed a law in 2023 requiring hospitals that accept Medicaid to ask about a patient's legal status. That's compared with just 27% for citizens.

"That really was alarming to me to see how this law made people hesitant to go to the doctor, even in an emergency," said Liz Ventura Molina, a co-author of the survey and report.

In signing the law, DeSantis touted it as "the most ambitious anti-illegal immigration" legislation in the nation. This month, the Republican governor called for a special session of the state legislature to help support Trump's immigration agenda.

Jackson Health System, a public safety net provider in Miami, said in a statement that quarterly reports to the state don't contain individual patient information. "We do adhere to all required cooperation with law enforcement agencies, including ICE, as part of any criminal investigations, understanding that privacy laws mandate we only release private patient information through a court-ordered warrant."

In August, Texas Gov. Greg Abbott, a Republican, issued an executive order similar to Florida's law to record health care costs incurred by immigrants without legal authorization. All hospitals that receive funding from Medicaid or the Children's Health Insurance Program are expected to begin reporting the data to Texas Health and Human Services in March.

Even cities controlled by Democrats are walking a fine line. New York City Mayor Eric Adams met in December with Trump's incoming "border czar," Tom Homan, and pledged to remove immigrants who have been convicted of a major felony and lack legal status to remain in the country.

At the same time, Adams proposed an awareness campaign to let immigrants and asylum-seekers know they are safe to use the city's hospital systems.

Some states are going further by advising health facilities to do all they can to protect immigrant patients.

In December, California Attorney General Rob Bonta released a 42-page document recommending providers avoid including patients' immigration status in bills and medical records. The guidance also emphasized that while providers should not physically obstruct immigration agents, they are under no obligation to assist with an arrest.

According to the document, health care facilities should post information about patients' right to remain silent and are encouraged to provide patients with contact information for legal-aid groups "in the event that a parent is taken into immigration custody." If feasible, it says, the facility should designate an immigrant-affairs liaison to help train staff and provide nonlegal advice to families.

"We cannot let the Trump deportation machine create a culture of fear and mistrust that prevents immigrants from accessing vital public services," said Bonta, a Democrat.

On Tuesday, the Trump administration directed the Department of Justice to investigate state and local officials who don't cooperate with immigration enforcement. During Trump's first term, California limited cooperation with federal authorities, citing public safety and community trust concerns. The department, then under Jeff Sessions, sued to block the law but the state won in federal court, arguing that states have the authority to decide whether local resources are used to enforce federal law. The Trump administration appealed, but the Supreme Court turned down the petition.

Under California law, state-run health care facilities are required to adopt policies to limit their participation in immigration enforcement, and private entities are encouraged to follow similar protocols. David Simon, a spokesperson for the California Hospital Association, which represents more than 400 hospitals, said members have incorporated such policies, ensuring patient privacy.

"Hospitals don't call ICE about patients," Simon said.

California is bracing for a new round of clashes with Trump. Gov. Gavin Newsom and fellow Democratic state leaders have agreed to set aside $50 million for litigation and grants to nonprofit immigrant groups.

Lawmakers in New Jersey are considering legislation to limit health care facilities from asking about a patient's immigration status. The bill would also require the state attorney general to establish policies for hospitals and health care facilities for ensuring patient access.

In New York City, hospital administrators are directing staff to seek guidance from an "immigration liaison" if immigration authorities show up, and to take photos and videos of any enforcement actions if they can't reach them first. They are also discouraging staff from actively helping a person hide from ICE. In Massachusetts, some clinics and hospitals are training staff on how to read ICE warrants and plan to require ICE agents to identify themselves and present a warrant if they want to enter a private area.

"You can't be scrambling in the moment," said Altaf Saadi, a neurologist who co-directs a clinic for asylum-seekers at the Massachusetts General Hospital. "We have to prepare for these worst-case scenarios, and we hope that they don't happen, but we do need to be prepared."

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