

For Massachusetts Healthcare Providers:



ANDREA JOY CAMPBELL
ATTORNEY GENERAL

Information on Immigration Enforcement, Access to Care, and Assistance Programs.

No executive action has prohibited (or could prohibit) healthcare providers from offering services to all residents, regardless of immigration status, or protecting patient privacy as required by law.

Understand ICE Access to Patient Information.

- Protected Health Information (PHI) is protected by federal and state privacy laws, including the Health Insurance Portability and Accountability Act (HIPAA). could delete, "including ICE"
- Healthcare providers may **not** provide PHI to law enforcement officials, including ICE, except under certain limited circumstances.

Prepare for Potential ICE Enforcement Activity.

Actions to take:

- Designate private areas** within the facility that are closed to the public.
- Protect sensitive information** by shielding it from public view and ensuring privacy of conversations.
- Assign a staff member** as responsible for interactions with ICE or law enforcement.

replace "comply" with "consent to a search of private areas".

Steps to take if ICE requests access to a patient or patient care area:

- Request officer's name, identification number, and agency affiliation.
- Ask for a **judicial warrant or court order**. If not provided, you do not have to comply.
- Inform the officer: you are not attempting to obstruct their actions; you are not authorized to respond to the request; you need to contact the appropriate point person and legal counsel before providing access.
- Contact appropriate legal counsel to review documents with designated staff member.
- Ask the officer to wait outside until you contact legal counsel and/or designated staff member.

*Note: If presented with a warrant or court document, designated staff member and legal counsel should confirm that it: (1) is a valid judicial warrant; (2) is **signed by a judge or magistrate judge**; (3) states name of person sought or address of premises to be searched; (4) if indicated, is sought to be executed during the time specified on the warrant.*

Access to Healthcare and Government Insurance Coverage:

- Providers are **not** required to ask about immigration or citizenship status and may treat anyone regardless of immigration or citizenship status.
- Emergency departments are **required** to provide emergency screening and stabilization services without asking about immigration, citizenship, or insurance status.
- Under current federal policy, receipt of noncash benefits does not impact an individual's immigration status.
 - Examples: Medicaid (MassHealth) (other than for nursing home care), CHIP (Children's Health Insurance Program), Health Safety Net / health insurance through Health Connector, SNAP (Supplemental Nutrition Assistance Program)

Contact the Office of the Attorney General:

For further questions or assistance, you may contact (617) 963-2917.

See the guidance in full
by scanning this QR code:

