

**Opposition to Reporting Immigration Status for Persons Accessing Medical Care Position
Statement
Society of General Internal Medicine**

Approved by SGIM Council November 2023

The Society of General Internal Medicine represents internal medicine clinicians across the country, including the state of Florida. We express our strong opposition to the recently passed Florida Statute 395.3027, which went into effect on July 1, 2023, which could have far-reaching effects.

The bill represents a dangerous precedent not just for our undocumented patients who deserve healthcare as a human right but for the public health of our entire nation. Florida's legislation could have a chilling effect for patients across the nation, whether or not their particular states implement such legislation. People stay home when they are afraid of seeking care – putting everyone at risk.

While there are various concerning provisions in this legislation, we are particularly concerned about the requirement for hospitals that receive Medicaid to inquire and collect data on immigration status. More specifically, the bill mandates these hospitals ask every patient seeking any type of care to indicate whether they are lawfully present in the US on patient admission or registration forms. Hospitals would also be mandated to produce quarterly reports to the State having the number of admissions or emergency department visits made by patients whom are not lawfully present in the US or declined to answer the question.

We stand by the words of our 2016 SGIM Position Statement on Care for Undocumented Immigrants: "Physicians should uphold patient confidentiality and should not report non-medical information about the documentation status of undocumented non-citizens to the authorities."

Undermining Public Health

We oppose this law for various reasons. First and foremost, the fear of being questioned on their immigration status will deter undocumented non-citizens from seeking healthcare and could put their lives at risk. We have seen that past attempts to target immigrants within our healthcare system leads to a "chilling effect," where a direct result is that these populations do not seek healthcare regardless of need or eligibility due to fear of being targeted or discriminated against based on their immigration status. Asking the question is itself enough to produce such a chilling effect, and will deter a group already highly distrustful of government from seeking care in Florida's hospitals.

Deterring any segment of our population from seeking healthcare is not only dangerous for individuals but negatively impacts public health and undermines our efforts to improve the health of all. In a state where 1 in 5 people are immigrants, less healthy people impact entire communities. For example, if a person exhibits COVID-19 symptoms but is afraid to

seek treatment at a hospital, they could infect their family members, coworkers, schoolmates, or friends.

The U.S. Department of Homeland Security has recognized certain areas are off limits for immigration enforcement, calling them “protected areas,” because such enforcement could impact people’s willingness to be in the protected area and “receive or engage in the essential services or activities that occur there.” Hospitals, along with other healthcare facilities, are explicitly listed as protected areas in DHS guidance. Safeguarding this principle of healthcare settings as protected areas is essential to ensuring that residents feel safe seeking needed care and not deterred for fear of unknown outcomes.

Increasing Emergency Room Visits and Health Care Costs for Floridians

Although the law only applies to hospitals, fear and misinformation may also result in such persons being afraid of receiving care at other sites such as Federally Qualified Health Centers and other safety-net primary care locations. Patients afraid of being questioned may delay receiving outpatient care until their situation becomes absolutely dire, forcing them to seek care in hospital emergency rooms as a last resort. Emergency care and resulting hospital admissions are the most expensive form of healthcare. Instead, we should be doing all we can to encourage use of primary and preventive care, a far more efficient use of our overtaxed healthcare system.

Hospital staff should also not be put in a position to be asking immigration status or discussing provisions of this legislation with patients. Nor should they be burdened with additional efforts to meet the bill’s reporting requirements. Florida, like the nation as a whole, is already facing a crisis of burnt-out healthcare workers and high rates of attrition.

Protecting Patient Information and Abiding by the American Medical Association’s Code of Ethics

This bill raises significant ethics and privacy concerns and raises the possibility of racial profiling and discrimination in the hospital setting. The American Medical Association’s Code of Medical Ethics states that “protecting information gathered in association with the care of the patient ... [and] respecting patient privacy in other forms is also fundamental, as an expression of respect for patient autonomy and a prerequisite for trust.” This assurance of privacy is necessary for open communication between patients and clinicians, as well as fostering patient trust and comfort. Further, information about immigration status contained within health records could leave patients vulnerable to discrimination at a time of need.

This bill is a direct attack on our most vulnerable communities. Every Floridian deserves to have access to healthcare without fear and to be treated with dignity and respect. As healthcare providers, we take an oath to practice medicine with integrity, honesty, and compassion and to treat people irrespective of their immigration status. With this in mind, we oppose HB 1617/SB 1718, and all similar attempts to target immigrants in healthcare.

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