

April 26, 2023

Senate President Passidomo  
The Florida Capitol  
400 South Monroe Street  
Tallahassee, FL 32399

House Speaker Renner  
Florida House  
420 The Capitol  
Tallahassee, FL 32399

**Re: Letter from Florida's Healthcare Providers Opposing HB 1617/SB 1718 (Immigration)**

Dear Senate President Passidomo, House Speaker Renner and members of the legislature:

As healthcare providers in the state of Florida, we write to express our opposition to HB 1617/SB 1718. If passed, we believe this legislation will directly undermine public health in Florida.

While there are various concerning provisions in this proposed legislation, we are particularly concerned about the proposed requirement for hospitals that receive Medicaid to inquire and collect data on immigration status, and report that data to the Governor and the Legislature. More specifically, the bill mandates that these hospitals ask every patient seeking any type of care to indicate whether they are a U.S. citizen or lawfully present in the U.S. on patient admission or registration forms. Hospitals would also be mandated to produce quarterly reports to the State including this data and associated costs among patients.

Undermining Public Health

We oppose this proposal for various reasons. First and foremost, questioning people on their immigration status will deter people from seeking healthcare and could put lives at risk. We have seen that past attempts to target immigrants within our healthcare system leads to a "chilling effect<sup>1</sup>," 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. For those navigating the immigration system, responding to inquiries about their status may lead to fear that it will negatively impact their case. This proposal would produce the same chilling effect on immigrant communities and deter them from seeking care in Florida's hospitals. The question alone - whether or not it actually leads to detention, deportation, or other harms - would produce this chilling effect.

Deterring any segment of our population from seeking healthcare is not only dangerous and life threatening for individuals, but negatively impacts public health and undermines our efforts to

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<sup>1</sup> See <https://www.migrationpolicy.org/news/anticipated-chilling-effects-public-charge-rule-are-real>

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. With such a high immigrant population, if seeking care is deterred, this sort of scenario is far more likely to occur.

A hospital is not an appropriate place to engage a person on private immigration matters. 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<sup>2</sup>. Safeguarding this principle of healthcare settings as protected areas is essential to ensuring that residents feel safe seeking needed care, and are not deterred for fear of unknown outcomes.

### Increasing Emergency Room Visits and Health Care Costs for Floridians

This bill would burden our already overtaxed healthcare system, leading to potentially higher healthcare costs for all Floridians. Patients afraid of being questioned about their immigration status may delay receiving medical care until their situation becomes absolutely dire, driving up emergency room visits. Emergency care is the most expensive form of healthcare. 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<sup>3</sup>.

Medical professionals and hospital staff will also be burdened by the reporting requirements associated with this bill. Staff should not be put in a position to ask or discuss immigration status with patients, nor should they be burdened with additional paperwork 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<sup>4</sup>. Elected officials ought to be seeking ways to support hospital staff in this precarious moment, not add to the strain.

### 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.”<sup>5</sup> 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.

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<sup>2</sup> See

[https://www.dhs.gov/sites/default/files/publications/21\\_1027\\_opa\\_guidelines-enforcement-actions-in-near-protected-areas.pdf](https://www.dhs.gov/sites/default/files/publications/21_1027_opa_guidelines-enforcement-actions-in-near-protected-areas.pdf)

<sup>3</sup> See <https://www.unitedhealthgroup.com/newsroom/posts/2019-07-22-high-cost-emergency-department-visits.html>

<sup>4</sup> See <https://www.usnews.com/news/health-news/articles/2021-11-15/us-faces-crisis-of-burned-out-health-care-workers>

<sup>5</sup> See <https://code-medical-ethics.ama-assn.org/ethics-opinions/privacy-health-care>

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.

Sincerely,

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