Can hospitals ask about your immigration status?

What is Executive Order GA46?

On August 8, Texas Governor, Greg Abbott, issued executive order GA-46. GA-46 directs hospitals to collect information on immigration status, the number of inpatient discharges, number of emergency visits, and the costs associated with the care provided to "patients who are not lawfully present in the United States." GA-46 will go into effect on November 1, 2024.

Where will GA-46 be implemented?

The executive order directs the Health and Human Services Commission to require "hospitals" to collect this information. The executive order states that "hospitals" includes "acute care hospitals enrolled in Medicaid or Children's Health Insurance Program (CHIP)."

How might this affect my care?

One thing the order makes clear is that **YOUR CARE MUST NOT BE AFFECTED** by any answer you give in response to a question regarding your lawful presence in the United States.

Although the order requires hospitals to ask you for this information, it **DOES NOT REQUIRE YOU TO ANSWER**.

What can I do to protect myself and what are my rights?

Nothing about this order restricts your right to access emergency medical care, and **YOU SHOULD NOT** let this order make you afraid to go to the hospital if you or your family needs emergency health services.

YOU HAVE THE RIGHT TO RECEIVE EMERGENCY CARE REGARDLESS OF YOUR IMMIGRATION STATUS.

Decline to Answer

If you're asked about your immigration status or lawful presence in the United States, you should tell the hospital that you "decline to answer" questions about your immigration status. When all of us –regardless immigration status– decline to answer, we protect the rights and health of everyone in our community.

Request an Interpreter

If you have concerns about your ability to assert your rights in English or participate meaningfully in decisions about your care in English, you should request an interpreter fluent in your native language.

Texas Immigration LAW COUNCIL

TEXAS CIVIL RIGHTS PROJECT

Workers Defense

EVERY TEXAN
Formerly Center for Public Policy Priorities

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Learn More About GA-46