



Maryland
Hospital Association

**House Bill 1273 – Immigration Enforcement – County Boards of Education, Public
Institutions of Higher Education, and Hospitals – Policies**

Position: *Letter of Concern*

Bill Summary

HB 1273 requires that each county board of education, public institution of higher education, and hospital to establish a policy on or before July 1, 2020 that limits immigration enforcement on the premises to the fullest extent possible consistent with federal and State law based on certain guidelines established by the Attorney General; and requiring the Attorney General, in consultation with certain stakeholders, to develop certain guidelines on or before December 31, 2019.

MHA Position

Maryland's hospitals are committed to protecting the rights of vulnerable individuals including our immigrant population and ensuring that this population continues to receive access to high quality care. In fact, in the fall of 2017 at the request of members of the Maryland General Assembly, MHA asked hospitals in Maryland to review current policies and update them as needed to reflect guidance provided by the Maryland Office of the Attorney General (OAG).

Notably, the guidance includes requirements that hospitals must meet under federal law including the Health Insurance Portability and Accountability Act (HIPAA) and the Emergency Medical Treatment and Active Labor Act (EMTALA). Maryland's hospitals complied with this request and have updated policies to align with the OAG guidance. Hospitals reported back to MHA that policies were either already in place and had been updated as needed.

Hospitals in Maryland went even further than the request and agreed to a reporting protocol with the OAG in the event that the U.S. Immigration and Customs Enforcement (ICE) agency contradicts its own policy by enforcing federal immigration laws in "sensitive locations" including hospitals. This entire process was conducted in coordination with other key stakeholders such as Casa de Maryland, which generously offered to provide technical assistance to Maryland hospitals as needed. The OAG guidance, ICE policy, and form that hospitals have been provided are attached to this letter of concern. To date, we are not aware of a single instance of ICE enforcement in Maryland's hospitals.

Though well intentioned, HB 1273 bill may attract the attention of parties that it does not wish to attract such as the federal government including ICE, which may create a problem where one does not currently exist. Further, any requirement to publish a policy effectively provides the means for actors such as ICE to circumvent it.

For these reasons, we urge you to give HB 1273 an *unfavorable* report.