



Talking Points

Hospitals and ICE

December 2017

- The number one goal and responsibility of every hospital is to take care of people. That means getting patients the care they need when they need it and, according to the Emergency Medical Treatment and Labor Act, in the emergency department that means screening and stabilization every patient that comes through those doors.
- Recently, the spotlight has been placed on incidents in other states in which the U.S. Department of Homeland Security's Immigration and Customs Enforcement entered hospitals in search of a patient. In one case, an undocumented 10-year-old girl in Texas who was being transferred to one hospital to another in an ambulance was detained by ICE agents.
- While there has been no such case in Maryland as of yet, the incident caused concern: what are the rights of government agents looking for undocumented patients, what are the patients' rights, and what are the rights of hospitals?
- General guidance has been provided by Maryland's Office of the Attorney General. The guidance includes ICE's own policy, which considers hospitals to be, along with schools, churches and other healthcare centers, "sensitive locations" where arrests, interviews, searches and surveillance should not occur, with some exceptions, including "when there is an immediate need for enforcement action."
- While many hospital leaders are confident that current hospital policies provide protections and privacy for all patients, hospital are being urged to review the AG guidance with their legal counsel and determine whether such policies need to be revised, including employee training.