

Texas follows Florida with Healthcare Services Law

Health Equity

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Florida and Texas have both implemented laws requiring certain hospitals to inquire as to patients' immigration status when seeking care. [Florida's statute](#), adopted in 2023, mandates that hospitals receiving Medicaid payments query patients about their immigration status. In August, Governor Abbott of Texas took similar measures by signing an [Executive Order](#) that requires hospitals operating in Texas to collect and report the frequency and cost of certain services, including inpatient discharges and ED visits, involving patients present in the U.S. unlawfully. Hospitals participating in Medicare in both states are still required by Emergency Medical Treatment & Labor Act (EMTALA) to medically screen all persons seeking emergency care and provide necessary stabilizing treatment to those who have an emergency condition, regardless of ability to pay or insurance status. Under both state laws, hospitals must also inform patients during the course of collecting immigration status information that their responses will not affect their ability to receive care. Nonetheless, the law may have a chilling effect and deter patients from ever seeking needed care from hospitals in the first place. In that regard, while Florida hospitals must also indicate that the patient's responses will not result in a report to immigration authorities, the Texas Executive Order is silent on this point.