



Texas Hospitals Required to Ask About Immigration Status

What This Means for Texas Children and Families and How You Can Respond

Overview of Executive Order GA-46

As of November 1, 2024, Executive Order GA-46 requires the Health and Human Services Commission (HHSC) to direct Texas hospitals to ask patients about their immigration status. Hospitals must report this aggregate data, along with the costs of care provided to undocumented patients, quarterly to HHSC and, starting in 2026, HHSC must annually report to state leaders the total care costs for patients “not lawfully present” in the U.S.

Impact on Texas Children and Families

Children's Defense Fund-Texas (CDF-Texas) is deeply concerned about this policy's impact. Texas is home to more than 1 million U.S. citizen children with at least one undocumented family member. Asking about immigration status may deter immigrant families from seeking necessary medical care, placing the health and lives of Texas children and families at risk.

Key Points to Know

1. Rights to Emergency Care

- a. Under federal law, all individuals in Texas must be provided with emergency medical care regardless of immigration status.
- b. Under Executive Order GA-46, hospitals must inform patients that immigration status responses “will not affect patient care.”

2. Fear and Misinformation

- a. The order will likely create fear and confusion in immigrant communities, discouraging families from seeking urgent care.
- b. Prior policies have led to similar confusion and fear, significantly reducing access to health services for children in immigrant families.

3. Know Your Rights

- a. The order requires hospitals to ask about lawful presence but does not require patients to answer.
- b. The order does not create any legal, financial, or healthcare-related repercussions for declining to provide this information.

4. Supporting the Community

- a. By declining to answer when asked by hospital intake staff about their immigration status, all Texans can help protect access to emergency medical care for everyone.
- b. Making declining to answer the norm could make it easier for immigrant and mixed-status families to seek emergency care without fear.

Texas' Healthcare Landscape

- At 11.9 percent, Texas has the highest rate of uninsured children in the U.S.
- More than 2 million Texans lost Medicaid coverage during the recent “unwinding” process, with immigrant families disproportionately affected.

Background on Public Charge Policies

Under current federal rules, accessing or enrolling eligible family members in benefits like Medicaid and SNAP **does not** affect immigration status or make someone a “public charge,” but lingering fears from prior changes to the public charge provisions continue to deter many immigrant families from accessing these programs.

Why Access to Health Care Matters

Ensuring access to health care for everyone—including undocumented immigrants and their children—benefits all Texans. Regular care prevents severe illness, stabilizes family finances, and protects public health by controlling the spread of infectious diseases.

How You Can Respond

- **Decline to Answer:** Support immigrant families and emergency medical care for all by choosing not to disclose your immigration status during medical visits.
- **Advocate for Change:** CDF-Texas joins our partners in urging the governor to rescind this harmful policy.

Resources for Community Members

You can access Know Your Rights guides for patients in English and Spanish, an Advisory memo for medical providers, and other resources developed by the Texas Immigration Law Council, Texas Civil Rights Project, Worker's Defense Project, Every Texan, and ACLU of Texas by clicking [here](#).

This document provides general information and is not legal advice.

