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In recent months, immigration policy shifts in the United States have led to increased fear and anxiety among immigrant communities. Also, within the health and social service provider communities, there are questions concerning law enforcement's access to the personal information of immigrants. In hopes to provide clarity and protection to your patients, please find current patient privacy rules and resources for enhanced protection and support of your immigrant communities below.

ICE and/or local law enforcement should not be entering clinics and searching for people or personal information without a valid warrant signed by a judicial officer.

If law enforcement requests the legal status of a patient, according to HIPAA Privacy Rule DO NOT give out patient information unless:

1. **They have a warrant¹**
2. **You are responding to an administrative request²**
3. **The request is to identify or locate a suspect, fugitive, material witness or missing person³** (see footnote for what information may be provided)

HIPAA guidelines for releasing patient information:

- <http://www.aha.org/content/00-10/guidelinesreleasinginfo.pdf>
- <https://www.hhs.gov/hipaa/for-professionals/faq/505/what-does-the-privacy-rule-allow-covered-entities-to-disclose-to-law-enforcement-officials/index.html>
- <https://www.aclu.org/other/faq-government-access-medical-records>

Also, increased threats of immigration raids and deportation, or heightened discrimination against immigrant communities often decrease willingness to access healthcare and social services. As a result, it is important for agencies to communicate immigrant rights to their

¹subpoena or summons issued by a judicial officer, or a grand jury subpoena (45 CFR 164.512(f)(1)(ii)(A)-(B)).

²such as an administrative subpoena or investigative demand or other written request from a law enforcement official (45 CFR 164.512(f)(1)(ii)(C)).

³the covered entity must limit disclosures of PHI to name and address, date and place of birth, social security number, ABO blood type and rh factor, type of injury, date and time of treatment, date and time of death, and a description of distinguishing physical characteristics (45 CFR 164.512(f)(2)). This same limited information may be reported to law enforcement to identify or apprehend an individual who has admitted participation in a violent crime.

patients, and explicitly state that immigrants are not at risk for deportation by accessing your services.

The following healthcare programs & services are available for undocumented immigrants, young adults with Deferred Action for Childhood Arrival status, and other uninsured people in all states (National Immigration Law Center):

- Emergency-room care
 - Community health centers, migrant health centers, and free clinics
 - To find a health center, go to findahealthcenter.hrsa.gov.
 - To find a free or charitable clinic, go to nafclinics.org/find-clinic.
 - Public and safety-net hospitals
 - Public health services (immunizations, mental health, screening and treatment for communicable diseases such as tuberculosis, HIV, sexually transmitted infections)
 - Programs providing health services necessary to protect life or safety: emergency medical, food or shelter, mental health crisis, domestic violence, crime victim assistance, disaster relief
 - Treatment for an emergency medical condition under “emergency Medicaid,” including labor and delivery for pregnancy
 - Financial assistance or “charity care” programs at community health centers and some hospitals
- **Southern Poverty Law Center is available to connect service providers with legal resources and, depending on the circumstances, may be available to provide direct legal support. You may contact SPLC via Jim Knoepp at jim.knoepp@splcenter.org.**
- **Please visit SC United with Immigrants’ website for information for immigrants and advocates in South Carolina <http://www.sc-united.org/> and PASOs for additional information on our programs in your area www.scpasos.org**

In collaboration,



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