

# Governor Greg Abbott's August 2024 Executive Order GA 46: On Health Care Costs for Certain Individuals

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*On Aug. 8, 2024, Gov. Greg Abbot of Texas issued an [executive order](#) requiring state hospitals to collect information about how much the state spends on healthcare for individuals “not lawfully present in the United States.” This explainer provides details on the order, how it may affect immigrant communities, and how harmful effects can be mitigated.*

## **Gov. Abbot's Expressed Reasoning for the Executive Order**

Gov. Abbott is hoping to ask the federal government for a “reimbursement” of the cost of medical care to “individuals who are not lawfully present in the United States.”

## **Provisions in the Executive Order**

- First, to collect information, including the number of inpatient discharges and emergency visits and the cost of care for “patients who are not lawfully present in the United States.”
- Second, to inform the patient, while collecting this information, that, as required by federal law, any response to such information requests will not affect patient care.
- Third, hospitals will report the data to the HHSC on a quarterly basis. The first report can be submitted no later than March 1, 2025.
- Finally, the HHSC needs to report annually, starting Jan. 1, 2026, to the governor, lieutenant governor, and the Speaker of the House regarding the state's preceding fiscal year cost for inpatient and emergency care of patients not lawfully present in the United States.

## **What Is Not Included in the Executive Order**

- Funding for HHSC to conduct this work.
- Guidance on how to determine who is “not lawfully present.”
- A requirement to present any specific identifying information on patients.
- Data showing the economic contributions of immigrants in Texas for a comparison showing how much undocumented immigrants contribute to the economy vs. their use of state resources.

## **When It Goes Into Effect**

- Data collection will begin on Nov. 1, 2024.

## Who Is Impacted

- The Texas Health and Human Services Commission (HHSC).
- Hospitals, which are defined in the Executive Order as the acute care hospitals enrolled in Medicaid or the Children’s Health Insurance Program, and any additional providers identified by HHSC.
- Immigrants and people of color who may be incorrectly assumed to be undocumented.

## Negative Impacts on the Immigrant Communities

- A chilling effect is likely to occur, as such policies cause uncertainty and fear in various communities and deter immigrants from accessing health care.
- A [Harvard Public Health](#) feature explained how a similar policy in Florida puts immigrants in an “impossible position: avoid the hospital and risk a loved one’s health, or seek care and potentially risk deportation.”

## Ways Texas Can Mitigate the Negative Impacts on Immigrant Communities

- 1) Have a standardized form that all hospitals use to obtain information, so HHSC does not receive a variety of mismatched information that will be difficult to interpret.
- 2) Ensure hospitals are asking the immigration status question to ALL patients, otherwise hospitals may resort to targeting patients based on appearance and language spoken, which opens up many other concerns.
- 3) Produce the questions in multiple languages to ensure there is full comprehension.
- 4) Have a requirement that hospitals will only report aggregate data on the amount spent on patients who are “not lawfully present.” This way, patient information is protected since it will not even make its way to the HHSC. The HHSC will only see the amounts spent, but not the breakdown of patient information.
- 5) Produce a confidentiality provision for all hospitals on how they will store this data safely and destroy it within a reasonable amount of time.
- 6) Ensure it is clearly written and verbally stated in various languages that this request to disclose their immigration status is not mandatory. Their access to health care will NOT be impacted by declining to answer.
- 7) Have a “Decline to Answer” option that is clearly offered.
- 8) Ensure that information is not shared with Immigration and Customs Enforcement or other immigration authorities.

## Additional Resources

- [CLINIC’s Resource](#) on a Similar Provision in Florida’s SB 1718
- Letter from the Florida Immigrant Coalition, Community Justice Project, Florida Health Justice Project, and Catalyst Miami to the United Nations Office of the High Commissioner for Human Rights, Committee on the [Elimination of Racial Discrimination highlighting the chilling impact of immigration status screening laws in the provision of healthcare](#), Aug. 4, 2023.
- Drishti Pillai and Samantha Artiga, [Potential Impacts of New Requirements in Florida and Texas for Hospitals to Request Patient Immigration Status, Kaiser Family Foundation](#), Aug. 26, 2024.
- Florida Immigrant Coalition’s [Decline to Answer Materials](#) regarding SB 1718