



Legislation Text

File #: Res 0372-2004, **Version:** *

Res. No. 372

Resolution calling on the Members of the House of Representatives to vote against House Resolution 3722, also referred to as the Undocumented Alien Emergency Medical Assistance Amendments of 2004, which would place harsh restrictions on undocumented immigrants' access to emergency medical services, impose burdensome requirements on hospitals' participation in Congressionally authorized fiscal relief programs, place persons with emergency health needs at risk of deportation, and attempt to make employers directly liable for undocumented workers' emergency health costs, and offering the Council's full support in ensuring that everyone in the City, regardless of immigration status, is entitled to health care, including emergency care, without fear of immigration or employment consequences.

By Council Members Stewart, Quinn, Reyna, Martinez, Palma, Liu, Barron, Fidler, Gonzalez, Lopez, Perkins, Seabrook and Sears

Whereas, The written purpose of House Resolution 3722 is to 1) to protect the health and safety of US citizens, 2) save an undocumented person's life in a life-threatening emergency, and 3) stabilize an emergency medical condition so that such person could be deported; and

Whereas, Under House Resolution 3722, hospitals would be required to deny medical treatment to undocumented people that they would otherwise be required to provide under Emergency Medical Treatment and Labor Act of 1986 (EMTALA); and

Whereas, Under House Resolution 3722, hospitals would only be able to access certain federal funds allocated in the Medicare bill to reimburse hospitals for the costs of providing uncompensated care to undocumented people by: 1) obtaining sworn statements of patients' immigration status, address, employer and other personal and non-financial data, including insurance information, 2) obtaining from the patients "one or more identifiers" compatible with Department of Homeland Security (DHS) databases for the purpose of verifying identity and immigration status (although not specifically required, these might include fingerprints or photographs), and 3) transmitting the sworn statements and identifiers to DHS; and

Whereas, Since it would not be immediately obvious who was undocumented, House Resolution 3722 would result in delayed treatment for all individuals seeking emergency room services and would create a disproportionate delay on people from specific racial or ethnic groups suspected of being undocumented, which would be a violation of civil rights law; and

Whereas, House Resolution 3722 would also create a tremendous burden upon many small businesses by making employers who do not complete employment authorization verification procedures liable for uncompensated emergency services of their workers; and

Whereas, The purpose of emergency care is to provide health care to sick or injured individuals who are in need of immediate care; and

Whereas, New York City Mayor Michael Bloomberg's Executive Order 41 and President of the Health and Hospitals Corporation, Dr. Benjamin Chu's June 10, 2003 Memorandum (the "Memorandum"), maintain that the New York City public health system guarantees health care to all individuals, regardless of immigration status; and

Whereas, Executive Order 41 and the Memorandum state that all information related to a patient's immigration status obtained by a City employee during the course of his or her duties may not be disclosed to any third party; and

Whereas, Treating all sensitive patient information as confidential is critical to the relationship of trust necessary between health care providers and patients, a relationship which lowers barriers to access and helps to foster the full and free communication that helps health care providers render the best care possible; and

Whereas, House Resolution 3722 would create a public health burden for all citizens if undocumented people are afraid to seek needed health services; and

Whereas, Hospitals must reassure the immigrant community that its primary mission is providing health services, not policing; and

Whereas, The federal government should be looking at ways to increase funding streams to hospitals,

such as increasing the Federal Medicaid Matching Rate, in order to secure our health care system, instead of trying to save money by denying individuals emergency care; now, therefore, be it

Resolved, That the Council of the City of New York calls on the Members of the House of Representatives to vote against House Resolution 3722, also referred to as the Undocumented Alien Emergency Medical Assistance Amendments of 2004, which would place harsh restrictions on undocumented immigrants' access to emergency medical services, impose burdensome requirements on hospitals' participation in Congressionally authorized fiscal relief programs, place persons with emergency health needs at risk of deportation, and attempt to make employers directly liable for undocumented workers' emergency health costs; and, be it further

Resolved, That the Council of the City of New York offers the Council's full support in ensuring that everyone in the City, regardless of immigration status, is entitled to health care, including emergency care, without fear of immigration or employment consequences.

DP
5/10/04
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