

# Senate Bill 915

## The Care with Dignity Act

Senator Caroline Menjivar (D – San Fernando Valley)

### SUMMARY

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SB 915 would empower health care providers to maintain and protect the privacy, visitation rights, and continuity of care of patients accompanied by and under custody of immigration enforcement officers.

### PROBLEM

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Health care providers want to protect their patients' rights but lack clear authority and guidance when immigration enforcement officers are present. This leads to health care providers treating patients in civil custody who are brought by immigration enforcement, often detained without being charged with allegedly violating immigration laws, the same as those who are brought in under criminal custody by law enforcement.

Some health facilities have used "blackout policies" where they register these patients under a pseudonym, leaving their family unable to locate them. Other times immigration enforcement officers have remained in treatment rooms or patient care areas during private medical conversations, violating patients' federal Health Insurance Portability and Accountability Act (HIPAA) and Confidentiality of Medical Information Act (CMIA) protections.

Furthermore, when it is time to discharge these patients, providers lack a formal mechanism to request documentation from the detention facilities to which the patients will be taken to, whether they can provide necessary medications or specialty care needed for adequate continuity of care. This poses dangerous risks to a patients' health, especially with the substandard, inadequate medical care reported at immigration detention facilities. At least 32 people died in immigration custody last year, making it the deadliest year in over two decades.

### BACKGROUND

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Both federal and California law establish patient privacy and security rules that protect the use and disclosure of medical information. The federal HIPAA and CMIA require health care provider entities to prevent unauthorized access to patients' protected health information, including

medical records and verbal conversations they have with their physicians.

While California already has protections against immigration enforcement unlawfully entering health facilities and accessing patient data, those protections do not clearly extend to patients who are brought to these facilities already under immigration custody. This gap has left health care providers without clear legal authority to act when immigration enforcement agents violate the privacy and other rights of patients they bring in. In Los Angeles, after injuring a car wash worker, immigration enforcement agents took the worker to Harbor-UCLA Medical Center to receive treatment. The agents shackled him to his hospital bed and refused to allow him to speak privately with doctors or legal counsel, violating his right to privately discuss medical information. He was never charged with violating immigration law, yet immigration enforcement surveilled his hospital bed for over a month and interrogated him while he was in pain.

### SOLUTION

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SB 915 closes the gap between existing law and practice by empowering health care providers with the tools to uphold the privacy, health and visitation rights of patients brought in under immigration custody and work to ensure patients have continuity of care after discharge. SB 915 establishes clear guidance to safeguard patient rights, including restricting the use of blackout policies and standardizing protocols to prevent immigration enforcement officers in patient care areas, and strengthens discharge planning to better protect patient health and safety after leaving the facility.

### STATUS

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Amended- March 25

### SUPPORT

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California Immigrant Policy Center (CIPC) (Cosponsor)  
California Pan-Ethnic Health Network (CPEHN)  
(Cosponsor)

**CONTACT**

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