

BILL ANALYSIS

C.S.H.B. 2587
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Public Health
Committee Report (Substituted)

BACKGROUND AND PURPOSE

In 2023, Florida passed S.B. 1718, a large immigration package that included provisions requiring hospitals that accept Medicaid to ask patients about their immigration status. The bill author has informed the committee that, while Governor Abbott issued an Executive Order requiring certain hospitals to ask that question, Texas law does not currently require hospitals that provide uncompensated care to ask such a question and that the state has no way of accurately gauging the overall financial burden taxpayers carry in the health care space due to illegal immigration. C.S.H.B. 2587 would require a hospital that provides acute care services and is enrolled as a provider under Medicaid or CHIP to include on their patient intake form a question about the patient's citizenship or immigration status and an accompanying statement that the care the patient will receive will not be impacted based on the answer they provide. The bill would also require reporting regarding the financial impact on hospitals providing health care services to patients who were persons not lawfully present at the time of the provided care.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that rulemaking authority is expressly granted to the executive commissioner of the Health and Human Services Commission in SECTION 1 of this bill.

ANALYSIS

C.S.H.B. 2587 amends the Government Code to require the Health and Human Services Commission (HHSC), not later than November 1 of each year, to prepare and submit to the governor and the legislature a written report for the preceding state fiscal year on the financial impact on hospitals in Texas for providing health care services to patients who were persons not lawfully present at the time health care services were provided to those patients. The bill establishes that HHSC is not required to submit the initial report until December 1, 2026, and defines the following terms:

- "financial impact" as the costs incurred by a hospital for providing health care services to a patient for which the hospital does not receive payment in full for those services;
- "hospital" as an establishment licensed under the Texas Hospital Licensing Law that provides acute care services and is enrolled as a provider under Medicaid or CHIP; and
- "person not lawfully present" as a person who is neither a citizen or national of the United States nor an alien who is lawfully admitted for permanent residence in the United States under the federal Immigration and Nationality Act or authorized to be employed by that act or the U.S. attorney general.

C.S.H.B. 2587 requires the executive commissioner of HHSC by rule, for purposes of preparing the report, to require each applicable hospital in Texas to do the following:

- include on the hospital's patient intake form the following:
 - a question regarding the patient's citizenship or immigration status to determine if the patient is a person not lawfully present; and
 - a statement that the patient's response to that question will not affect any health care service provided to the patient, as required by federal law; and
- quarterly submit to HHSC in the manner and format prescribed by HHSC a written report on the following:
 - the number of emergency room visits and inpatient discharges the hospital provided or completed during the preceding quarter for patients who were persons not lawfully present at the time the hospital provided health care services to the patients; and
 - the financial impact on the hospital during the preceding quarter for providing health care services to the patients who were persons not lawfully present at the time the hospital provided health care services to the patients.

The bill establishes that, as required by federal law, a patient's response to the question regarding the patient's citizenship or immigration status may not affect the health care services provided to the patient. The bill requires HHSC to ensure the reports required under the bill's provisions do not include any personal identifying information and requires the executive commissioner of HHSC to adopt the required rules as soon as practicable after the bill's effective date.

EFFECTIVE DATE

September 1, 2025.

COMPARISON OF INTRODUCED AND SUBSTITUTE

While C.S.H.B. 2587 may differ from the introduced in minor or nonsubstantive ways, the following summarizes the substantial differences between the introduced and committee substitute versions of the bill.

Whereas the introduced required HHSC to prepare and submit an annual written report on the cost of uncompensated hospital care incurred by hospitals in Texas to provide health care services to patients who were persons not lawfully present at the time health care services were provided to those patients and the impact that incurring those costs had on those hospitals, the substitute requires HHSC to prepare and submit an annual written report on the financial impact on hospitals for providing such health care services and defines "financial impact" as the costs incurred by a hospital for providing health care services to a patient for which the hospital does not receive payment in full for those services. Accordingly, the substitute omits the introduced version's definition of "uncompensated hospital care."

The substitute includes a provision absent from the introduced defining "hospital" as an establishment licensed under the Texas Hospital Licensing Law that provides acute care services and is enrolled as a provider under Medicaid or CHIP.

The substitute revises the requirement in the introduced for the executive commissioner of HHSC by rule to require each hospital in Texas that provides uncompensated hospital care to include certain information on the hospital's intake form and submit certain quarterly reports to HHSC by removing the specification that those requirements are limited to hospitals that provide uncompensated hospital care.

Both versions of the bill require that a hospital include a question on the hospital's patient intake form regarding the patient's citizenship or immigration status, but the substitute specifies that the purpose of the question is to determine if the patient is a person not lawfully present, whereas the introduced did not. With respect to the provisions that appear in both versions establishing that a patient's response to that question may not affect any health care service provided to the patient and requiring a statement of that fact to be included on the intake form, the substitute

includes a specification absent from the introduced that this prohibited effect is required by federal law.

With respect to the requirement for the submission of quarterly reports to HHSC by hospitals, the substitute makes the following changes regarding the report content:

- replaces the number of patients who received health care services from the hospital during the preceding quarter who were persons not lawfully present at the time the hospital provided health care services to the patients, as in the introduced, with the number of emergency room visits and inpatient discharges the hospital provided or completed during the preceding quarter for patients who were persons not lawfully present at the time the hospital provided health care services to the patients; and
- replaces the total cost of uncompensated hospital care incurred by the hospital as a result of providing health care services to the patients who were persons not lawfully present at the time the hospital provided health care services to the patients and the impact on the hospital of providing such uncompensated hospital care, as in the introduced, with the financial impact on the hospital during the preceding quarter for providing health care services to the patients who were persons not lawfully present at the time the hospital provided health care services to the patients.

The substitute changes the deadline by which HHSC is required to submit the required initial report from November 1, 2027, as in the introduced, to December 1, 2026.