

Access to Prevention and Healthcare Services for Immigrants with Communicable Diseases: A Resource for Public Health, Prevention & Care Providers

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This document was developed for medical care teams and public health officials who are working with immigrants living with HIV or TB. We have compiled general information for providers and healthcare facilities and specific information that may be helpful for patients with HIV or tuberculosis. The document will be updated as new information becomes available. ***This document is an informational resource only and does not constitute legal advice.***

IMMIGRATION POLICIES

Your patients may be affected by recent changes to immigration policies and enforcement. The Department of Homeland Security posts information about implementation of various immigration policies on their [website](#). Information on the Executive Orders related to the refugee and immigration ban is available from the National Immigration Law Center (NILC) [website](#) by clicking on the “Issues” and then “Immigration Enforcement” tab. Information on the Executive Order affecting immigrants who were eligible for the [Deferred Action for Childhood Arrivals \(DACA\)](#) or “Dreamers” is available from the U.S. Department of Homeland Security (DHS), the American Immigration Council [website](#), the Immigrant Legal Resource Center [website](#) and the [Immigration Equality](#) website. Information on changes to the Temporary Protected Status designation for immigrants from Nicaragua, Honduras, Haiti, and El Salvador is available from the [DHS](#) website.

The [American Immigration Lawyers Association](#) and the [American Immigration Council](#) also are resources for immigration policy updates and information.

Immigration policies are rapidly evolving, so please verify the most recent information available from these sources is up-to-date.

INFORMATION FOR HEALTH CARE PROVIDERS

Knowing Your Rights as a Healthcare Provider

The [National Immigration Law Center](#) offers a [tool kit](#) for medical providers that includes under “Creating Safe Spaces” messaging and sample letters that providers can use to foster a safe and welcoming space. The information below is from the NILC resource [Know Your Rights, Know Your Patients’ Rights](#).

- Health care providers are not legally required to report a patient’s immigration status and do not need to document it in the medical record.

- Disclosure of immigration status is covered by the Health Insurance Portability and Accountability Act (HIPAA) privacy rule that prohibits disclosure of patient information except when required by law.
- Health care providers may refuse to provide information about patients unless the request is pursuant to a warrant or court order.
- Hospitals and health care facilities are generally considered “sensitive locations” by Immigration and Customs Enforcement (ICE) and US Customs and Border Patrol (CBP) where immigration actions are to be avoided. Be aware, however, that this is internal guidance only and there have been recent reports of increased enforcement in “sensitive locations,” including courthouses, schools, and shelters.

Educating Patients on their Rights

Clinics and hospitals can help educate patients and clients on their rights by distributing information in waiting rooms and other public areas on immigrant rights and resources for legal assistance. The Immigrant Defense Project has [Know Your Rights](#) flyers for different situations available online in 16 languages. The flyers and other resources that may be helpful are available from their [website](#) under the “Resources” and then the “For Communities” tab.

The Immigrant Legal Resource Center provides free Know [Your Rights card](#) printable templates in seven languages that clients can carry in their wallets.

The American Immigration Lawyers Association also has [Know Your Rights During ICE Encounter](#) flyers in seven languages including English and [Public Service Announcements](#) available [online](#).

Additional patient information including resources for legal aid is available at the end of the document.

Developing a Plan

In the case of an emergency, advise patients to develop a communications plan to ensure that family members and caregivers can be alerted if needed and to ensure that their necessary medical information is available. Patients should write down and carry with them essential health information, such as their medications with dosage and contact information for their healthcare providers including a social worker or case manager if they have one.

Patients also may consider sharing medical information including healthcare providers contact information with someone they trust to help with a legal case or to help ensure proper medical care if detained.

The Immigrant Legal Resource Center has family preparedness plan resources in English, Spanish, and Chinese on their [website](#). In the event that a patient or family member is detained by immigration, there is an [ICE detainee locator system online](#).

INFORMATION FOR PATIENTS WITH HIV

Contact Your State AIDS Drug Assistance Program (ADAP)

Providers should inquire as to whether their patients are eligible and/or enrolled to receive services from the Ryan White HIV/AIDS Program (RWHAP) Part B program, including ADAP. The RWHAP Part B program is the element of the [RWHAP infrastructure](#) through which state and territorial health departments are funded to provide core medical and support services to eligible clients. ADAP eligibility is open to individuals living with HIV who are low income and a resident of a jurisdiction. Residency documentation requirements vary by jurisdiction. The RWHAP funds services for individuals who are not eligible for other health care services or programs or services not covered by other programs. Providers should contact their state ADAP coordinator in the event of questions or emergencies using information available [here](#).

Providers should ask or review their state ADAP override policies (e.g., if patients can access a transitional supply of medications when traveling or during emergencies). Note: while these policies do not explicitly mention deportation or related detention, they may potentially be applied and leveraged in these instances. While many states will allow at least a 30-day supply for clients, notice may need to be given before the client's date of departure. For example, clients in one state need to submit a prior approval form, which can take up to 30 days to receive approval. Depending on the ADAP, the client may be able to get an extension on their 30-day supply or additional months' supply. Providers should advise clients to inquire about arranging medication pick-up or delivery with their respective program. In another state, they may be able to have it delivered or have someone pick-up in their place which will allow medications to be delivered to a temporary address. It is important for clients to verify the policies and procedures with their state health department ADAP or case managers to prepare for unexpected circumstances.

Providers should familiarize themselves with the local RWHAP-funded organizations that offer a range of supportive services to help people living with HIV access care and maintain treatment access. Examples of services that may be available through a state's RWHAP Part B program or another local program may include: case management (medical and non-medical); food services; housing; legal services; linguistic services; and medical transportation. More information on RWHAP core medical and support services is available from [here](#).

Other Questions to Consider

- *Is the patient enrolled in the AIDS Drug Assistance Program?*
 - If not, check with your state ADAP regarding eligibility.
- *Are testing services available for their partner through a local RWHAP Part B program?*
 - Check with your state ADAP. Many RWHAP programs offer HIV testing for the partners of patients or clients.
- *Will patients be liable for payment if they are hospitalized in the U.S.?*
 - The RWHAP only covers outpatient care and treatment and does not assist with inpatient care. Learn what your clinic or hospital's policy is regarding charity care and immigration status and whether your state offers health assistance for immigrants.
- *Are there resources to identify HIV care sites and providers outside of the U.S.?*
 - We are in the process of compiling resources to identify sexually transmitted disease (STD) and HIV clinical sites outside of the U.S. This [online listing](#) provides contact information for public clinics in Mexico. The American Academy of HIV Medicine has an [online HIV provider directory](#) that includes providers outside of the U.S. available at aahivm.org. You also may contact the HIV Medicine Association at (703) 299-1215 or

info@hivma.org for assistance. NAM¹ AIDSMap has a [searchable directory](#) of HIV resources for care available by country.

- *Are there resources available for translating antiretrovirals into other languages?*
 - NAM AIDSMap also has [a section](#) on their website with HIV-related resources translated into 21 languages. For some of the languages, antiretroviral drug lists are available. You can access the translated resources from www.aidsmap.com by clicking on the “Translations” tab.

INFORMATION FOR PATIENTS WITH TUBERCULOSIS

CURETB Referral Program

This program managed by the San Diego County Public Health Services TB Control Branch provides referrals for patients who are traveling between the U.S., Mexico and South America. More information is available [online](#) or by calling (619) 542-4013.

CDC International Notification of TB Cases

CDC also has an international notification program for patients with active TB undergoing treatment who leave the country. More information is available [online](#).

State and Local Health Departments

Your state and local health departments also may offer resources for your patients with TB.

[CDC Directory of State and Territory Health Departments](#)

[National Association of County and City Health Officials Directory of Local Health Departments](#)

ADDITIONAL RESOURCES TO STAY INFORMED AND HELP YOUR PATIENTS

Additional resources for healthcare providers and their patients, including organizations that provide legal services or maintain directories for legal aid, are highlighted below.

For Healthcare Providers

National Immigration Law Center

[Tool Kit for Healthcare Providers](#)

A sign up is required that may take a couple of days for approval. Once you are approved, you also will receive notifications for webinars that provide information specific to healthcare providers.

[Community Education Resources](#)

¹ NAM initially was named the National AIDS Manual but the name was shortened to NAM as their work evolved.

[Health Care Resources](#)

[Medical Assistance Programs for Immigrants in Various States Table](#)

National Association of Community Health Centers' [Caring for Immigrant Patients](#)

American Academy of Pediatrics' [Immigrant Child Health Toolkit](#)

America's Essential Hospitals' [Immigration and Health Care: Resources for Hospitals](#)

For Legal Assistance

Immigration Advocates Network [National Immigration Legal Services Directory](#)

Provides a searchable online directory of non-profit immigration legal services providers that offer free or low-cost immigration legal services.

[Department of Justice List of Pro Bono Attorneys by State](#)

Department of Justice Executive Office for Immigration Review listing of pro-bono attorneys by state.

[American Immigration Lawyers Association \(AILA\) Immigration Attorney Directory](#)

Directory of immigration lawyers searchable by city, state, and type of legal assistance and language spoken.

[Immigration Equality](#)

Provides information and resources for LGBTQ immigrants including [Legal Help](#).

****BEWARE OF IMMIGRATION CONSULTANT OR "NOTARIO" FRAUD****

Information below from <http://www.stopnotariofraud.org/>

Who is authorized to help immigrants with their legal matters?

Only a licensed lawyer or accredited representative is authorized and qualified to assist you with your immigration case or green card application. It is against the law for notaries public to provide immigration advice—even filling out forms or a green card application is something that only a duly licensed immigration lawyer or accredited representative should do.



Who are "Notarios"?


Notarios are not lawyers. They also are not valid accredited representatives approved by the U.S. government. Often, they use the term "notario publico" to advertise their services in the Hispanic community. That title is not recognized in the United States as it is in some Latin American countries. While many legitimate community and religious organizations provide

immigration-related services, non-lawyers who advertise as legal “consultants” or “notarios publicos” are not authorized or qualified to help with immigration law-related matters. These notarios often take advantage of people from their ethnic community. Some attempt to provide legal service, but are not competent. Still, others will take clients’ money without intending to file documents or provide help..

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