

Judge rules basic Medicaid data can be shared with ICE

A federal judge in California ruled to allow sharing basic biographical, location and contact information as the Trump administration pursues its immigration crackdown.



— An ICE agent during a raid in Huntington Park in Los Angeles on June 13.

Department of Homeland Security/Anadolu via Getty Images file

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By Phil Helsel and Joe Kottke

A federal judge in California ruled Monday that the federal government is allowed to share basic information about Medicaid participants with Immigration and Customs Enforcement amid a government push to locate people it believes are in the country unlawfully.

The [plan to share information](#) from the federally backed program had been blocked by a preliminary injunction that applied to 20 states that sued, including California.

U.S. District Judge Vince Chhabria partly denied the states' request for a preliminary injunction Monday, writing that “basic biographical, location, and contact information” is legal under the law.

But he also granted the injunction as it pertains to any information beyond that.

The Department of Homeland Security called the decision "a victory for the rule of law and American taxpayers" in a statement Tuesday from Assistant Secretary Tricia McLaughlin.

Officials said they were disappointed, though the office of California Attorney General Rob Bonta said in a statement Monday it was "gratified that the court enjoined DHS's broader efforts to obtain more sensitive health data; data of citizens, lawful permanent residents, and other people with lawful status; and data from other CMS administered health programs."

Monday's order notes that the Medicaid services agency, CMS, has said in a notice that it "will share the minimum required information," such as "citizenship and immigration status, location, and phone numbers."

Immigrants unlawfully in the United States are largely not eligible for Medicaid.

All states are required to offer emergency Medicaid – temporary coverage that pays only for lifesaving services in emergency rooms – to anyone, regardless of immigration status.

Emergency Medicaid spending [accounts for less than 1% of the program's expenses](#), according to [a study published](#) in October in the Journal of the American Medical Association.

Chhabria's order notes that basic information is something that the Department of Homeland Security, the agency that governs ICE, has always had the authority to request.

Chhabria also said in his partial order that there are many unanswered questions.

"Beyond the basic information discussed above, the policies are totally unclear and do not appear to be the product of a coherent decisionmaking process," he wrote.

His order grants a preliminary injunction against sharing information of broader categories.

Chhabria cited questions about whether DHS may request information about lawful citizens or lawful permanent residents, including in mixed households in which some are lawfully in the country and others are not.

"The new policies are totally unclear about what that information would be, why it would be needed for immigration enforcement purposes, and what the risks of sharing it with DHS would be," he wrote.

Medicaid is a federal and state joint program that has about 79 million enrollees across the country. In California, it is called Medi-Cal.

The California attorney general's office said Monday that participants expected privacy.

"When individuals signed up for Medi-Cal, they did so with the understanding that their data would not be used for purposes unrelated to administering the program," it said.

CMS has long had a policy of not sharing data about Medicaid patients with ICE, and since at least 2013, ICE has had a policy of not using that data for immigration enforcement, Chhabria wrote in a ruling in August.

But in June, CMS began sharing data about Medicaid patients with ICE, and in July, CMS and ICE "entered into a formal data-sharing agreement," Chhabria wrote in background about the case.

The lawsuit was against the Department of Health and Human Services, the Department of Homeland Security and others.

In a statement Tuesday, Department of Health and Human Services press secretary Emily Hilliard said the department "acted entirely within its legal authority" with respect to data sharing between CMS and DHS "to ensure that Medicaid benefits are reserved for individuals who are lawfully entitled to receive them."

The previous ruling that barred sharing information will be in effect until next Monday, which was its previous expiration date, "solely for administrative purposes," Monday's ruling says.

The court has set a hearing for Friday, if necessary, according to court documents. A final decision on the suit has not been made. 📺



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