Guidance from Josh Abrams, Office of the General Counsel

If law enforcement personnel, including those from the Immigration and Customs Enforcement (ICE) or Department of Homeland Security (DHS) asks for a patient or patient information, **do not provide any information about the patient**, but rather contact your supervisor immediately.

Law enforcement personnel can wait in public areas like a waiting room or lobby but should not be allowed in patient care areas. For assistance if needed, please call PSOS for assistance with finding a space in which they can wait that is away from patients.

When Supervisors/Managers are called by staff, they should immediately:

* Contact the MGB Office of General Counsel (OGC). A staff attorney is on call 24/7
* During normal business hours, call (857)282-2020
* During off hours, call your local page operator, the BWH Page Operator (617-732-6660) or the MGH Page Operator (617-726-2241) and ask to page the MGB Office of General Counsel staff attorney on call.
* Contact Police and Security if the situation is causing conflict and/or fear

As per legal guidance, a law enforcement officer presenting a badge is not sufficient. ICE, DHS or any other governmental entity must have a warrant or court order signed by a judge. OGC should review any warrant presented to clarify what, if anything, it authorizes.

Those of you who are on call or taking daytime patient care calls may get calls about this.  Please reach out to your supervisor/manager when this happens so you are not alone in dealing with it.  Do not hesitate to call no matter what time of day or night.

ICE is very active in Boston right now and they have been told by the current administration that health care facilities are no longer out of bounds for enforcement. Please remember we are here to provide healthcare, first and foremost.

In summary, we need to be very clear that (a) we do not provide PHI to any law enforcement, including ICE, without a warrant or subpoena and (b) we do not allow ICE access to a patient without the patient’s consent or an arrest warrant.

If a patient arrives in ICE (or any law enforcement) custody who needs medical treatment, the officers may stay with the patient, although they should stand far enough away during patient care communications with the patient so they cannot overhear (there will likely be resistance to that request in these cases, so Police and Security should assist in communicating this to the ICE agent If ICE (or any law enforcement agent) asks us to inform them of when a patient will be discharged, they should be politely told that we do not do that.  If they want to know when a patient is being discharged, they should remain with the patient throughout the stay or present a court order requiring us to do so.

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