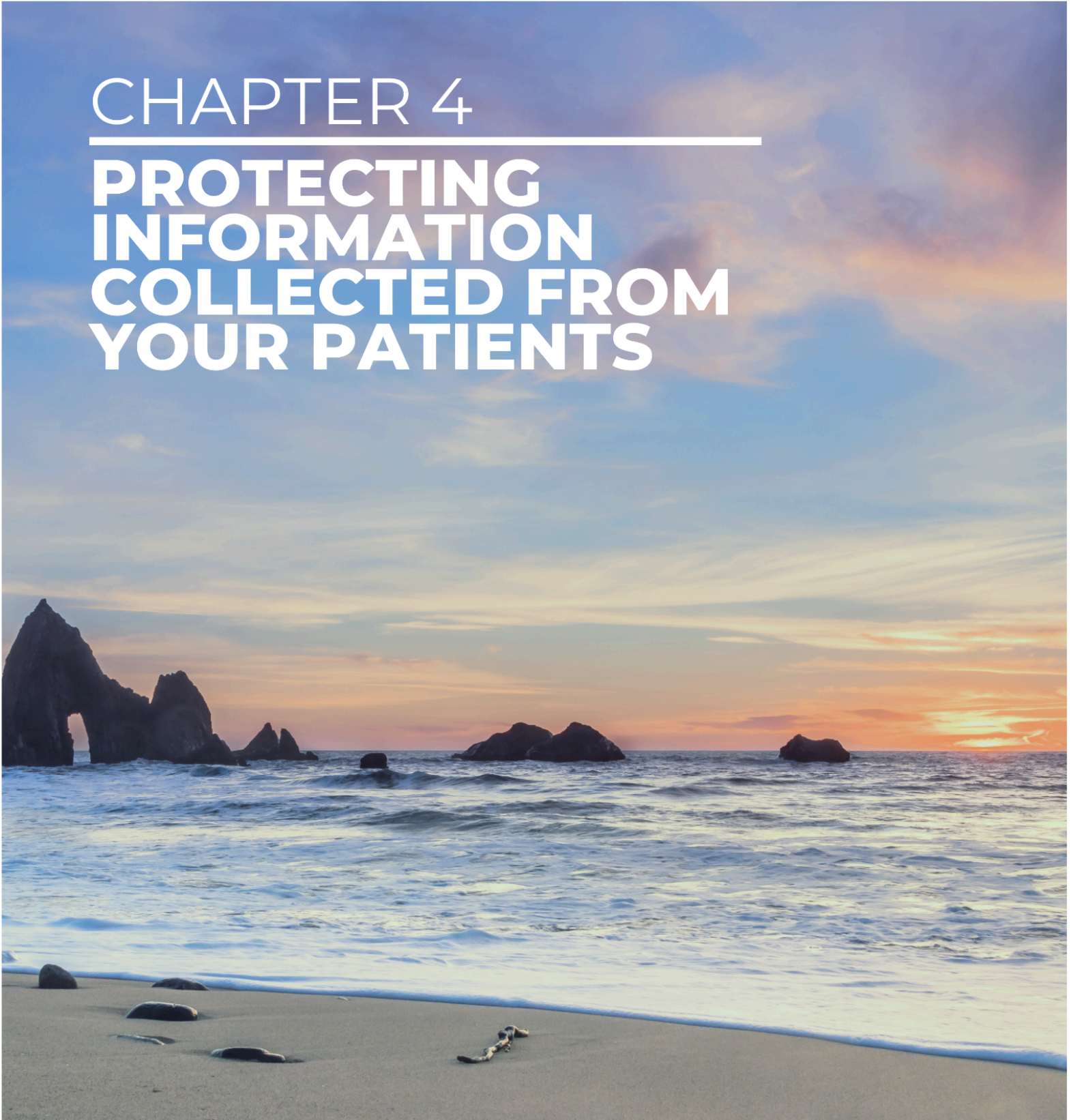


HEALTHY HARBORS FOR ALL CALIFORNIANS

CHAPTER 4

PROTECTING INFORMATION COLLECTED FROM YOUR PATIENTS



CHAPTER 4: Protecting Information Collected From Your Patients

SUMMARY: Patient trust depends on protecting personal and immigration-related information. This chapter outlines legal protections under HIPAA and California law, offers guidance on collecting immigration status for eligibility (not medical) purposes, and encourages clinics to update physical and cybersecurity safeguards. Resources include multilingual privacy materials, legal references, and tools for secure documentation and data protection.

The trust that you establish and maintain with your patients is essential to an effective therapeutic relationship. While you want to continue to be thorough and comprehensive in collecting information about your patients, you can be proactive in reassuring and reminding them about privacy and confidentiality laws that prevent sharing of personal health information. You may also want to review whether and how you document information about a patient's immigration status in a medical record or electronic health record. Finally, this is an ideal time to ensure that you have physical and cybersecurity protections for your clinic/practice that are up to date and functioning.

Key Resources:

- California Attorney General, Promoting Safe and Secure Healthcare Access for All: Guidance and Model Policies to Assist California's Healthcare Facilities in Responding to Immigration Issues
<https://oag.ca.gov/sites/all/files/agweb/pdfs/immigration/healthcare-guidance.pdf>
- National Immigration Law Center, Healthcare Providers and Immigration Enforcement: Know Your Rights, Know Your Patients' Rights
<https://www.nilc.org/wp-content/uploads/2025/01/Health-Care-Providers-and-Immigration-Enforcement.pdf>

Note: This information is provided for general educational purposes and does not constitute legal advice. Consult an attorney for questions about how federal immigration or privacy law applies in your clinic/office.

Patient Privacy Protections

The federal Health Insurance Portability and Accountability Act (HIPAA) privacy law prohibits the use or disclosure of personal health information without a patient's consent, except when required by law, such as court orders, warrants, subpoenas, or summons issued by a court.²⁵

Under HIPPA, a patient's name, address, date of birth, and social security number are considered personal health information. While a patient's immigration status is not explicitly mentioned in law or regulation, information that could identify the patient, including immigration status, is protected.²⁶

The U.S. Department of Health and Human Services Office of Civil Rights provides HIPPA information translated into multiple languages, including Spanish, Chinese, Vietnamese, Korean, Tagalog, Arabic, French, Portuguese, Haitian Creole, Polish, Japanese, Farsi, Italian, and German.²⁷

California also has a privacy law, the California Medical Information Act (CMIA), which prohibits health care providers from disclosing medical information to third parties without the patient's written authorization. Similar to HIPAA, CMIA protects information that could identify a patient, including name, address, email, telephone number, or social security number. For more information, see the California Health Care Foundation, Rights and Requirements: A Guide to Privacy and Security of Health Information in California, 2013.²⁸

Collecting Information about A Patient's Immigration Status

Health care clinicians and facilities do not have a legal obligation to ask about a patient's immigration status in order to provide health care services, or to voluntarily share information about immigration status with immigration enforcement agents.

However, information about a patient's immigration status may be relevant to determining eligibility for programs such Medi-Cal or Covered California. For example, California has expanded Medi-Cal eligibility to all low-income Californians, regardless of immigration status.

²⁵ <https://www.hhs.gov/hipaa/index.html>

²⁶ <https://www.hhs.gov/hipaa/for-professionals/privacy/laws-regulations/index.html#what>

²⁷ <https://www.hhs.gov/ocr/get-help-in-other-languages/index.html>

²⁸ <https://www.chcf.org/wp-content/uploads/2017/12/PDF-PrivacySecurityGuide.pdf>

Enrollment changes begin in January 2026, with monthly premiums scheduled to start in July 2027 for some immigrants.^{29,30,31}

If intake, front office staff, or eligibility staff must ask information about immigration status for insurance eligibility, that information should not be included in the medical record, or electronic health record. If it is recorded, limit it to confidential sections only.

Providing information and referrals for immigrant patients about their social needs can be more challenging because eligibility rules for federal and California housing, food, and other social services for immigrants are very complex and subject to change.

For updated information, consult:

- National Immigration Law Center, Overview of Immigrant Eligibility for Federal Programs - <https://www.nilc.org/resources/overview-immeligfedprograms/>
- National Immigration Law Center, State Programs - <https://www.nilc.org/resources/guide-to-immigrant-eligibility-for-federal-programs/#resources-state-programs>
- National Immigration Law Center, What New Federal Notices Mean for Immigrants' Program Eligibility - <https://www.nilc.org/articles/what-new-federal-notices-mean-for-immigrants-program-eligibility/>
- Nourish California, Food for All - <https://nourishca.org/our-work/food4all/>
- National Low-Income Housing Project, Eligibility for Assistance Based on Immigration Status - https://nlihc.org/sites/default/files/FAQs_Eligibility-for-Assistance-Based-on-Immigration-Status.pdf

Physical Security and Cybersecurity

Given increased immigration enforcement and online harassment, now is a good time to review and strengthen physical and cybersecurity safeguards. Consider additional

²⁹ California Department of Health Care Services, Coverage for All: Get Medi-Cal
<https://www.dhcs.ca.gov/Get-Medi-Cal/Pages/coverage-for-all.aspx>

³⁰ California Department of Health Care Services, Medi-Cal Program Changes 2026-2027
<https://www.dhcs.ca.gov/services/medi-cal/eligibility/Pages/medi-cal-changes.aspx>

³¹ Covered California, Proof of Immigration Status or Lawful Presence
<https://www.coveredca.com/documents-to-confirm-eligibility/immigration-status/>

surveillance or monitoring technology for clinic safety, and regularly update passwords and other cybersecurity protections.³²

³² American Medical Association, Physician Cybersecurity,
<https://www.ama-assn.org/practice-management/sustainability/physician-cybersecurity>