



GOVERNOR GREG ABBOTT

August 8, 2024

FILED IN THE OFFICE OF THE
SECRETARY OF STATE

2:30 pm O'CLOCK

AUG 08 2024

Jane Nelson
Secretary of State

The Honorable Jane Nelson
Secretary of State
State Capitol, Room 1E.8
Austin, Texas 78701

Dear Secretary Nelson:

Pursuant to his powers as Governor of the State of Texas, Greg Abbott has issued the following:

Executive Order No. GA-46 relating to the collection of information by the Health and Human Services Commission to assess costs to the Texas public hospital system imposed by the federal government's open-border policies.

The original executive order is attached to this letter of transmittal.

Respectfully submitted,

GSD

Gregory S. Davidson
Executive Clerk to the Governor

GSD:gsd

Attachment

Executive Order

BY THE
GOVERNOR OF THE STATE OF TEXAS

Executive Department
Austin, Texas
August 8, 2024

EXECUTIVE ORDER
GA 46

Relating to the collection of information by the Health and Human Services Commission to assess costs to the Texas public hospital system imposed by the federal government's open-border policies.

WHEREAS, I, Greg Abbott, Governor of Texas, issued a disaster proclamation on May 31, 2021, certifying under Section 418.014 of the Texas Government Code that the surge of individuals unlawfully crossing the Texas-Mexico border posed an ongoing and imminent threat of disaster for a number of Texas counties and for all state agencies affected by this disaster; and

WHEREAS, the surge of individuals crossing the southern border has continued, resulting in more than 11 million people—a number larger than the population of 40 different States—entering this country illegally in less than four years under the Biden-Harris Administration; and

WHEREAS, the Biden-Harris Administration has consistently adopted open-border policies that invite this mass illegal entry into Texas and other States, including by ignoring federal laws that require the federal government to secure the border, construct barrier infrastructure, detain illegal immigrants, vet would-be entrants, and swiftly remove aliens pressing frivolous asylum claims; and

WHEREAS, the Biden-Harris Administration has also taken steps to prevent States from addressing this crisis caused and aggravated by the federal government's abdication, including by destroying state barrier infrastructure and suing state officials rather than the thousands of individuals daily entering this country in violation of federal criminal laws; and

WHEREAS, federal law contributes to the growth of uncompensated medical costs by requiring that any individual must be allowed to obtain emergency medical treatment regardless of that individual's immigration status, or willingness or ability to pay for such treatment; and

WHEREAS, the State of Texas absorbs a large percentage of the costs associated with medical care for individuals who are not lawfully present in the United States; and

WHEREAS, Texans ultimately bear the costs associated with public financial support for medical care for individuals who are not lawfully present in the United States, in the form of higher taxes; and

WHEREAS, as used in this executive order, the term "Hospitals" includes acute care hospitals enrolled in Medicaid or the Children's Health Insurance Program, and any additional providers identified by the Health and Human Services Commission; and

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WHEREAS, increased expenditures for Texas Hospitals providing medical care to individuals who are not lawfully present in the United States imposes burdens on the Texas healthcare system, including by predictably increasing the costs of medical care for all Texans; and

WHEREAS, the Health and Human Services Commission is responsible for ensuring the efficient use of state and local health-related resources and monitoring Medicaid and other federal funding programs supporting healthcare services, *see* Tex. Gov't Code § 531.003(1), § 531.0055(b), Tex. Health & Safety Code § 62.051, Tex. Hum. Res. Code § 32.021; and

WHEREAS, the federal government may and should be obligated to reimburse the State of Texas for the costs that its open-border policies have imposed on Texans, costs of which the State had no notice and which it could not have anticipated when agreeing to shared health funding mechanisms on the premise that the federal government would follow federal laws;

NOW, THEREFORE, I, GREG ABBOTT, Governor of Texas, by virtue of the power and authority vested in me by Article IV, Section 1 of the Texas Constitution and Section 418.015(c) of the Texas Government Code, do hereby direct the Health and Human Services Commission to:

- (1) direct Hospitals to collect information, beginning on November 1, 2024, regarding patients who are not lawfully present in the United States, including the number of inpatient discharges and emergency visits by and the cost of the care provided to such patients;
- (2) direct Hospitals to inform the patient, while collecting this information from the patient, that, as required by federal law, any response to such information requests will not affect patient care;
- (3) direct Hospitals to report such data to the Health and Services Commission quarterly, with the initial submission due to the Health and Human Services Commission no later than March 1, 2025; and
- (4) report annually, beginning on January 1, 2026, to the Governor, the Lieutenant Governor, and the Speaker of the House on the preceding state fiscal year's costs for inpatient and emergency care of patients not lawfully present in the United States as reported by Hospitals.

This executive order supersedes all previous orders in conflict or inconsistent with its terms and shall remain in effect and in full force until modified, amended, rescinded, or superseded by the Governor.

Given under my hand this the
8th day of August, 2024.



GREG ABBOTT
Governor

ATTESTED BY:



JANE NELSON
Secretary of State

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