



U.S. House of Representatives

COMMITTEE ON WAYS AND MEANS
1139 LONGWORTH HOUSE OFFICE BUILDING
Washington, DC 20515

February 28, 2024

The Honorable Xavier Becerra
Secretary
U.S. Department of Health and Human Services
The Hubert H. Humphrey Building
200 Independence Avenue, S.W. 20515

Dear Secretary Becerra,

Recent media reports indicate that Denver Health, the primary safety net hospital in Denver, Colorado, is under grave financial strain and has even resorted to turning away vulnerable patients due to a massive influx of illegal immigrants into that community and the resulting increase in hospital visits and services provided to those individuals. This has occurred in part because of the City of Denver's decision in 2017 to become a sanctuary city for illegal immigrants.¹ In response, Denver Mayor Mike Johnston has said "we're hitting a breaking point."² Denver Health's CEO similarly made clear at a recent City Council meeting that the hospital is "at a critical, critical point" due to uncompensated care driven by the influx of illegal immigrants. These challenges are causing the hospital to turn away Denver residents from receiving care "every day, particularly in the area of mental health and substance abuse."³ We fear the challenges facing Denver Health will be experienced by other safety net hospitals around the country due to similar circumstances.

Denver Health was forced to accommodate 20,000 unexpected visits from 8,000 illegal immigrants in 2023.⁴ Reportedly, one-fourth of the illegal immigrants in Denver have visited the

¹ Hernandez, Esteban. "How Denver became a destination for migrants." *Axios Denver*, January 5, 2023.

<https://www.axios.com/local/denver/2023/01/05/denver-destination-sanctuary-migrants#>

² Alvarez, Alayna. "Denver's migrant crisis hits a 'breaking point.'" *Axios Denver*, January 3, 2024.

<https://www.axios.com/local/denver/2024/01/03/migrant-crisis-breaking-point-mike-johnston>

³ Wingerter, Meg. "Denver Health at 'critical point' as migrant influx contributes to more than \$130 million in uncompensated care." *The Denver Post*, January 16, 2024. <https://www.denverpost.com/2024/01/16/denver-health-finances-budget-migrants-mental-health/>

⁴ Kayser, Alexis. "'It's going to break Denver Health': CEO speaks out on uncompensated migrant care." *Becker's Hospital Review*, January 22, 2024. <https://www.beckershospitalreview.com/hospital-management-administration/its-going-to-break-denver-health-ceo-speaks-out-on-uncompensated-migrant-care.html>

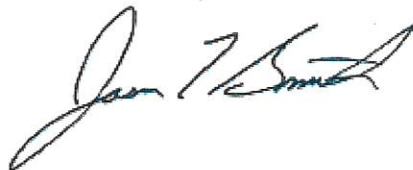
hospital multiple times, on average.⁵ To provide this additional care, the hospital has hired more staff such that “it’s become increasingly difficult to meet those real demands.”⁶ This intense strain appears to have dramatically harmed Denver Health’s ability to deal with the unforeseen challenges of everyday life, like a burst pipe due to cold weather, which, the hospital CEO said, may not have happened “had we been able to invest in that building.”⁷ It is abundantly clear that Denver Health is facing an emergency situation.

We hope you would agree that the U.S. Department of Health and Human Services has a role to play in helping to address this growing crisis. Denver Health’s challenges may soon be mirrored by hospitals in sanctuary cities across the country, imperiling the nation’s health care safety net and threatening health care access for vulnerable patients. As the Ways and Means Committee investigates what potential reforms may be necessary to the Medicare program’s Conditions of Participation (CoPs) for hospitals to address this unique set of challenges, we ask that you please provide the following information by March 13, 2024:

1. What actions has your department taken to ensure that safety net hospitals are not turning away patients from the local community when facing an influx of illegal immigrants as a result of their locations’ sanctuary city policies?
2. Has your agency provided any guidance to hospitals facing the prospect of excessive patient loads because of the increase in illegal immigrants arriving in communities around the country? If not, do you plan to?
3. Medicare’s regulatory CoPs do not require hospitals’ emergency preparedness plans to cover excessive, unexpected patient loads resulting from an influx of illegal immigrants. Do you plan to amend Medicare’s regulations to require hospitals to plan for this possibility in their emergency preparedness plans?
4. Is your Department aware of any measures hospitals have taken to offset increased costs associated with uncompensated care provided to illegal immigrants (such as delayed or cancelled improvements to facilities’ physical infrastructure, reductions in the number of beds, foregone hiring, and reduced salaries, bonuses, and/or employee benefits)?

Thank you for your assistance in this matter. If you have questions, please contact the Committee on Ways and Means staff at 202-225-3625.

Sincerely,



JASON SMITH
Chairman

⁵ Posey, Kim. “Denver’s safety net hospital says it is facing a financial crisis.” *KDVR*, January 22, 2023.

<https://kdvr.com/news/local/denvers-safety-net-hospital-says-it-is-facing-a-financial-crisis/>

⁶ *Id.*

⁷ *Id.*



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Member of Congress



ADRIAN SMITH
Member of Congress



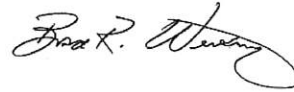
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