



JAMES L. MADARA, MD
EXECUTIVE VICE PRESIDENT, CEO

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September 23, 2020

Tony Pham
Senior Official Performing the Duties of the
Director
U.S. Immigration and Customs Enforcement
500 12th Street, SW
Washington, DC 20536

The Honorable Chad Wolf
Acting Secretary
Department of Homeland Security
Washington, DC 20528

Joseph Cuffari
Inspector General
Office of Inspector General
Department of Homeland Security
245 Murray Lane, SW
Washington, DC 20528-0305

Dear Senior Official Pham, Acting Secretary Wolf, and Inspector General Cuffari:

On behalf of our physician and medical student members, the American Medical Association (AMA) urges the Department of Homeland Security (DHS) and the Office of the Inspector General (OIG) to thoroughly investigate complaints about detained immigrants' substandard living conditions and improper health care, including allegations of inadequate informed consent practices. The AMA believes every individual, regardless of immigration status or national origin, deserves timely, accessible, quality health care.

Given that there have been reports that the U.S. Immigration and Customs Enforcement's (ICE) current contracted inspector is ill-equipped to conduct inspections in a manner that successfully identifies critical deficiencies, the AMA asks the DHS and the OIG, rather than ICE's contractor, to conduct a thorough inspection into the allegations of deficient medical care and improper living conditions at its facilities. We also urge ICE to ensure the medical standards governing the conditions of confinement at its detention facilities meet those set by the National Commission on Correctional Health Care. Moreover, we ask ICE to confirm that it has carefully tracked and fully investigated complaints related to substandard health care, including but not limited to medical, mental health, and dental care.

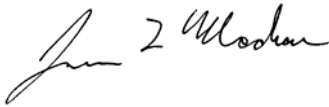
Informed consent to medical treatment is fundamental in both ethics and law. It is the duty of ICE to ensure the bodily integrity of those within its detention facilities and that those individuals do not have medical procedures performed on them without their properly obtained, informed consent. The process of non-coercive, informed consent occurs when communication between a patient and physician results in the patient's authorization or agreement to undergo a specific medical intervention. This includes ensuring that the patient is able to understand the information provided by the physician, especially if there is a language barrier. Moreover, the physician must assess the patient's ability to understand relevant medical information and the implications of treatment alternatives, as well as present information about the diagnosis, the nature and purpose of recommended interventions, and the burdens, risks, and

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expected benefits of all options, including forgoing treatment. The physician must also document the informed consent conversation and the patient's decision in the medical record.

The AMA urges DHS and OIG to uphold these principles to ensure that all patients have timely access to health care services, proper informed consent, and adequate living conditions.

Sincerely,

A handwritten signature in cursive script, appearing to read "James L. Madara".

James L. Madara, MD