



**Health care is (not) permitted.
Survey on access to health care for undocumented migrants in hospitals in Milan.**

Abstract

Providing full access to health care for undocumented foreign nationals, the Italian legislation is advanced and including. The right to health is protected, as noted by the Constitutional Court, "*as inviolable scope of human dignity*".

Naga's volunteers daily activities showed that, however, enforcement is often disregarded, especially in Lombardia. Non-EU citizens without a residence permit or EU citizens who do not meet certain requirements, frequently suffer discrimination with a negative impact on their health.

Naga decided to conduct a survey to document and denounce this situation, with the aim to verify in practice the behavior of healthcare institutions in Milan, take contact with them, process and disseminate data.

From Januar 9, 2014 to February 28, 2015 anonymous clinical documentation of cases of irregular foreign patients who came to Naga, and for which the Milanese hospitals have not implemented the provisions of Testo Unico Immigrazione, has been collected.

In addition to documenting what was happening, Naga's doctors have tried to solve patient's health's problems, when it was possible, by referring them to public hospitals, by contacting the staff of the departments involved or involving health departments concerned.

Data

In the period of the survey **155 cases** of people admitted to hospitals or treated in the ER but who haven't been assisted in accordance with the current legislation have been collected. Considering that only part of patients have access to Naga, and that it was not possible to monitor all cases that occurred in the clinic because volunteers have not always been able to pick up the cases and patients not always wanted to share the difficulties encountered, we can estimate that this deprivation of rights concerns hundreds of people every year in Milan. All this is documented by medical records of patients who have turned to Naga.

The cases collected have an average age of **43 years**, they are predominantly **male (76%)**, mainly from the countries of North Africa, Central America, southeast Asia, Romania.

20% of cases have involved **European citizens**.

In practice, the most common problems are:

- **failure to assign the code STP** (Temporarily Present Foreigner);
- **failure to assign the code X01**, necessary for exemption from payment of the ticket;
- failure to use the acronym **CSCS** (European citizen without health assistance) for EU citizens without health coverage.

The consequence was that the patients concerned were not able to access the second level exams prescribed by the hospitals themselves, or they could not be cared for the rest of the therapies, or they did not receive the prescription for essential, and sometimes very expensive, medicines.

A particular case is that of patients who cannot be assisted by private hospitals. For a decision of Regione Lombardia (*DGR n. 9581 of June 11, 2009*), these hospitals can assign the code STP, but they can't prescribe treatments and examinations using the regional prescription to patients who are not resident in Lombardia, even undocumented foreign citizens, considered as not resident in Lombardia. Private hospitals can therefore assign the STP, but paradoxically they can't use it.

A list of the **diseases** found in patients inadequately assisted by hospital follows: diabetes mellitus (13 cases), bone fracture (12), cancer (7), gastric or duodenal ulcer (4), unstable angina - heart failure - epilepsy - sciatica (3), previous myocardial infarction - hepatitis B and C - asthma - osteomyelitis - syncope - iridocyclitis - lymphadenopathy laterocervical - deep vein thrombosis - stroke - feverish bronchitis - chronic kidney disease - renal colic (2), chronic respiratory insufficiency - infected wound - pleural empyema - retinal artery thrombosis - myasthenia - gallbladder stones - mechanical valve prosthesis - septic arthritis (1), less relevant diseases (abdominal colic, joint pain, flu syndrome, minor trauma -75).

The survey shows that, although with significant differences, all **hospitals** in the urban area of Milan were responsible for serious deficiencies in the application of the current legislation.

Conclusions

According to the data collected, every year in Milan and surrounding cities hundreds of foreign patients suffering from illnesses do not receive adequate health care assistance because of the failure to comply with current legislation, in particular the Testo Unico Immigrazione. An extremely variable behavior is detected in hospitals, at the discretion of hospitals or individual operators.

Non-compliance has many causes:

- impossibility for undocumented foreign nationals to access to "health facilities in the territory", as also expected, at least in theory, by Regione Lombardia itself;
- failure by Regione Lombardia, unlike almost all other Italian regions, to assign the code **ENI** to EU citizens who need health care but who are without health coverage;
- ban, given by Regione Lombardia to **private hospitals** to use the regional prescription for undocumented foreign patients (considered equivalent to non-residents in Lombardia);
- **little knowledge** of the legislation by the health workers, favored by the complete lack of information initiatives by ASL and Regione Lombardia;
- difficulties for foreign patients to understand the Italian language, coupled with the **complex bureaucratic mechanisms** necessary to receive health care;
- common practice in hospitals in Milan to **delegate** to voluntary associations.

Recommendations

- Regione Lombardia makes feasible the access to "health facilities in the territory" for undocumented foreign patients, as also foreseen by the State Regions Agreement of 20 December 2012, also signed by Regione Lombardia.
- Regione Lombardia decides to use the code ENI, nationally recognized, for EU citizens who need health care but who are without health coverage.
- Regione Lombardia allows private hospitals to prescribe medications and examinations using regional prescription for undocumented foreign patients.
- Regione Lombardia, ASL and Health Management hospitals implement a campaign of information and training on Testo Unico Immigrazione, addressed to doctors, nurses and administrative staff.