

United States Senate

WASHINGTON, DC 20510

October 9, 2020

Assistant Director Stewart D. Smith
Health Services Corps
Immigration and Customs Enforcement
Department of Homeland Security
Washington, DC, 20528

Dear Dr. Smith,

We write to request further information related to the medical care of women in Immigration and Customs Enforcement (ICE) custody, and in particular items related to a recent whistleblower complaint of medical practices that have resulted in forced sterilizations, hysterectomies, and other potential medical malpractice and human rights abuses at the Irwin County Detention Center (ICDC) in Ocilla, Georgia.

This reporting, if found to be valid, raises a number of concerns and additional questions. While a Department of Homeland Security Office of Inspector General investigation has been announced, given the urgency and seriousness of the potential human rights violations, we respectfully request further information and a staff briefing to gather a complete picture about the role of IHSC in the quality of medical care for people detained in ICE custody:

1. Does ICE Health Services Corps (IHSC) have any written consent procedures for surgeries or other gynecological care for women in your custody? If so, please provide sample copies of such consent forms that are provided to people in ICE custody. If not, please provide explanation as to why affirmative consent for medical procedures is not required by IHSC.
2. What processes does IHSC have in place to ensure that adequate translation services are available for women in your care whose primary language is not English?
3. Please provide copies of any current and past contracts with Dr. Mahendra Amin and Irwin County Hospital, including information specifically on any reimbursement agreements ICE has with LaSalle Corrections, medical practitioners, or Irwin County Hospital for medical services provided to people in ICE custody. I/we request copies of these records dating back to 2015.
4. How does IHSC vet doctors, nurses, and other medical practitioners that provide medical care to people that are in your custody? Please provide the screening standards for doctors and nurses that are employed by ICE, ICE-contracted facilities such as LaSalle Corrections, and any guidance or screening practices for contracted outside service providers, such as Dr. Amin.
5. Have there been complaints about other unnecessary hysterectomies or medical procedures that have resulted in sterilization in other ICE-run or ICE-contracted detention facilities? If yes, please provide details (with personal details redacted) about the complaints and the outcomes of IHSC's investigation into these concerns.
6. Please provide a summary of the treatment authorization requests that are required for surgical interventions for gynecological care for women in ICE custody, and what criteria the IHSC uses to validate and approves or denies these requests.
7. Please provide the annualized number of treatment authorization requests that pertain to gynecological care or sterilizations per each ICE facility since 2015.

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8. Please provide copies of IHSC's guidance or memoranda about gynecological care for women and girls in ICE custody.

We look forward to your prompt reply on this difficult matter. Kindly provide the information requested by no later 15 days from receipt of this letter.

Sincerely,



Jeffrey A. Merkley
United States Senator



Chris Van Hollen
United States Senator



Tina Smith
United States Senator