

House speaker backs emergency care law as GOP targets immigrant medical treatment in shutdown fight

Mike Johnson calls EMTALA 'a very good law'

By John Wilkerson

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WASHINGTON — House Speaker Mike Johnson (R-La.) said Wednesday that Republicans don't want to change a law requiring hospitals to provide care to any individual experiencing a medical emergency, including immigrants without legal status.

His remarks capped off more than a week of comments from Republican politicians related to the idea of undocumented immigrants receiving medical care. Republicans claim that the Democrats' government-funding bill would spend hundreds of billions of dollars providing "free health care for illegals." It's one of Republicans' most consistent arguments in the government shutdown debate.

"Democrats are threatening to shut down the entire government because they want to give hundreds of billions of dollars of health care benefits to illegal aliens," Vice President JD Vance said on Sept. 28, before the shutdown started, on Fox News Sunday.

But undocumented immigrants are prohibited from receiving federally funded health insurance, including Medicaid. That has led to questions about whether Republicans want to deny emergency care to undocumented immigrants, which Johnson addressed on Wednesday.

"Emergency care is provided without question to anyone who comes in," Johnson said. "If you're hemorrhaging and you show up in an emergency room, you get treated. That's something we all support."

Emergency rooms are required to provide that care under the Emergency Medical Treatment and Labor Act, a law former President Reagan signed in 1986. Referring to the law by its acronym, EMTALA, Johnson praised it as "a very good law."

Johnson said Democrats want to pay hospitals more for treating undocumented immigrants than for other kinds of care. By repealing Republican cuts to Medicaid, Democrats wouldn't pay hospitals more to care for immigrants than they're paid to care for citizens with similar medical coverage. The Democrats' bill would just pay hospitals for care that is otherwise uncompensated.

Last Thursday, White House Press Secretary Karoline Leavitt repeatedly dodged a question from an NBC News reporter, who asked whether hospital emergency rooms should check immigration status before treating patients.

“That’s probably not a question for me to answer,” Leavitt said. “I think that’s a question for health care professionals and legal experts to answer.”

When the reporter asked the question again, she said: “I don’t speak for emergency rooms across the country.”

Republicans seem to be referring to the emergency Medicaid program when they raise the idea of covering health care for immigrants without legal status.

Democrats want to undo the roughly \$1 trillion in Medicaid cuts over a decade that Republicans used to partially pay for Trump’s tax cuts and increase spending on immigration enforcement. Among those cuts was a measure that is estimated to save \$28 billion by reducing Medicaid reimbursements for hospitals that treat immigrants, whether here lawfully or not. EMTALA requires that hospitals treat those patients, regardless of whether they’re paid for it.

Spending on emergency Medicaid accounted for 0.4% of total Medicaid spending in 2023, according to KFF. Emergency Medicaid can cover emergency care for some undocumented immigrants, as well as for immigrants in the U.S. legally. One study found that more than 80% of the spending went to care related to childbirth and pregnancies.