



## House Human Services Committee

### SB 2260

March 22, 2023

Chairman Weisz and Committee Members, I am Courtney Koebele and represent the North Dakota Medical Association. The North Dakota Medical Association is the professional membership organization for North Dakota physicians, residents, and medical students.

NDMA opposes SB 2260. NDMA shares the concerns of the hospital association about the confusing nature of engrossed bill SB 2260.

Under long-standing policies and procedures, all hospitals, clinics and physicians obtain consent from the parent when treating a minor, with exceptions that are set forth in North Dakota Century Code.

The bill has conflicting provisions regarding whether consent of both parents or just one parent is required before a health care provider may treat a minor. Section 1 creates a right of all parents to make and consent to health care decisions. Section 3 indicates that healthcare provider only needs the consent of a parent (not plural) before proceeding with treatment. But section 3 further creates a cause of action for a parent if they think their rights have been violated. It is unclear if two-parent consent is required. This internal inconsistency means it would be unwise for the physician to treat a minor unless both parents give consent. To do otherwise would expose the physician to a lawsuit by a parent who claims the provider did not meet the requirements of Section 1.

Many times, the parent is not the person bringing the child to the appointment, or in the case of an older child, they come to the appointment themselves. As the bill is written, a physician would have to get a consent from both parents before examining a child in those situations. Most times it is one parent bringing the child to the appointment, and then the healthcare facility would have to obtain the consent of the absent parent prior to proceeding even with routine medical appointments. This is an unnecessary additional requirement in an environment that is already highly regulated and monitored.

This bill would require health facilities to obtain both parents to consent to all health care appointments, because a cause of action would arise if one parent

had not consented. This would more than likely cause delays in care and burdens a healthcare system that is already encumbered by excessive administrative obligations.

NDMA urges a DO NOT PASS of SB 2260. Thank you for the opportunity to address this committee.