

Senate Judiciary Committee

HB1511

March 17, 2025

Chair Larson, and members of the Judiciary Committee.

My name is Dr. Heather Sandness Nelson. I am an Obstetrician/Gynecologist physician in North Dakota. I was born and raised in Bismarck, attended Medical School at University of North Dakota and chose to move back after completing my training to raise my family and give back to the community that supported me. I have been practicing in the community since 2017 and currently the Chair of the OB/Gyn Department at a hospital in Bismarck. I am asking for a Do Not Pass of HB1511.

I am writing to express my strong opposition to House Bill 1511. This bill, which mandates additional education for physicians regarding North Dakota's existing abortion law, is both unnecessary and fails to address the real issue facing healthcare providers in our state.

Physicians in North Dakota are fully aware of the current abortion laws. The notion that they require additional education on the subject is misguided and implies a lack of understanding that simply does not exist. The concern is not a lack of education but rather the pervasive fear among medical professionals that providing necessary medical care could expose them to legal repercussions. The ambiguity of the abortion law discourages physicians from offering essential medical care, out of concern for their professional and legal safety.

OB/Gyns are already required to complete continuing education to maintain their board certification. We are also required to complete continuing education to maintain our medical license. This education is developed based on research and is vetted to ensure it meets the highest medical standards. House Bill 1511 provides no guidance on how the mandated course is to be developed beyond allocating a budget. Unlike the continuing education we currently complete, which is evidence-based, this new course would center around a law that must be interpreted on a case-by-case basis. The abortion law states an "abortion is deemed necessary based on reasonable medical judgement which was intended to prevent the death or a serious health risk to the pregnant female." How can we ensure that the individual(s) developing this course and their interpretation of the "reasonable medical judgement" will align with how a jury of my peers would interpret it? This is what leads to the hesitancy physicians feel in providing necessary medical care, not a lack of understanding the law.

Additionally, the requirements to award the contract to develop this course appear intentionally restrictive. “A physician with a minimum of twenty-five years of experience in the practice of obstetrics in the state.” Restricting the awarding of the contract to a physician with 25 years of experience of Obstetrics in the state of North Dakota does not ensure acceptable quality of experience. “Years of experience” does not equate or guarantee knowledge of best practices or being up to date on standards of care in Obstetrics. The physician may have the stated years of experience but understand very little about abortion because they did not provide it when they did practice. 25 years of experience in Obstetrics does not equate a law degree to interpret the language of the law and how it is applied. The wording of the bill also does not guarantee the physician is even currently practicing in Obstetrics, carry current board certification, or hold an active license to practice medicine. With how Medicine can change, all three should be a minimum to be qualified to be awarded the contract, not minimum years of service.

Rather than implementing unnecessary, redundant education requirements, lawmakers need to focus on the actual concern with the abortion law. The ambiguity with which “reasonable medical judgement” can be interpreted, and the fear of prosecution or professional retaliation. Any law that fosters uncertainty in medical decision-making puts patients at risk and undermines the fundamental principles of healthcare. A mandated course reflecting a single interpretation of the law does not change that a jury of peers and their interpretation will ultimately decide.

I urge you to vote Do Not Pass on HB1511 and instead work toward legislative solutions that protect both physicians and the patients they care for. Thank you for your time and consideration.

Sincerely yours,

Heather Sandness Nelson, MD FACOG  
American College of Obstetricians and Gynecologists