

Dr Jessie Fauntleroy, MD
Testimony in Opposition to HB 1511
Senate Judiciary Committee
March 17, 2025

My name is Dr. Jessie Fauntleroy. I am a board-certified obstetrician/gynecologist (OB/GYN) generalist practicing within our state since 2016. I care for women of all ages. My concern today is regarding the consideration of House Bill 1511.

Section 1 of the amendment places limitations on who can perform an abortion. Our state is faced with shortages of OB/GYNs. There are care deserts within our state. These areas lack a practicing OB/GYN. There are critical access hospitals in these areas. Some of which are staffed by non-OB/GYN providers (including Nurse Practitioners, Physician Assistants, and Family Medicine Physicians). These providers are critical for the care of our patients that require urgent care. Your constituents, our patients, are not always aware that they may not be able to receive certain types of care at these facilities. There may be a significant delay in care, leading to increased complications and in some instances, death. Taking away the ability of these providers to perform care that they are trained to do or recommended via phone consultation may not only impact the patient but also puts an increased burden on our healthcare system. I have experienced situations in which weather did not allow for transportation of a patient to my facility. I was able to assist the non-OB/GYN provider via phone consultation until it was safe for the provider to send the patient to me. This amendment would have impacted this patient's care because the provider was not an "HB 1511 provider." According to this amendment, the care would not have been rendered. The amendment also places penalties for not complying with the provisions. Being penalized for performing my job within the scope of my practice not only undermines my education, it puts my patients, your constituents, at risk.

Section 2 of the amendment develops new requirements to complete an instructional course. This not only places more of an administrative burden on practicing OB/GYNs, but it also undermines the years of education that it takes to become a board-certified OB/GYN. Just for some background. I completed 4 years of undergraduate education, 2 years of a graduate program to receive my Master's degree, 4 years of medical school, and 4 years of residency. This included multiple board exams, including my American Board of Obstetrics and Gynecology

certification. This certification is yearly and ensures that OB/GYNs are utilizing the most up to date information. My other concern is regarding the denial of legal recourse from relying on the information supplied in the video. The American College of Obstetricians and Gynecologists (ACOG) puts forth recommendations that should be followed by practicing OB/GYN providers. If the information provided in the video conflicts with the current recommendations, I could be penalized by the state for following ACOG recommendations or penalized by ACOG for following the information provided in the video. As an active member of ACOG, I am in a no-win situation.

Section 3 of the amendment discusses development of the instructional course. The landscape of medicine is ever-changing. Years of experience in a field of medicine in today's society does not equate to the most up to date practices. Placing an arbitrary number of 25 years as the minimum experience needed to discuss a law does not make the information more accurate. Remember, physicians attend medical school, not law school. A lawyer or someone who is in the field of law would be the best fit to explain a law. Just like owning house plants does not make me a farmer. Spending your constituents', our patients', money on educating highly intelligent individuals on a law that has been determined to violate the North Dakota Constitution is a waste of money. In a time that we are trying to cut back on governmental waste, this is not the time to enact such an amendment. Such allocated funds can be used to support struggling families in our communities.

These amendments will ultimately take care out of the hands of those who already provide it in emergent situations and cause others to second guess providing care for fear of penalty. In all, this amendment is not an "emergency" as it is deemed in the proposal. The true emergency will be at the expense of our patients, your constituents, of whom it will negatively impact. I strongly urge you not to pass House Bill 1511.

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