



Senate Human Services
SB 2274
Monday February 13

Chair Lee and Committee Members, my name is J'Patrick Fahn. I present this testimony on behalf of the North Dakota Medical Association. The North Dakota Medical Association is the professional membership organization for North Dakota physicians, residents, and medical students.

Although COVID-19 immunizations were probably the source of the bill, it applies to all vaccines, including those against measles, influenza, pertussis, varicella and hepatitis B.

This bill would prohibit hospitals and clinics from mandating any vaccines. In the healthcare setting, mandating vaccines for healthcare workers as a condition of employment is a common policy that was initially prompted by the goals of protecting patients from health care–acquired infectious diseases and to protect the workplace from the disruption and expense of worker illnesses.

Page 2 contains the following:

6. "Reasonable accommodations" means accommodations by an employer which do not:
 - a. Unduly disrupt or interfere with the employer's normal operations;
 - b. Threaten the health or safety of the individual seeking reasonable accommodations or others;

- c. Contradict a business necessity of the employer; or
- d. Impose undue hardship on the employer, based on the size of the employer's business, the type of business, the financial resources of the employer, and the estimated cost and extent of the accommodations.

One could argue that page 2, line 6, already exempts healthcare facilities from compliance with the bill but could also be left up to interpretation depending on which side of the argument you stand on. As a physician, I believe the health of the unvaccinated staff at a healthcare facility would be at risk regardless of accommodations made in a healthcare environment.

Page 3, line 23, of the bill contains an exemption from compliance if it would result in a violation of regulations or guidance issued by the centers for Medicare and Medicaid services, but only for a licensed nursing home, long-term care facility, basic care facility or assisted living facility.

In congruence with page 2, line 6 and page 3, line 23, the NDMA requests that all healthcare facilities be included in the exemption outlined in page 3, line 23. CMS regulations require several types of vaccines. The regulation covers what most people would consider traditional health care settings such as Ambulatory Surgery Centers, Community Mental Health Centers, Critical Access Hospitals, Home Health Agencies, Hospices, Hospitals, Clinics, Rural Health Clinics/Federally Qualified Health Centers, and Long-term Care facilities.

NDMA requests a DO NOT PASS recommendation on the bill. Thank you for the opportunity to testify today. I would be happy to answer any questions.

J'Patrick Fahn, DO
Chief Medical Officer
CHI St. Alexius Medical Center
jpatrick.fahn@commonspirit.org
701-530-7690
900 E Broadway Ave
Bismarck, ND 58501