

2021 SENATE HUMAN SERVICES

SB 2265

2021 SENATE STANDING COMMITTEE MINUTES

Human Services Committee Sakakawea Room, State Capitol

SB 2265
1/26/2021

A BILL for an Act to create and enact a new section to chapter 14-10 of the North Dakota Century Code, relating to allowing unaccompanied homeless minors to access health care without parental consent.

Madam Chair Lee opened the hearing on SB 2265 at 10:40 a.m. All members present: Senator Lee, Senator K. Roers, Senator Hogan, Senator Clemens, Senator Anderson, Senator O. Larsen.

Discussion Topics:

- Medical consent
- Medicaid eligibility
- Parental contact and reconciliation
- DHS services/custody for homeless minors

[10:41] Senator Kyle Davison, District 41. Introduced SB 2265.

[10:44] Mark Heinert, Assistant Executive Director, Youthworks. Provided testimony #3227 in favor.

[10:48] Patricia Julianelle, Senior Strategists, SchoolHouse Connection. Provided clarification on legal challenges for medical consent and testimony #2930 in favor.

[10:52] Katie Fitzsimmons, Director, Student Affairs, North Dakota University System. Provided testimony #3066 in favor.

[10:55] Mark Heinert, Assistant Executive Director, Youthworks. Provided anecdotal example of benefits distribution to the parents of homeless child.

[10:58] Kristina Sambor, Lobbyist, on behalf of Youthworks. Advised the committee of additional testimony.

[10:59] Jonathan Alm, Attorney, DHS. Provided clarification on definition of homeless children and youth,

Additional written testimony: (5)

Melissa Hauer, General Counsel, North Dakota Hospital Association. Provided written testimony #2766 in favor.

BoNita Morin, Foster Care/Homeless Liaison, Ft. Totten Public School District 30. Provided written testimony #2855 in favor.

Jennifer LF Modeen, LMSW, Grand Forks Public Schools. Provided written testimony #3089 in favor.

Kristi Black, Four Winds High School. Provided written testimony #3109 in favor.

Catherine Paquette, Intern, Great Plains Food Bank. Provided written testimony #3243 in favor.

Madam Chair Lee closed the hearing on SB 2265 at 11:06 a.m.

Justin Velez, Committee Clerk

Mark Heinert

Assistant Executive Director, Youthworks

Testimony in support of SB 2265

Senate Human Services Committee

January 26, 2021

Chairman Lee and Members of the Committee:

My name is Mark Heinert, and I am here today to deliver testimony in support of SB 2265. I have been a licensed social worker in North Dakota for 30 years, serving runaway and homeless youth for the last 24. I am the Assistant Executive Director at Youthworks, a private, non-profit, youth serving agency serving Runaway and Homeless Youth in North Dakota. I am also the current president of the Missouri Valley Coalition for Homeless People, Inc.

I support SB2265, which would allow unaccompanied homeless youth 14 and older to consent for routine health care, including behavioral health care – but not abortion. At Youthworks, over 100 youth are served annually who are runaway or homeless and under the age of 18. These youth are more likely to experience behavioral health issues including clinical depression. They experience a high rate of suicidal attempts and frequently are not able to access any health care without parental consent. These youth need access to basic health, dental health, and behavioral health services. Especially during a pandemic, basic medical care is necessary for youth on their own. It is not uncommon for youth who seek services in our agency to be unable to get this service and then go underground to prevent the system from being aware of their needs.

Currently, North Dakota law allows youth under age 18 to access only a limited scope of health services: STD and substance abuse treatment, prenatal and pregnancy care, and emergency care. Unaccompanied homeless minors cannot access basic health care (including physicals and dental care), or behavioral health care, without parental consent. These restrictions put youth at risk for serious health consequences, and even death. SB 2265 would remove these barriers, in a narrowly focused way that will only impact the small but very vulnerable population of unaccompanied homeless youth in North Dakota.

This bill, along with SB 2258 were the result of listening sessions with homeless youth across the state of North Dakota. They have shared what have been barriers to their success, and I ask you today to help reduce one of these barriers by voting in favor of SB 2265.

Please feel free to contact me with any questions at: 701-255-6909 or mheinert@youthworksnd.org

SB 2265 – Relating to access to birth records
SUPPORT

Hearing of the Senate Human Services Committee, January 26, 2021
Testimony of Patricia Julianelle, SchoolHouse Connection

SchoolHouse Connection is a national non-profit organization dedicated to overcoming homelessness through education and responding to the needs of students experiencing homelessness on a federal, state, and local level. We are experts in the public policies necessary to help youth experiencing homelessness access safe and appropriate services, graduate from high school and college, and find stable housing to end their homelessness permanently.

SchoolHouse Connection strongly supports the enactment of SB 2265, which **would** allow unaccompanied homeless youth 14 and older to consent for routine health care, including behavioral health care— but not abortion. Unaccompanied homeless youth lack stable housing and are not in the physical custody of a parent or guardian. Unaccompanied homeless youth have no parental support to meet their most basic needs, including shelter, health care, food, and clothing. These young people are homeless on their own for various reasons, primarily related to poverty and family instability/dysfunction, and are striving to survive in unsafe or unstable environments.

In the 2018-2019 school year, North Dakota's schools served 285 unaccompanied homeless youth.¹ The Youth Risk Behavior Survey administered to high school students across North Dakota found that unaccompanied youth are:

- 10.9 times more likely to use methamphetamines than housed students
- 9.5 times more likely to engage in binge drinking
- 3.4 times more likely to abuse prescription medication
- 4.2 times more likely to be raped
- 3.6 times more likely to attempt suicide
- 3.4 times less likely to see a dentist

Obviously, unaccompanied youth desperately need access to basic health services and behavioral health treatment. Currently, North Dakota law allows youth under age 18 to access only a limited scope of health services: STD and substance abuse treatment, prenatal and pregnancy care, and emergency care. Unaccompanied homeless minors cannot access basic health care (including physicals and dental care), or behavioral health care, without parental consent. Lack of basic treatment can lead to routine problems becoming dangerous, and even can lead to death by suicide, overdose, or illness. SB 2265 would remove these barriers, in a narrowly focused way that will only impact the small but very vulnerable population of unaccompanied homeless youth in North Dakota.

¹ National Center for Homeless Education (2021).
<http://profiles.nche.seiservices.com/StateProfile.aspx?StateID=34>.

SB 2265 also would align North Dakota with 30 states that already allow unaccompanied youth to access basic health and behavioral health services without a parent. The American Academy of Pediatrics also supports these measures.² Although I have been working on minor medical consent issues for over a decade, I am not aware of any legal issues or unintended consequences of these policies. On the contrary, schools and service providers report that allowing unaccompanied youth to access basic health services helps keep them safe, healthy, and able to attend school and work consistently, so they can end their homelessness.

For these reasons, SchoolHouse Connection strongly urges the committee to pass SB 2265. I am happy to respond to any questions or concerns.

Patricia Julianelle
Senior Strategist for Program Advancement and Legal Affairs
patricia@schoolhouseconnection.org
(202) 905-6690

² See, e.g., Rhonda Gay Hartman (December 2002). "Coming of Age: Devising Legislation for Adolescent Medical Decision-Making." *Am. Journal of Law & Medicine*. Pittsburgh: U. of Pittsburgh School of Medicine.

SB 2265

Senate Human Services

January 26, 2021

Katie Fitzsimmons, NDUS Director of Student Affairs

701-328-4109 | katie.fitzsimmons@ndus.edu

Chair Lee and Senate Human Services Committee Members: My name is Katie Fitzsimmons and I serve as the Director of Student Affairs at the North Dakota University System. I am here today in strong support of SB 2265, as it would support our students who have experienced or currently are experiencing homelessness.

The North Dakota University System wants to see all students succeed. For our students that are experiencing homelessness, that success involves accessing health care, including behavioral health, as seamlessly as possible. In the 2018-2019 school year, North Dakota's schools served 285 unaccompanied homeless youth. In our state, these youth are more likely to attempt suicide, more likely to abuse prescription medication and methamphetamines, and less likely to see a dentist. They desperately need access to basic health services and behavioral health treatment. Especially during the pandemic, basic medical care is necessary for youth on their own.

Currently, North Dakota law allows youth under age 18 to access only a limited scope of health services: STD and substance abuse treatment, prenatal and pregnancy care, and emergency care. Unaccompanied homeless minors cannot access basic health care (including physicals and dental care), or behavioral health care, without parental consent. These restrictions put youth at risk for serious health consequences, and even death. SB 2265 would remove these barriers, in a narrowly focused way that will only impact the small but very vulnerable population of unaccompanied homeless youth in North Dakota.

Though the majority of the population that could be positively affected by this legislation if it were to pass are not NDUS students, we know that there are unaccompanied youth that aspire to attend college. It is tough to get to college when you are experiencing homelessness, but it is even more difficult if you are experiencing homelessness and suffering from an untreated behavioral or physical health condition. We hope this legislation could set more youth on a good health trajectory, which could lead to a healthy education trajectory as well.

The North Dakota University System respectfully requests a Do Pass on SB 2265 and I am available to answer your questions. Thank you.



2021 SB 2265
Senate Human Services Committee
Senator Judy Lee, Chairman
January 26, 2021

Chairman Lee and members of the Senate Human Services Committee, I am Melissa Hauer, General Counsel for the North Dakota Hospital Association (NDHA). I testify in support of Senate Bill 2265 and ask that you give this bill a **Do Pass** recommendation.

This bill will provide access to routine health care for unaccompanied homeless minors. Generally, only persons age 18 and over can consent to their own routine medical care. Unaccompanied homeless youths encounter difficulty associated with providing legally authorized consent for their health care when they are unwilling or unable to secure that consent from their parent or legal guardian. These minors are unable to obtain care for even routine health problems, which creates a serious health hazard. Routine infections and illnesses go untreated and, without basic health treatment, relatively minor conditions can worsen until they become emergencies. At that point, physicians can treat the condition under existing laws on emergency care. However, the youth may have missed school and work and placed his or her basic health and safety at risk, as well as others.

With the change provided by this bill, youths who are homeless without a parent or guardian, will be able to access needed health care in the specified circumstances. Hospitals support allowing minors to consent to their own medical treatment in these situations. Most states have addressed this issue, using a variety of approaches to ensure that homeless youth on their own can obtain needed medical care. Because available data suggest that unaccompanied youth experience higher rates of mental illness, substance abuse, pregnancy, and sexually

transmitted disease than other youth, we support providing access to preventive medical services without parental consent for homeless youth.

Hospitals also support the bill's provision on page two, lines five through seven, that states an unaccompanied homeless minor who is a parent may consent to, contract for, and receive medical, dental, and behavioral health examinations, care, or treatment for the minor's child. This is an issue for health care providers when a minor brings his or her child in for care. The minor, under current law, is unable to consent to his or her own care and it is unclear who has authority to consent to care for the minor's child. Can the minor, who is the child's parent, consent? This bill will provide that clarification.

In summary, we believe the bill will provide better access to health care for unaccompanied homeless youth by allowing them to consent to that care in the specified areas. In turn, this should lead to better health through more appropriate, preventive care and less reliance on emergency care. We ask that you give this bill a Do Pass recommendation.

I would be happy to respond to any questions you may have. Thank you.

Respectfully Submitted,

Melissa Hauer, General Counsel/VP
North Dakota Hospital Association

SB 2265:

Hearing of the Senate Human Services Committee, January 26, 2021

Testimony of BoNita Morin, Foster Care/Homeless Liaison
Ft. Totten Public School District 30

I strongly support SB 2265, which would allow unaccompanied homeless youth 14 and older to consent for routine health care, including behavioral health care— but not abortion. In the 2018-2019 school year, North Dakota's schools served 285 unaccompanied homeless youth. In our state, these youths are more likely to attempt suicide, more likely to abuse prescription medication and methamphetamines, and less likely to see a dentist. They desperately need access to basic health services and behavioral health treatment. Especially during the pandemic, basic medical care is necessary for youth on their own. As a liaison working with students' on a routine basis; medical care overall is a significant concern as these homeless students' have not had any medical care for over a two-year period and some even longer. Lack of routine medical care leads to other medical issues for this population in general. Unaccompanied youth not being able to access basic health, mental health, or substance abuse services interferes with their daily learning.

Currently, North Dakota law allows youth under age 18 to access only a limited scope of health services: STD and substance abuse treatment, prenatal and pregnancy care, and emergency care. Unaccompanied homeless minors cannot access basic health care (including physicals and dental care), or behavioral health care, without parental consent. These restrictions put youth at risk for serious health consequences, and even death. SB 2265 would remove these barriers, in a narrowly focused way that will only impact the small but very vulnerable population of unaccompanied homeless youth in North Dakota. I am in full support of SB 2265 that will allow this population to access and obtain the much needed services they so rightfully deserve as citizens of the State of North Dakota.

I ask you to vote in favor of SB 2265. Please feel free to contact me with any questions at bmorin90@hotmail.com.

Respectfully,

BoNita Morin

File copy



#3089

Grand Forks Public Schools will provide an environment of educational excellence that engages all learners to develop their maximum potential for community and global success.

Winship Elementary School
1009 North 3rd Street
Grand Forks, ND 58203
www.gfschools.org

Mrs. Jennifer LF Modeen, MSW, LCSW
School Social Worker
District Homeless Liaison/District Foster Care Liason
Partnership Case Manager Northeast Human Service Center
701.746.2325
jmodeen200@mygfschools.org

Hearing of the Senate Human Services Committee, January 26, 2021 Testimony of Jennifer Modeen, LMSW

I strongly support SB 2258, which would eliminate barriers to birth certificates by allowing people experiencing homelessness to get a birth certificate with only one form of ID (that can include a letter from a service provider) and allow unaccompanied homeless youth under 18 to get their own birth certificate. Homeless youth and parents often need basic vital documents like a birth certificate to access employment, education, health, housing, and other needed services. The current process to get a birth certificate leads to a catch-22: people need a birth certificate to get an ID, and an ID to get a birth certificate.

It is essential that our current leadership understand the unique and often seemingly insurmountable barriers our youth experiencing homelessness face. While youth are viewed as resilient and unaffected by their current situation this is not the case. We must work to eliminate these barriers that will empower and engage our youth.

SB 2258 also makes sure that youth who are no longer staying with their parents can access their birth certificates. Due to the complex nature of family systems it can take months to figure out a plan for accessing a birth certificate.

Currently, ND law allows vital records to be issued to individuals who are at least sixteen years old. SB 2258 would ensure this is not a barrier for youth who need a birth certificate to get a job or access education, housing, or other services. Better access to birth certificates will help homeless youth access basic services and benefits, keeping them safer and healthier, which will empower them to access education and employment that can end their homelessness.

I strongly support SB 2265, which would allow unaccompanied homeless youth 14 and older to consent for routine health care, including behavioral health care—but not abortion. In the 2018-2019 school year, North Dakota's schools served 285 unaccompanied homeless youth. In our state, these youth are more likely to attempt suicide, more likely to abuse prescription medication and methamphetamines, and less likely to see a dentist. They desperately need access to basic health services and behavioral health treatment. Especially during the pandemic, basic medical care is necessary for youth on their own.

Currently, North Dakota law allows youth under age 18 to access only a limited scope of health services: STD and substance abuse treatment, prenatal and pregnancy care, and emergency care. Unaccompanied homeless minors cannot access basic health care (including physicals and dental care), or behavioral health care, without parental consent. These restrictions put youth at risk for serious health consequences, and even death. SB 2265 would remove these barriers, in a narrowly focused way that will only impact the small but very vulnerable population of unaccompanied homeless youth in North Dakota. **We must do a better job of eliminating barriers. We hear a lot about reducing out of home placement due to cost and trauma. This is an opportunity to empower youth, access care and work to create citizens that are engaged and focused on their future.**

I ask you to vote in favor of SB 2258. Please feel free to contact me with any questions at jmodeen200@mygfschools.org
701-746-2325

Jennifer LF Modeen, LMSW

SB 2265:

**Hearing of the Senate Human Services Committee, January 26, 2021
Testimony of Kristi Black, Four Winds High School**

I strongly support SB 2265, which would allow unaccompanied homeless youth 14 and older to consent for routine health care, including behavioral health care— but not abortion. In the 2018-2019 school year, North Dakota's schools served 285 unaccompanied homeless youth. In our state, these youth are more likely to attempt suicide, more likely to abuse prescription medication and methamphetamines, and less likely to see a dentist. They desperately need access to basic health services and behavioral health treatment. Especially during the pandemic, basic medical care is necessary for youth on their own. I assisted an unaccompanied youth who was seeking medical attention for frost bite on her hands but was denied services due to not having a parent or legal guardian to accompany her and consent for her to receive treatment.

Currently, North Dakota law allows youth under age 18 to access only a limited scope of health services: STD and substance abuse treatment, prenatal and pregnancy care, and emergency care. Unaccompanied homeless minors cannot access basic health care (including physicals and dental care), or behavioral health care, without parental consent. These restrictions put youth at risk for serious health consequences, and even death. SB 2265 would remove these barriers, in a narrowly focused way that will only impact the small but very vulnerable population of unaccompanied homeless youth in North Dakota. I support SB 2265 in an effort to help those students who will continue to be denied the very basic needs of health and behavior health care.

I ask you to vote in favor of SB 2265. Please feel free to contact me with any questions at Kristi.black@k12.nd.us or 766-1400 ext. 1474.

SB 2265

Senate Judiciary Committee

Testimony of Catherine Paquette in support

1-26-2021

Mr. Chairman and members of the committee:

I am here today to offer testimony in support of SB 2265, which would create and enact a new section in Chapter 14-10 of the North Dakota Century Code.

I currently intern at Great Plains Food Bank. Most of my work is in affiliation with the Missouri Valley Coalition for Homeless People. I recently became aware that an unaccompanied homeless minor could not receive healthcare if they request such services.

In a recent discussion I had with Beth Larson Steckler, the Program Administrator at ND Department of Instruction, I was made aware that last year, there were 2,697 homeless individuals in North Dakota. Among these individuals, 300 were not in the custody of a legal guardian. Those 300 teenagers have to fend for themselves in every aspect. Many live in cars. Some couch surf from one family's house to another.

Maslow's Hierarchy of Needs¹ indicates that a human cannot achieve a sense of love, belonging, and achievement until needs that sit lower on the tier are met. These foundational needs include: food, water, shelter, rest, and safety. A human being cannot be expected to thrive if they are not receiving healthcare, a service that they are fundamentally entitled to.

In 1946, the World Health Organization Constitution stated that, "The enjoyment of the highest attainable standard of health is one of the fundamental rights of every human being

¹ <https://www.simplypsychology.org/maslow.html>

without distinction of race, religion, political belief, economic or social condition.”². Healthcare is a right that every human being deserves to receive.

The graduation rate of homeless youth in North Dakota is currently at 66%. Countless research studies, and namely, the work of Douglas Reeves³, have shown that students are more likely to go to school if they are involved in extracurricular activities. These kids want to attend school. They want to participate in extracurricular, flourish in academia, graduate high school, and contribute to society. It amazes me that over half of homeless teens in North Dakota have obtained a high school diploma.

My own high school and college experiences would not have gone as well as they have if I had not had access to medication and counseling services. I cannot imagine what a homeless teen, having faced more trauma than I can imagine, would survive their high school career without access to counseling or medications to aid their mental health.

I would hope that everyone in this room today wants to put an end to homelessness. To reject a due pass on this bill would affect each homeless individual for the worse and it would result in an increase in the number of homeless students in need of healthcare.

² [who_constitution_en.pdf](#)

³ <http://www.ascd.org/publications/educational-leadership/sept08/vol66/num01/The-Extracurricular-Advantage.aspx>

2021 SENATE STANDING COMMITTEE MINUTES

Human Services Committee Sakakawea Room, State Capitol

SB 2265
1/26/2021 PM

A BILL for an Act to create and enact a new section to chapter 14-10 of the North Dakota Century Code, relating to allowing unaccompanied homeless minors to access health care without parental consent.

Madam Chair Lee opened committee discussion on SB 2265 at 2:40 p.m. All members present: Senator Lee, Senator K. Roers, Senator Hogan, Senator Anderson, Senator Clemens, Senator O. Larsen.

Discussion Topics:

- Nameless minors access to services
- Homeless adolescent under 18 applying for Medicaid

[2:42] Cory Pedersen, Director, Child and Family Services, DHS. Provided clarification on homeless minors and access to healthcare and referral of a minor to CPS.

[2:49] Caprice Knapp, Director, Medical Services, Department of Health. Provided clarification on if a homeless minor is eligible for Medicaid.

Senator K. Roers moves **DO PASS**.

Senator Anderson seconded.

Senators	Vote
Senator Judy Lee	Y
Senator Kristin Roers	Y
Senator Howard C. Anderson, Jr.	Y
Senator David A. Clemens	Y
Senator Kathy Hogan	Y
Senator Oley Larsen	N

The motion passed 5-1-0

Senator K. Roers will carry SB 2265.

Additional written testimony: N/A

Madam Chair Lee closed the discussion on SB 2265 at 2:57 p.m.

Justin Velez, Committee Clerk

REPORT OF STANDING COMMITTEE

SB 2265: Human Services Committee (Sen. Lee, Chairman) recommends **DO PASS** (5 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). SB 2265 was placed on the Eleventh order on the calendar.

2021 HOUSE HUMAN SERVICES

SB 2265

2021 HOUSE STANDING COMMITTEE MINUTES

Human Services Committee Pioneer Room, State Capitol

SB 2265
3/8/2021

Relating to allowing unaccompanied homeless minors to access health care without parental consent

Chairman Weisz opened the hearing at 3:05 p.m.

Representatives	Attendance
Representative Robin Weisz	P
Representative Karen M. Rohr	P
Representative Mike Beltz	P
Representative Chuck Damschen	P
Representative Bill Devlin	P
Representative Gretchen Dobervich	P
Representative Clayton Fegley	P
Representative Dwight Kiefert	P
Representative Todd Porter	P
Representative Matthew Ruby	A
Representative Mary Schneider	P
Representative Kathy Skroch	P
Representative Bill Tveit	P
Representative Greg Westlind	P

Discussion Topics:

- Nonfinancial investment
- Homeless student liaison
- Child Protective Services

Mark Heinert, Assistant Executive Director Youthworks (3:06) testified in favor and submitted testimony #7884.

Katie Fitzsimmons, Director Student Affairs North Dakota University System (3:18) testified in favor and submitted testimony #7824.

Sen. Kyle Davison, District 41 (3:22) testified in favor (bill sponsor).

Melisaa Hauer, General Counsel/VP North Dakota Hospital Association (3:26) testified in favor and submitted testimony #7641.

Patricia Julianelle, SchoolHouse Connection (3:29) testified in favor and submitted testimony #7858.

Chairman Weisz adjourned at 3:32 p.m.

Tamara Krause, Committee Clerk

Mark Heinert

Assistant Executive Director, Youthworks

Testimony in support of SB 2265

House Human Services Committee

March 8, 2021

Chairman Weisz and Members of the Committee:

My name is Mark Heinert, and I am here today to deliver testimony in support of SB 2265. I have been a licensed social worker in North Dakota for 30 years, serving runaway and homeless youth for the last 24. I am the Assistant Executive Director at Youthworks, a private, non-profit, youth serving agency serving Runaway and Homeless Youth in North Dakota. I am also the current president of the Missouri Valley Coalition for Homeless People, Inc.

I support SB2265, which would allow unaccompanied homeless youth 14 and older to consent for routine health care, including behavioral health care – but not abortion. At Youthworks, over 100 youth are served annually who are runaway or homeless and under the age of 18. These youth are more likely to experience behavioral health issues including clinical depression. They experience a high rate of suicidal attempts and frequently are not able to access any health care without parental consent. These youth need access to basic health, dental health, and behavioral health services. Especially during a pandemic, basic medical care is necessary for youth on their own. It is not uncommon for youth who seek services in our agency to be unable to get this service and then go underground to prevent the system from being aware of their needs.

Currently, North Dakota law allows youth under age 18 to access only a limited scope of health services: STD and substance abuse treatment, prenatal and pregnancy care, and emergency care. Unaccompanied homeless minors cannot access basic health care (including physicals and dental care), or behavioral health care, without parental consent. These restrictions put youth at risk for serious health consequences, and even death. SB 2265 would remove these barriers, in a narrowly focused way that will only impact the small but very vulnerable population of unaccompanied homeless youth in North Dakota.

This bill, along with SB 2258 were the result of listening sessions with homeless youth across the state of North Dakota. They have shared what have been barriers to their success, and I ask you today to help reduce one of these barriers by voting in favor of SB 2265.

Please feel free to contact me with any questions at: 701-255-6909 or mheinert@youthworksnd.org



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SB 2265

House Human Services

March 8, 2021

Katie Fitzsimmons, NDUS Director of Student Affairs

701-328-4109 | katie.fitzsimmons@ndus.edu

Chair Weisz and House Human Services Committee Members: My name is Katie Fitzsimmons and I serve as the Director of Student Affairs at the North Dakota University System. I am here today in strong support of SB 2265, as it would support our students who have experienced or currently are experiencing homelessness.

The North Dakota University System wants to see all students succeed. For our students that are experiencing homelessness, that success involves accessing health care, including behavioral health, as seamlessly as possible. In the 2018-2019 school year, North Dakota's schools served 285 unaccompanied homeless youth. In our state, these youth are more likely to attempt suicide, more likely to abuse prescription medication and methamphetamines, and less likely to see a dentist. They desperately need access to basic health services and behavioral health treatment. Especially during the pandemic, basic medical care is necessary for youth on their own.

Currently, North Dakota law allows youth under age 18 to access only a limited scope of health services: STD and substance abuse treatment, prenatal and pregnancy care, and emergency care. Unaccompanied homeless minors cannot access basic health care (including physicals and dental care), or behavioral health care, without parental consent. These restrictions put youth at risk for serious health consequences, and even death. SB 2265 would remove these barriers, in a narrowly focused way that will only impact the small but very vulnerable population of unaccompanied homeless youth in North Dakota.

Though the majority of the population that could be positively affected by this legislation if it were to pass are not NDUS students, we know some unaccompanied youth aspire to attend college. It is tough to get to college when you are experiencing homelessness, but it is even more difficult if you are experiencing homelessness and suffering from an untreated behavioral or physical health condition. We hope this legislation will set more youth on a good health trajectory, which could lead to a healthy education trajectory, which is a crucially important factor in breaking the cycle of homelessness.

The North Dakota University System respectfully requests a **Do Pass on SB 2265** and I am available to answer your questions. Thank you.



2021 SB 2265
House Human Services Committee
Representative Robin Weisz, Chairman
March 8, 2021

Chairman Weisz and members of the House Human Services Committee, I am Melissa Hauer, General Counsel for the North Dakota Hospital Association (NDHA). I testify in support of Senate Bill 2265 and ask that you give this bill a **Do Pass** recommendation.

This bill will provide access to routine health care for unaccompanied homeless minors. Generally, only persons age 18 and over can consent to their own routine medical care. Unaccompanied homeless youths encounter difficulty associated with providing legally authorized consent for their health care when they are unwilling or unable to secure that consent from their parent or legal guardian. These minors are unable to obtain care for even routine health problems, which creates a serious health hazard. Routine infections and illnesses go untreated and, without basic health treatment, relatively minor conditions can worsen until they become emergencies. At that point, physicians can treat the condition under existing laws on emergency care. However, the youth may have missed school and work and placed his or her basic health and safety at risk, as well as others.

With the change provided by this bill, youths who are homeless without a parent or guardian, will be able to access needed health care in the specified circumstances. Hospitals support allowing minors to consent to their own medical treatment in these situations. Most states have addressed this issue, using a variety of approaches to ensure that homeless youth on their own can obtain needed medical care. Because available data suggest that unaccompanied youth experience higher rates of mental illness, substance abuse, pregnancy, and sexually

transmitted disease than other youth, we support providing access to preventive medical services without parental consent for homeless youth.

Hospitals also support the bill's provision on page two, lines five through seven, that states an unaccompanied homeless minor who is a parent may consent to, contract for, and receive medical, dental, and behavioral health examinations, care, or treatment for the minor's child. This is an issue for health care providers when a minor brings his or her child in for care. The minor, under current law, is unable to consent to his or her own care and it is unclear who has authority to consent to care for the minor's child. Can the minor, who is the child's parent, consent? This bill will provide that clarification.

In summary, we believe the bill will provide better access to health care for unaccompanied homeless youth by allowing them to consent to that care in the specified areas. In turn, this should lead to better health through more appropriate, preventive care and less reliance on emergency care. We ask that you give this bill a Do Pass recommendation.

I would be happy to respond to any questions you may have. Thank you.

Respectfully Submitted,

Melissa Hauer, General Counsel/VP
North Dakota Hospital Association

**SB 2265 – Relating to allowing unaccompanied homeless minors
to access health care without parental consent**

SUPPORT

**Hearing of the House Human Services Committee, March 8, 2021
Testimony of Patricia Julianelle, SchoolHouse Connection**

SchoolHouse Connection is a national non-profit organization dedicated to overcoming homelessness through education and responding to the needs of students experiencing homelessness on a federal, state, and local level. We are experts in the public policies necessary to help youth experiencing homelessness access safe and appropriate services, graduate from high school and college, and find stable housing to end their homelessness permanently.

SchoolHouse Connection strongly supports SB 2265, which would allow unaccompanied homeless youth 14 and older to consent for routine health care, including behavioral health care— but not abortion. Unaccompanied homeless youth lack stable housing and are not in the physical custody of a parent or guardian. Unaccompanied homeless youth have no parental support to meet their most basic needs, including shelter, health care, food, and clothing. These young people are homeless on their own for various reasons, primarily related to poverty and family instability/dysfunction, and are striving to survive in unsafe or unstable environments.

In the 2018-2019 school year, North Dakota's schools served 285 unaccompanied homeless youth.¹ The Youth Risk Behavior Survey administered to high school students across North Dakota found that unaccompanied youth are:

- 10.9 times more likely to use methamphetamines than housed students
- 9.5 times more likely to engage in binge drinking
- 3.4 times more likely to abuse prescription medication
- 4.2 times more likely to be raped
- 3.6 times more likely to attempt suicide
- 3.4 times less likely to see a dentist

Obviously, unaccompanied youth desperately need access to basic health services and behavioral health treatment. Currently, North Dakota law allows youth under age 18 to access only a limited scope of health services: STD and substance abuse treatment, prenatal and pregnancy care, and emergency care. Unaccompanied homeless minors cannot access basic health care (including physicals and dental care), or behavioral health care, without parental consent. Lack of basic treatment can lead to routine problems becoming dangerous, and even can lead to death by suicide, overdose, or illness. **SB 2265 would remove these barriers, in a narrowly focused way that will**

¹ National Center for Homeless Education (2021).
<http://profiles.nche.seiservices.com/StateProfile.aspx?StateID=34>.

only impact the small but very vulnerable population of unaccompanied homeless youth in North Dakota.

SB 2265 also would align North Dakota with 30 states that already allow unaccompanied youth to access basic health and behavioral health services without a parent. The American Academy of Pediatrics also supports these measures.² Although I have been working on minor medical consent issues for over a decade, I am not aware of any legal issues or unintended consequences of these policies. On the contrary, schools and service providers report that allowing unaccompanied youth to access basic health services helps keep them safe, healthy, and able to attend school and work consistently, so they can end their homelessness.

For these reasons, SchoolHouse Connection strongly urges the committee to pass SB 2265. I am happy to respond to any questions or concerns.

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² See, e.g., Rhonda Gay Hartman (December 2002). "Coming of Age: Devising Legislation for Adolescent Medical Decision-Making." *Am. Journal of Law & Medicine*. Pittsburgh: U. of Pittsburgh School of Medicine.

2021 HOUSE STANDING COMMITTEE MINUTES

Human Services Committee Pioneer Room, State Capitol

SB 2265
3/17/2021

Relating to allowing unaccompanied homeless minors to access health care without parental consent

Chairman Weisz opened the committee meeting at 3:06 P.M.

Representatives	Attendance
Representative Robin Weisz	P
Representative Karen M. Rohr	P
Representative Mike Beltz	P
Representative Chuck Damschen	P
Representative Bill Devlin	P
Representative Gretchen Dobervich	P
Representative Clayton Fegley	P
Representative Dwight Kiefert	P
Representative Todd Porter	P
Representative Matthew Ruby	P
Representative Mary Schneider	P
Representative Kathy Skroch	P
Representative Bill Tveit	P
Representative Greg Westlind	P

Discussion Topics:

- Parental consent loopholes
- Unaccompanied minor
- Local educational agency liaison

Rep. Gretchen Dobervich (3:08) moved **Do Pass**

Rep. Mary Schneider (3:08) second

Representatives	Vote
Representative Robin Weisz	Y
Representative Karen M. Rohr	N
Representative Mike Beltz	Y
Representative Chuck Damschen	Y
Representative Bill Devlin	Y
Representative Gretchen Dobervich	Y
Representative Clayton Fegley	Y
Representative Dwight Kiefert	N
Representative Todd Porter	Y
Representative Matthew Ruby	N
Representative Mary Schneider	Y

Representative Kathy Skroch	N
Representative Bill Tveit	N
Representative Greg Westlind	Y

Motion Carried Do Pass 9-5-0

Bill Carrier: Rep. Gretchen Dobervich

Chairman Weisz adjourned at 3:14 p.m.

Tamara Krause, Committee Clerk

REPORT OF STANDING COMMITTEE

SB 2265: Human Services Committee (Rep. Weisz, Chairman) recommends **DO PASS** (9 YEAS, 5 NAYS, 0 ABSENT AND NOT VOTING). SB 2265 was placed on the Fourteenth order on the calendar.