



**2023 Senate Bill no. 2274**  
**Senate Human Services Committee**  
**Senator Judy Lee, Chairman**  
**February 13, 2023**

Good morning, Chairman Lee and members of the Senate Human Services Committee. I am Dr. Danielle Thurtle, a board certified pediatrician and pediatric hospitalist with Sanford Health Bismarck. I serve as Sanford Bismarck's chief of pediatric medicine and patient safety officer and chair the physician executive committee. I am testifying on behalf of the North Dakota Hospital Association (NDHA), which represents hospitals and health systems across the state.

North Dakota hospitals ask that you give this bill a **Do Not Pass** recommendation.

This bill would take away the ability of hospitals to require staff be vaccinated against serious diseases like measles, mumps, polio, and many others and gravely impair the ability of health care providers to protect their patients and employees.

Vaccination requirements for health care providers and staff are not new. Hospitals have long required vaccinations for measles, mumps, rubella, chicken pox and influenza with remarkable impact on staff and patient safety. As is the COVID-19 vaccine, these immunizations are well-researched, safe, and provide extensive protection from the greater risk of illness.

Influenza vaccination has been proven to decrease spread of flu to the most vulnerable patients: babies in the neonatal intensive care unit (NICU), immunocompromised patients, organ transplant units, and long term care facilities. These are families who trust us to keep their loved ones safe and a simple influenza infection could be deadly.

While we can't protect our staff and patients from everything, we must always prevent what is preventable. Our goal in healthcare is to cause zero harm – which includes healthcare-acquired, vaccine-preventable diseases. We've seen significant progress in the reduction of healthcare acquired conditions, including infectious diseases and we believe vaccines are integral to patient and staff safety. It's imperative that healthcare organizations and clinicians be allowed to follow best practices as driven by science, unrestricted by regulations that do not put patient safety first.

Hospitals and health care workers have a shared responsibility to prevent occupationally acquired infections and avoid causing harm to patients. Vaccinations aren't always strictly for patient safety – they also protect the health care worker. Healthcare workers are at risk for exposure to serious, and sometimes deadly, diseases. If they work directly with patients or handle material that could spread infection, they should take appropriate steps to reduce the chance that they will get or spread diseases.

Despite claims to the contrary, it is a fact that immunizations - including the COVID-19 vaccines - are well-researched, safe, and provide extensive protection from the greater risk of illness, hospitalization, and death.

Health care providers across the state implemented the Centers for Medicare and Medicaid Services (CMS) COVID-19 vaccine mandate for their employees with the utmost consideration for the health and safety of those employees and patients served. Mandating vaccines has been considered carefully along with individual rights. Exemptions for religious and medical reasons have been thoughtfully respected.

Finally, we believe this bill would also put health care providers in a legal quandary: violate the federal requirement that all health care workers be vaccinated or violate state law. The federal CMS rule requiring COVID-19 vaccination for all eligible employees at health care facilities that participate in Medicare and Medicaid was upheld by the courts. Employees who qualify for a medical or sincerely held religious belief exemption may skip the immunization. Amidst federal mandates requiring vaccines, a state law conflicting with these federal mandates puts health care in the lurch, having to comply with conflicting state and federal laws. Our hospitals cannot afford to lose Medicare and Medicaid payments – they make up approximately 60% of our revenue.

We respectfully ask that you protect healthcare providers' abilities and decisions to protect both our employees and the patients and families we serve. Please give the bill a **Do Not Pass** recommendation.

Thank you for your consideration. I would be happy to answer any questions.

Danielle Thurtle, M.D.  
Sanford Health Bismarck  
[Danielle.Thurtle@SanfordHealth.org](mailto:Danielle.Thurtle@SanfordHealth.org)