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**To: Members of the Wisconsin State Legislature**

**From: Abbey Rude, WHA VP Government Relations  
Jon Hoelter, WHA VP Federal Affairs & Advocacy**

**Date: October 9, 2025**

**Re: Support for LRBs-4934/1 & 4936/1, "Next-of-Kin" Legislation**

**WHA asks for your support for LRBs-4934/1 and 4936/1, bipartisan legislation introduced by Senator Wimberger and Representatives Snyder and Subeck** designed to address one segment of the many post-acute care challenges facing Wisconsin's health care system. This legislation is nearly identical to legislation that passed the Assembly unanimously last session, but was not scheduled for a vote in the Senate prior to the session ending. Like last session, we applaud the bipartisan cooperation between the legislative authors and Governor Evers in developing this draft legislation.

The legislation is designed to address problems with WI State Statute 50.06 which currently limits the rights of family members to acquire appropriate post-acute care for their loved ones when they become incapacitated in the hospital. Currently, if someone has not filled out a power-of-attorney for health care that specifically designates the ability of a loved one to make health care decisions that include authorizing care in a nursing home or community-based-residential-facility (CBRF), their family members generally must go through an expensive and lengthy court-ordered guardianship process prior to a nursing home or CBRF agreeing to admit them.

Like what occurs in most other states, LRB-4934 would create the ability for the next-of-kin to help make these limited decisions without the need to go through the courts. Importantly, this legislation would preserve the option of going through the courts if there is disagreement among family members. It also includes requirements that the next-of-kin (known as the patient's representative in the bill) notify family members prior to activating the next-of-kin authority.

The main addition to the legislation compared to last session is that it also affords family members the opportunity to file for an expedited temporary guardianship through the courts if they believe there is a need to help their loved ones with decisions that extend beyond the limited health care decisions granted to the next-of-kin.

The current process is a burden on families, providers and patients and delays appropriate treatment in the correct setting. For instance, a patient who has suffered a traumatic brain injury may wait longer in a hospital bed without receiving more intensive therapy that would otherwise be provided in a community-based residential facility for traumatic brain injuries. Not only do patients then delay more intensive non-hospital care, these patients also take up staffed hospital beds that could better serve other patients who truly need inpatient care.

To put this into perspective, the average length of stay for a normal inpatient at a hospital is around 5 days. It is not uncommon for incapacitated patients to stay in the hospital for 60 days or longer while the guardianship process plays out in an already overburdened court system. This means that one hospital bed could have served 12 patients during the time it was caring for a patient who didn't need to be in it, if not for the current statutory barrier. If you extrapolate this to the more than 150 hospitals across the state, each of which provide care for these types of patients, it's not hard to see how much of a difference this small statutory change could make in improving Wisconsin's overall health care system.

This legislation includes extensive patient protections that apply to patients, both under current law and the additional guardrails established in the bill, such as the explicit exemption of individuals with developmental disabilities or significant mental illness and a 3-year sunset on the next-of-kin authority created under the bill.

We respectfully request you sponsor this legislation as it will have an immediate impact on increasing access to care by opening up hospital beds to new patients in need and transferring medically incapacitated patients to the most appropriate care setting more quickly. **Please contact the offices of Senator Wimberger or Representative Snyder or Subeck to co-sponsor this legislation.**

For more information about why Wisconsin needs to adopt next-of-kin legislation, please [visit WHA's website](#).