



To: Members of the Wisconsin State Senate

From: The Wisconsin Hospital Association

The Wisconsin Health Care Association/ The Wisconsin Center for Assisted Living

The Wisconsin Assisted Living Association

Date: March 10, 2026

Re: Support for AB 598 – “Next-of-Kin” Legislation

As trade associations representing hospitals and long-term care facilities across Wisconsin, we write in support of AB 598, important “next-of-kin” legislation that we believe will make it easier for families and health care facilities prioritizing the appropriate care needs of their incapacitated loved ones.

Our organizations have been working cooperatively over the last two legislative sessions to help lawmakers carefully craft legislation that takes into consideration the various concerns of both our members and the patients they serve.

This legislation seeks to remove unnecessary regulations that have created barriers for patients and families and bottlenecks that have prevented Wisconsin’s health care system from caring for patients in a timely manner. Specifically, Wisconsin Statute 50.06 restricts the ability of next-of-kin to help their incapacitated loved ones obtain care in a nursing home or community based residential care facility to a 60-day period, and only if a guardianship is concurrently filed.

The time-limited nature of the current 50.06 statute has been identified as a major barrier to successful transitions to SNF and CBRF care because it leads to uncertainty over whether the NOK would be allowed to continue helping their loved one with care decisions if the court had not appointed a guardian before the time limit expired, or if the court appointed someone other than the NOK. As such, this uncertainty has rendered the current statute almost useless. This legislation seeks to resolve this by creating more certainty for post-acute care facilities that are otherwise willing to accept these patients.

AB 598 is also balanced with appropriate patient safeguards: It maintains the ability of anyone to initiate a guardianship; it includes the same patient protections found in the existing statute; and it establishes further protections such as a requirement to notify family members and the ability to seek a judicial remedy if concerns arise over decisions made by the next-of-kin. Additionally, this newly established process would operate as a 3-year pilot which will require the legislature to pass a new law that can address any concerns should they come to fruition during the course of the pilot.

Given the successful track record of next-of-kin laws and processes in Wisconsin's surrounding states and states all across the country, we are optimistic that even those with concerns about bringing Wisconsin into the realm of states with expanded next-of-kin laws will see the wisdom of doing so. As a 2023 analysis from the American Bar Association concludes,

“As an aging America prepares for the future, default surrogate statutes can act as a useful safety net for adults without previously appointed healthcare decision-makers.”

Please help improve our ability to provide timely care for Wisconsin patients by ensuring this bill passes before the legislative session ends.

¹ Arias, Marlene. (2023, January 12) Recent Updates to Default Surrogate Statutes. https://www.americanbar.org/groups/law_aging/publications/bifocal/vol44/bifocal-vol-44-issue3/recent-updates-to-default-surrogate-statutes/