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Governor Evers Signs Next-of-Kin Legislation

WHA on-demand webinar overview available to members

On March 20, Gov. Tony Evers signed AB 598, the "Next-of-Kin" legislation, into law as 2025 Wisconsin Act 115.

WHA President and CEO Kyle O'Brien praised the signing of the legislation. "WHA's team and our members' advocacy on this bill spanned two legislative sessions, resulting in broad bipartisan support from members of the legislature," said O'Brien. "We are grateful for the Governor's consistent support of Assembly Bill 598, culminating in his enactment of the bill as 2025 Wisconsin Act 115."

Act 115 addresses a longstanding challenge facing hospitals, patients and families across Wisconsin. Under prior law, some incapacitated patients who no longer require hospital-level care can remain hospitalized for extended periods while guardianship decisions are resolved through the courts, due to the lack of a health care power of attorney. This delays access to needed post-acute services and contributes to capacity constraints within hospitals.

"This is a significant step forward for patients and their families," added O'Brien. "By creating a clear and practical pathway to identify a patient's next-of-kin for care transition decisions, this legislation will help ensure patients can move more quickly to the most appropriate setting for their recovery, while also improving hospital capacity for those who need hospital care."

AB 598 provides family members, including spouses, limited authority to help their incapacitated loved ones obtain prompt access to post-acute care without requiring a court process, reducing unnecessary hospital stays, easing emergency department backlogs and ensuring patients receive the right care in the right setting. Importantly, the legislation keeps intact the ability to seek guardianship for patients that need it and preserves and expands important patient protections under the next-of-kin process.

WHA also held a members-only webinar on March 24 to review the core components of Act 115 and review next steps for hospitals, post-acute care facilities and the WHA team in implementing Act 115. A recording of that webinar may be viewed by WHA members on WHA's on-demand learning center. The legislation has a delayed effective date of June 1, 2026, and WHA is working with the Wisconsin Department of Health Services to prepare for the implementation of the new law. WHA anticipates future education sessions in coordination with post-acute partners and will alert members in advance of those education sessions.

According to the American Bar Association, at least 46 states have similar "next-of-kin" laws already on the books recognizing the importance of surrogate decision-making for patients without previously appointed health care decisionmakers.

To learn more about WHA's support of "Next-of-Kin" legislation, please visit our Key Issues page here.

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Emergency Preparedness Regulations: Is Your Hospital Prepared for the Next Emergency?

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