

Vol. 70, Issue 11

Thursday, March 19, 2026

WHA Applauds State Legislature for Passing 'Next-of-Kin' Legislation, Sending Bill to Governor's Desk

Bipartisan bill will ease hospital capacity concerns and improve patient access to post-acute care

The Wisconsin Hospital Association (WHA) praises the Wisconsin State Legislature for passing Assembly Bill 598, commonly known as the "next-of-kin" bill, with strong bipartisan support in both chambers. The legislation now goes to Governor Tony Evers for his signature.

The Assembly passed the legislation 77-18 in mid-February, and the Senate followed with a 28-5 vote on March 18, reflecting broad agreement across party lines that Wisconsin families deserve a better path forward when a loved one needs care. This legislation has been a key WHA priority for two legislative sessions.

"This is a significant step forward for patients and their families," said WHA President and CEO Kyle 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."

This legislation addresses a longstanding challenge facing hospitals, patients and families across Wisconsin. Under current 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.

"Wisconsin's hospitals are grateful to the Senators of both political parties who supported Assembly Bill 598 today," said O'Brien. "The leadership of Senator Wimberger, Representatives Snyder and Subeck, and Gov. Tony Evers has been critical to move this legislation forward. We applaud their tenacity and are grateful for their bipartisan partnership with WHA in advancing AB 598."

AB 598 gives family members, including spouses, limited authority to help their incapacitated loved ones obtain prompt access to post-acute care without that 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.

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.

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EDUCATION EVENTS

Mar. 31, 2026

WHA 2026 Wisconsin Health Care Workforce Webinar Series

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Caring for Wisconsin's Caregivers: 2026 WHA Healthcare Workforce Well-being Summit

