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November 12, 2025

Re: AB 598—consent to admissions to certain health care facilities by patient representatives without requiring a petition for guardianship or protective placement.

Dear Chair Moses,

On behalf of the Milwaukee County Commission on Aging, we respectfully request that you do not support AB 598 related to consent to admissions to certain health care facilities by patient representatives without requiring a petition for guardianship or protective placement. Milwaukee County is home to more than 190,000 older adult residents and the Milwaukee County Commission on Aging is responsible for elevating their voice on issues that could impact their ability to live with dignity and choice. As written, this bill will not allow older adults to retain agency over their healthcare decision-making.

This legislation circumvents the Wisconsin statutes and regulations specifically designed to safeguard the rights of individuals by giving “hospital appointed” patient representatives more authority than that given by an adult (via their POAHC documents) to their personally selected health care agent(s) and the same authority over the person’s money, where they live, and their medical care as a guardian would have, only without any court oversight. This legislation ignores the already existing process for obtaining a temporary guardian in Wisconsin, which would allow a decision-maker to be put in place much quicker than the permanent guardianship process and provides court-oversight and timelines for consideration of permanent guardianship, if needed.

Our health and long-term care systems face many issues that can result in longer than necessary hospital stays, including:

- Staffing shortages at rehabilitation and nursing home facilities. Facilities cannot accept patients if they do not have the staffing needed to accommodate the patient’s level of care needs.
- Inability to return to a previous care setting (assisted living facilities or nursing home) after hospitalization because their condition now requires a higher level of care.
- Time needed for families to gather needed information, apply for Medicaid, and have workers verify income, assets, and other requirements to determine Medicaid eligibility.
- Patients who do not have family or other close relationships to provide needed assistance and support.

The proposed legislation does not address any of the above issues. Additionally, this legislation is more expansive than “Next of Kin” laws existing in other states. No other states allow Next of Kin financial decision-making powers.

AB 598 does not:

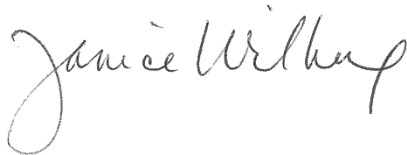
- Establish a process Establish a process for contesting the appointment of a patient representative whose decisions or priorities conflict with those of the individual.
- Set limits on how long a patient representative can make decisions on behalf of the individual.
- Provide a mechanism for the individual to object to decisions made by the patient representative (other than the decision to admit)
- Specify when or whether an incapacitated individual must be re-evaluated for capacity, who can/must perform the evaluation, or who is responsible for ensuring it occurs.
- Provide a process for patient representative to resign and does not address what happens if the representative becomes incapacitated or dies.

Not only does the lack of safeguards in the bill place older adults at risk, but it could greatly increase the demands on Adult Protective Services (APS). If this process were in effect, it could result in an increase of requests for investigations by a county APS unit and more administrative oversight each time a representative is appointed and APS is notified.

We should encourage all adults to proactively determine the individual they want in charge of their healthcare and financial decisions when they are incapacitated. These decisions should be carefully considered and planned by the individual and not determined by a third-party who doesn't know the full picture. Our coordinated efforts should focus on empowering older adults to plan early for the future, so they remain active participants in the decision-making process. Please support Milwaukee County's 190,000 older adult residents by voting no on AB 598.

Please contact us with any questions about this legislation.

Sincerely,



Janice Wilberg, Ph.D.
Chair, Commission on Aging



Brian Peters
Legislative Officer, Commission on Aging