

To: Assembly Committee on Family Law
From: Disability Rights Wisconsin (Contact: Lisa Hassenstab, Public Policy Manager, lisah@drwi.org)
Date: February 14, 2024
Re: AB 1088 - relating to: consent to admissions to certain health care facilities by patient representatives, allocation of nursing beds for patients with certain complex needs, and a complex patient pilot program.

Disability Rights Wisconsin (DRW) is the federally mandated Protection and Advocacy system for the State of Wisconsin, charged with protecting the rights of individuals with disabilities and keeping them free from abuse and neglect. With this responsibility, DRW offers the following comments on AB 1088.

DRW recognizes the challenges facing our health care and other systems when attempting to address the needs of individuals whose care needs may not require an acute care/hospital setting but for whom another care site is not immediately available due to varying circumstances; we hear from individuals and families regularly who are caught in these complex and frustrating situations. The desire to address these challenges is evident in this legislation, but DRW does not believe the changes proposed in this bill will address these challenges in a way that will meet the needs of all involved in these processes, particularly the individual for whom decisions would be made.

Of primary interest to DRW, the rights of the individual patient are not adequately addressed in AB 1088. This bill would establish a decision-making process which would circumvent processes which are currently available (but not always utilized), potentially involve decision-makers who would be unaware or not interested in the individual's health care wishes or priorities, and does not outline a process for an individual to resolve a determination of incapacitation, reclaim their own decision-making power, or contest the appointment of a particular representative.

DRW's position and comments on this bill are aligned with our partners at the Board for People with Developmental Disabilities (BPDD), and we encourage you to strongly consider the concerns and suggestions laid out in their testimony as you determine your position on this bill.

Thank you for your consideration of these comments, and please don't hesitate to reach out with any questions.