

Wisconsin Statute 50.06

(Summary/Info Sheet)

A. Hospital Transfers

Wisconsin Statute 50.06 (previously known as Act 187 [1993]), became effective 4/14/1994. The statute provides an exception to the requirement of a guardianship and protective placement in narrowly defined situations:

- **Scope:** This statute applies when an individual in a hospital is proposed to be transferred to a nursing home or Community-Based Residential Facility (CBRF).

B. Qualification

To qualify for this provision, specific conditions must be met:

- **Incapacity determination:** The individual must be assessed/determined to be "incapacitated" by medical professionals. Incapacitation determination indicates an inability to receive and evaluate information effectively or communicate decisions regarding current/post-hospital care needs.
- **Exclusions:** The individual may not have diagnosis of a developmental disability or mental illness, and no existing power of attorney for health care may be in place.

C. Designated Relatives

- **Designated Relatives:** The law sets up a priority list of relatives who may provide consent to the transfer:
 - Spouse
 - Adult child
 - Parent
 - Adult sibling
 - Grandparent
 - Adult grandchild
 - Adult close friend

Exception: If there is an objection to the transfer by any of the designated family members, the proposed transfer may not occur until after guardianship court hearing.



LA CROSSE COUNTY
Exceptional services. Extraordinary place.

**La Crosse County
Human Services Department**

Aging & Disability Resource Center
Adult Protective Services
300 4th Street North
La Crosse, WI 54601
(608) 785-5700 Phone
(608) 785-5812 Fax
www.lacrossecounty.org

D. Additional Provisions

- The individual providing consent will have the authority to make post-admission decisions for the earlier of sixty (60) days, discharge, or until a guardian of the person is appointed.
- The authority of the individual providing consent will be the same as that of a court-appointed Guardian of the Person, including authority to discharge the resident from the facility and to authorize related medical expenses, where there is no existing Guardian of the Estate or Power of Attorney for finances.
- The petition for guardianship and protective placement must be heard by the court within 60 days.
- If any individual on the list of those who may consent OR THE PROPOSED WARD HIM OR HERSELF objects to any of the decisions the proposed guardian is making, the hearing must be held “as soon as possible,” rather than “within 60 days”.
- If the proposed ward is in the facility more than 60 days and the hearing still has not been heard, the authority of the person who consented to the admission to make decisions may be extended for 30 more days for the purpose of allowing the facility to initiate discharge planning for the incapacitated individual.