

2003-04 SESSION  
COMMITTEE HEARING  
RECORDS

Committee Name:

Senate Committee on  
Health, Children,  
Families, Aging and  
Long Term Care  
(SC-HCFALTC)

Sample:

Record of Comm. Proceedings ... RCP

- 03hrAC-EdR\_RCP\_pt01a
- 03hrAC-EdR\_RCP\_pt01b
- 03hrAC-EdR\_RCP\_pt02

➤ Appointments ... Appt

➤ \*\*

➤ Clearinghouse Rules ... CRule

➤ \*\*

➤ Committee Hearings ... CH

➤ \*\*

➤ Committee Reports ... CR

➤ \*\*

➤ Executive Sessions ... ES

➤ \*\*

➤ Hearing Records ... HR

➤ 03hr\_ab0554b\_pt02

➤ Miscellaneous ... Misc

➤ \*\*

➤ Record of Comm. Proceedings ... RCP

➤ \*\*

NO  
DATE

**ASSEMBLY BILL 554**  
**(Krawczyk/Roessler)**

**Relating to declarations to physicians regarding life-sustaining measures and powers of attorney for health care.**

- Rep Krawczyk will be testifying.
- No opposition in the Assembly.
- This bill provides that a health care power of attorney executed in another state or jurisdiction is valid and enforceable in Wisconsin to the extent that it authorizes a health care agent to make decisions that a health care agent may make under Wisconsin law.
- The bill also provides that the immunities relating to health care powers of attorney apply to acts or omissions in connection with a provision of a health care power of attorney that is executed in another state or jurisdiction if the provision is valid and enforceable in Wisconsin.

18  
554

ASSEMBLY BILL 554

An Act to create 154.07 (1) (c), 155.50 (4) and 155.70 (10) of the statutes; relating to: declarations to physicians regarding life-sustaining measures and powers of attorney for health care.

2003

- 10-02-03. A. Introduced by Representatives Krawczyk, Colon, Ladwig, Boyle, Cullen, J. Lehman, Staskunas, Taylor, Bies, Musser, Seratti, Owens, Huebsch, Hahn, Hundertmark, McCormick, Jeskewitz, Gronemus, Huber, Black, Hines, Van Roy, Zepnick, Olsen and Townsend; cosponsored by Senators Roessler, Erpenbach, Lassa, M. Meyer and Schultz.
- 10-02-03. A. Read first time and referred to committee on Health. . . . . 408

2004

- 01-06-04. A. Public hearing held.
- 02-09-04. A. Representative Gielow added as a coauthor. . . . . 694
- 02-17-04. A. Executive action taken.
- 02-25-04. A. Report passage recommended by committee on Health, Ayes 14, Noes 0. . . . . 733
- 02-25-04. A. Referred to committee on Rules. . . . . 734
- 02-25-04. A. Placed on calendar 3-2-2004 by committee on Rules.
- 03-02-04. A. Read a second time. . . . . 767
- 03-02-04. A. Ordered to a third reading. . . . . 767
- 03-02-04. A. Rules suspended. . . . . 767
- 03-02-04. A. Read a third time and **passed**. . . . . 767
- 03-02-04. A. Ordered immediately messaged. . . . . 767
- 03-03-04. S. Received from Assembly.
- 03-03-04. S. Read first time and referred to committee on Health, Children, Families, Aging and Long Term Care.

## AB 554

- Rep Krucycki - Ken Machtan testifying - Supports.

Rob Cunderson joined him. (Supports)

→ Bill clarifies that tech. diff. req. for adv. directives in other states should not prevent a directive from being followed in WA.

- No Assembly opp.
- Several organizations support.

Submitted  
written  
test.

Pro Life } supports  
WZ RTL

Rob Gundersman  
Alzheimer's Assoc

- Don't allow  
Assisted Suicide

2003 - 2004 LEGISLATURE

LRB-2026/1

RLR:jld:jf

May pass Assembly  
week of March 1st.

## 2003 ASSEMBLY BILL 554

October 2, 2003 - Introduced by Representatives KRAWCZYK, COLON, LADWIG, BOYLE, CULLEN, J. LEHMAN, STASKUNAS, TAYLOR, BIES, MUSSER, SERATTI, OWENS, HUEBSCH, HAHN, HUNDERTMARK, MCCORMICK, JESKEWITZ, GRONEMUS, HUBER, BLACK, HINES, VAN ROY, ZEPNICK, OLSEN and TOWNSEND, cosponsored by Senators ROESSLER, ERPENBACH, LASSA, M. MEYER and SCHULTZ. Referred to Committee on Health.

- 1 AN ACT *to create* 154.07 (1) (c), 155.50 (4) and 155.70 (10) of the statutes;  
2 **relating to:** declarations to physicians regarding life-sustaining measures  
3 and powers of attorney for health care.

---

### *Analysis by the Legislative Reference Bureau*

Under current law, a person may execute a health care power of attorney granting an agent authority to make health care decisions for the person if the person becomes incapacitated. A person may also execute a written declaration to physicians that authorizes the withholding or withdrawal of life-sustaining procedures or of a feeding tube if the person is in a terminal condition or in a persistent vegetative state. Current law establishes certain requirements for the execution of a health care power of attorney or a declaration to physicians, including, for example, that it must be signed by the person in the presence of two witnesses. Current law also limits the authority that a person may grant under a power of attorney or a declaration. For example, a person may not grant an agent the authority to commit the person to a mental facility nor authorize a physician to withhold or withdraw life-sustaining procedures in situations in which such withholding or withdrawal would cause the person pain.

Current law also provides health care facilities and health care providers immunity from civil or criminal action for certain acts or omissions in connection with a health care power of attorney or a declaration to physicians. Finally, current law provides that a declaration to physicians that is executed in another state or jurisdiction in compliance with the law in that state or jurisdiction is valid and

**ASSEMBLY BILL 554**

enforceable in Wisconsin to the extent that the declaration is consistent with Wisconsin law concerning declarations to physicians.

This bill provides that a health care power of attorney executed in another state or jurisdiction in compliance with the laws of that state or jurisdiction is valid and enforceable in Wisconsin to the extent that it authorizes a health care agent to make decisions that a health care agent may make under Wisconsin law. The bill further provides that the immunities relating to health care powers of attorney and declarations to physicians apply to acts or omissions in connection with a provision of a health care power of attorney or a declaration to physicians that is executed in another state or jurisdiction if the provision is valid and enforceable in Wisconsin.

---

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

1           **SECTION 1.** 154.07 (1) (c) of the statutes is created to read:

2           154.07 (1) (c) Pars. (a) and (b) apply to acts or omissions in connection with a  
3           provision of a document that is executed in another jurisdiction if the provision is  
4           valid and enforceable under s. 154.11 (9).

5           **SECTION 2.** 155.50 (4) of the statutes is created to read:

6           155.50 (4) Subsections (1), (2), and (3) apply to acts or omissions in connection  
7           with a provision of a power of attorney for health care that is executed in another  
8           jurisdiction if the provision is valid and enforceable under s. 155.70 (10).

9           **SECTION 3.** 155.70 (10) of the statutes is created to read:

10          155.70 (10) A valid document granting a health care agent authority to make  
11          health care decisions for a principal that is executed in another state or jurisdiction  
12          in compliance with the law of that state or jurisdiction is valid and enforceable in this  
13          state to the extent that the document authorizes the health care agent to make  
14          decisions for the principal that a health care agent may make for a principal under  
15          this chapter.

16          **SECTION 4. Initial applicability.**

