



# DUEY STROEBEL

STATE SENATOR • 20<sup>TH</sup> DISTRICT

## Testimony on SB 518: Uniform Adult Guardianship

*January 10, 2018*

Good morning Chairman Testin and members of the Committee on Workforce Development, Military Affairs and Senior Issues. SB 518, the Uniform Adult Guardianship Act, is a piece of model legislation supported by senior citizen and caregiver advocacy groups across the country. I am honored to bring this legislation forward along with a bipartisan group of lawmakers in both chambers.

As of this year, 45 states have added uniform adult guardianship language to their statutes. This bill places similar language into Wisconsin law in order to standardize adult guardianship for state residents who may be caregivers or recipients of care. The states of Iowa, Minnesota and Illinois have already passed this legislation.

Seniors and their families rely on adult guardianship as a method of protecting assets and ensuring informed decision making about important financial and health choices. In an era when many families live across state lines from a senior relative, and when retirees have assets in multiple states, eliminating confusion about adult guardianship is vital.

Without a uniform adult guardianship law, a person who has guardianship for a relative and who then moves to another state must go through the entire court process all over again in order to continue to serve as a guardian. This creates extra legal hassles and costs for seniors and their families.

A uniform approach to this issue will ensure that Wisconsin courts have the ability to recognize guardianship decisions and arrangements established by courts in other states. It will help resolve jurisdictional questions arising from residences and assets across state lines and it will ensure that other states' court systems recognize guardianship proceedings in Wisconsin. This inter-state communication between courts is important for streamlining timelines and costs and eliminating uncertainty.

According to the Department of Health Services, there are 848,197 Wisconsin residents that are 65 or older. These individuals and their families deserve peace of mind knowing that Wisconsin treats adult guardianship in a manner that is consistent with the vast majority of other states.

Thank you.



# KEN SKOWRONSKI

STATE REPRESENTATIVE • 82<sup>nd</sup> ASSEMBLY DISTRICT

(608) 266-8590  
Toll-Free: (888) 534-0082  
Rep.Skowronski@legis.wi.gov

P.O. Box 8953  
Madison, WI 53708-8953

Mr. Chairman and members of the Committee on Workforce Development, Military Affairs and Senior Issues:

Thank you for taking the time this morning to consider the series of bills before you today aimed at improving the lives of those with Alzheimer's, dementia, other significant diseases, those in need of palliative care and their caregivers. My prepared remarks today are regarding both Senate Bill 518 and Senate Bill 528.

While driving to the Capitol, I saw a billboard on East Washington Avenue that stated that seven thousand people in Dane County are living with Alzheimer's disease. In this county alone, there are seven thousand people who need care, or are already being take care of by a family member or in a dementia friendly facility. All of the counties in Wisconsin and all of our legislative districts have people suffering with this debilitating disease and all of our districts have family members are caring for them. All of us are touched by this disease, and that's why we're here today.

Alzheimer's is the sixth leading cause of death in the United States as well as in Wisconsin, and it's the only one is incurable.

More than 5 million Americans are currently living with Alzheimer's, which includes 110,000 Wisconsinites. Every sixty six seconds, someone in the United States develops this disease and deaths from Alzheimer's disease have increased by 89% since 2000. In 2017, Alzheimer's and other dementias will cost this country \$259 billion. By



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STATE REPRESENTATIVE • 82<sup>nd</sup> ASSEMBLY DISTRICT

(608) 266-8590  
Toll-Free: (888) 534-0082  
Rep.Skowronski@legis.wi.gov

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Madison, WI 53708-8953

2050, these costs could rise as high as \$1.1 trillion as a projected 16 million people could be living with Alzheimer's.

The effects that this disease can devastate individuals and families and while we can't cure Alzheimer's and dementia here, we can ease the burden of the family members and improve care for those living with the disease.

My staff and I have been working on this package of bills for many months now and have met with a variety of groups that advocate for senior citizens and aging populations, many health advocacy groups like those for Alzheimer's and dementia and cancer, pro-life groups, faith-based advocacy groups, as well as doctors in the palliative care field. With their help, we've crafted the package of bills that we're speaking about today. Many of those groups are here today, and you'll have a chance to speak and ask questions of those experts from organizations dedicated to helping these individuals.

The first bill I would like to speak on is Senate Bill 518 Uniform Adult Guardianship Jurisdictions: Currently, 45 States, the District of Columbia, Puerto Rico and the US Virgin Islands have Uniform Adult Guardianship laws, making Wisconsin one of five states without them. Adult guardianship is the process through which a court appoints a guardian for another adult, who is unable to make important decisions for themselves. Once appointed, the guardian may make decisions for the incapacitated person that relate to that person's health, well-being, and economic interest.

However, in our increasingly mobile society, not all court-appointed guardians live in the same state as the person to which they are assigned. Differences in states' adult



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STATE REPRESENTATIVE • 82<sup>nd</sup> ASSEMBLY DISTRICT

(608) 266-8590  
Toll-Free: (888) 534-0082  
Rep.Skowronski@legis.wi.gov

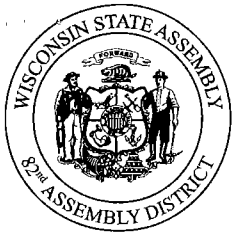
P.O. Box 8953  
Madison, WI 53708-8953

guardianship laws and limited communication between states and courts create a barrier to addressing caregiving issues. Adult Guardian Jurisdictional questions may arise in situations involving snowbirds, long-distance caregiving arrangements, even the rare incident of elderly kidnapping. Adding Wisconsin to the list of states with Uniform Adult Guardianship laws will simplify the process for determining jurisdiction between multiple states, and establishes a framework that allows state court judges in different states to communicate with each other.

Across the country, 15 million Americans provide unpaid care for people with Alzheimer's and other dementias, that is more people than the number of people who are employed by Walmart, the country's largest single employer. These caregivers provide an estimated 18.2 billion hours of care, valued over \$230 billion. And that's just for Alzheimer's. Those numbers grow even higher when accounting for family members caring for loved ones with other devastating illnesses.

Imagine if the cost of that caregiving was to fall on the backs of our government and taxpayers instead of on those families.

Caregiving is physically, mentally and financially exhausting but family members often must step up and take care of their aging relatives as the cost of professional nursing home care is even more burdensome and cost prohibitive than at home care.



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(608) 266-8590  
Toll-Free: (888) 534-0082  
Rep.Skowronski@legis.wi.gov

P.O. Box 8953  
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Individuals who leave the workforce to care for a sick or dying family member lose hundreds of thousands of dollars in salary and benefits. Senate Bill 528 would allow caregivers to claim up to \$1,000 in caregiving expenses on their taxes if their income is below \$75,000 as a single person or \$150,000 as a married couple filing jointly to help ease the burden of caregiving on families.

While we recognize that the fiscal note on this bill is high, we're glad we're starting this discussion. We believe that returning some money for caregiving to the caregivers will help them better take care of their loved ones, improve their financial situation and return that money to the economy.

Thank you for your consideration on these bills as well as the others that are being discussed here today.

## ELDER LAW SECTION

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To: Senate Committee on Workforce Development, Military Affairs and Senior Issues  
From: Bruce Tammi  
Elder Law Section of the State Bar of Wisconsin  
Date: January 10, 2018  
Subject: Senate Bill 518 – Uniform Adult Guardianship Jurisdiction

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I am testifying today on behalf of the Elder Law Section of the Wisconsin State Bar, in support of SB 518, which would adopt the Uniform Adult Guardianship Jurisdiction Act into Wisconsin law. Currently, 50 states and territories have adopted some version of the UAGJA, which establishes common standards and procedures for transferring guardianships between states, determining what states have jurisdiction to take petitions for new guardianship, and resolving conflicts where more than one state has jurisdiction. Joining these states will enhance effective communication with courts in other states, and enhance protection from abuse and exploitation of incapacitated people who are moved across state lines.

The Elder Law Section is grateful to Rep. Skowronski and Sen. Stroebel for the opportunity to work on the bill, and to suggest modifications to the uniform law so that it fits with Wisconsin's guardianship terminology, laws and practices. With the changes made to the draft, the terms used in the UAGJA will have the meaning that those terms have in Wisconsin guardianship law, and we believe will also be clearly understandable to people and courts from other states looking at our law. The changes also help to ensure that a Wisconsin court can take jurisdiction where a person has significant personal connections to Wisconsin, and that our existing process for temporary guardianship can be used to deal with emergency need for guardianship.

SB 518 will facilitate the process of transferring existing guardianships from other states, where people under guardianship move here, by joining the UAGJA's system of sharing information between states. Under existing Wisconsin law, it has generally been easier to simply start a new guardianship here, because of the difficulty in getting records from courts in other states. This has meant that the work that went into the existing guardianship must be duplicated here. It has also meant that the court in the former state may not have approved the move to Wisconsin, and the Wisconsin court may not know about issues or concerns that have arisen in the existing guardianship. Good communication between states can help to ensure that people under guardianship are not moved to other states without proper authorization, that the person's best interests are protected in the decision to make a move, and that moves are not being made to avoid court supervision of guardian behavior.



STATE BAR OF WISCONSIN

We have also encountered situations where a person under guardianship moves moved across state lines on their own accord, or is moved through actions of someone other than the guardian. The procedure in proposed Subchapter 4 allows an out-of-state guardian to register the guardianship here and exercise the authority he or she had in the original state. This makes clear that guardians cannot be deprived of authority to take protective action, simply by the fact that a person moves across state lines.

**The Elder Law Section of the State Bar requests your support of SB 518.**

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For additional information contact Cale Battles, Government Relations Coordinator, at (608) 695-5686 or [cbattles@wisbar.org](mailto:cbattles@wisbar.org).

*The State Bar of Wisconsin establishes and maintains sections for carrying on the work of the association, each within its proper field of study defined in its bylaws. Each section consists of members who voluntarily enroll in the section because of a special interest in the particular field of law to which the section is dedicated. Section positions are taken on behalf of the section only. The views expressed on this issue have not been approved by the Board of Governors of the State Bar of Wisconsin and are not the views of the State Bar as a whole. These views are those of the Section alone.*



Greater Wisconsin  
Agency on Aging Resources, Inc.



January 10, 2018

To: Senator Testin, Chair  
Members, Senate Committee on Workforce Development, Military Affairs and Seniors Issues

From: Janet Zander, Advocacy & Public Policy Coordinator  
Greater Wisconsin Agency on Aging Resources, Inc. & the Wisconsin Aging Advocacy Network

Re: Support for Supported Decision-Making Agreements Bill – SB 552 & Support for Alzheimer's  
and Caregiver Bills – SB 518, SB 527, SB 528, & SB 548

Good day, Chairman Testin, Vice Chair Feyen and members of the Committee. I am Janet Zander, Advocacy & Public Policy Coordinator for the Greater Wisconsin Agency on Aging Resources (GWAAR), one of three Area Agencies on Aging in Wisconsin. I am also here representing the Wisconsin Aging Advocacy Network (WAAN), a collaborative group of individuals and associations – including Wisconsin's three Area Agencies on Aging and other professional associations representing Wisconsin's senior centers, nutrition directors, aging units and Aging & Disability Resource Centers (ADRCs), Benefit Specialists, Adult Day Services, the Alzheimer's Association and the Wisconsin Institute for Healthy Aging (WIHA). This network of older adults and professionals work with and for Wisconsin's older adults to shape public policy that improves the quality of life of older people throughout the state.

I am speaking today in support of SB 552 regarding supported decision-making agreements, as well as in support of all four of the Alzheimer's and Caregiver Bills on the agenda for today's hearing – SB 518 regarding uniform adult guardianship jurisdiction, SB 527 regarding grants for Alzheimer's disease and dementia awareness, SB 528 regarding creation of a state caregiver tax credit, and SB 548 regarding establishing a palliative care council.

Our ability and capacity to make decisions changes over time. For some those changes are due to maturity, for others the changes may be due to functional impairments resulting from illness, injury, or conditions in which change may occur through the rehabilitation processes or progressive conditions. The Supported Decision-Making Agreements bill (SB 552) provides a legally recognized option for older adults and people with disabilities to remain fully in charge of making some or all of their own life-decisions by creating agreements that can easily be put into place by an older adult or person with a disability in response to their changing needs. These agreements with a trusted "Supporter" (of their choosing) allow individuals to receive any needed assistance with the decision-making process such as gathering information, understanding available options, and/or communicating their decisions. These agreements are flexible and as needs and circumstances change, so can the type and amount of agreements an individual chooses to have. Supported decision-making agreements do not replace Wisconsin's existing guardianship system; instead they can be used in combination with other legal arrangements such as limited guardianship or Power-of-Attorney.



With over half a million family caregivers in Wisconsin, and over 40 million nationwide, it is very likely many of us know someone who was/is providing care for a family member or we are involved in caregiving ourselves. I have worked in the aging network for over thirty years and have also been a caregiver for multiple family members. Family caregivers contribute great value to our society. The Alzheimer's and Caregiver bills recognize and support the vital role of family caregivers and work to improve the lives of those with Alzheimer's and related dementias and those with life-threatening illnesses.

The Uniform Adult Guardianship Jurisdiction bill (SB 518) would adopt the Uniform Guardianship Jurisdiction Act (passed in some version by 50 states and territories) into Wisconsin law and improve communication with people and courts in other states. This bill will clarify guardianship jurisdiction across state lines and offer vulnerable people additional protections from abuse and exploitation.

Currently over 115,000 people are living with Alzheimer's disease and related dementias in Wisconsin. This number is expected to increase to over 190,000 people in the next 20 years. The Alzheimer's Disease and Dementia Awareness Grants (SB 527) will help increase awareness of Alzheimer's disease and dementia in rural and underserved urban areas. This increase in outreach and awareness can help lead to a higher level of dementia screening, diagnosis, and treatment. Connecting individuals with Alzheimer's disease and their family members to information and resources early on, gives them the much-needed opportunity to plan and prepare.

More than three-quarters of all family caregivers experience out-of-pocket expenses related to their caregiving. On average, they spend about \$7,000 per year on caregiving expenses. For those who have needed to cut back on their work hours due to caregiving responsibilities, this can be especially financially challenging. For those who must leave the labor force early because of caregiving duties, the costs are much greater when caregiver expenses are combined with lost wages, lower Social Security benefits, and reduced pensions. The Caregiver Tax Credit (SB 528) creates a state income tax credit for family caregivers who have spent their own funds to meet the care needs of a family member. This bill sends a message that Wisconsin recognizes the valuable service provided by these caregivers and will offer some help to ease the financial burden of family caregiving.

Palliative care is a rapidly growing specialty. Unfortunately, this type of care focused on providing people with serious health conditions relief from the symptoms and stress of their illness, is not available in all parts of the state. The Palliative Care Council bill (SB 548) establishes a palliative care council that can evaluate the palliative care system in Wisconsin and make policy recommendations to the legislature on how to improve it, so that improved quality of life through palliative care can be available to patients with serious illness and their families no matter where they live in the state.

Thank you for this opportunity to offer testimony in support of the Supported Decision-Making Agreements bill (SB 552) as well as the Alzheimer's and Caregiver Bills (SB 518, SB 527, SB 528, and SB 548). I am happy to respond to any questions that you may have.



**Testimony Provided to Wisconsin Senate Committee on Workforce Development  
Military Affairs and Senior Issues  
Madison, Wisconsin  
January 10, 2018**

**Tim Harrington,  
Development Coordinator- Workplace Relations and Advocacy Focus  
Alzheimer's Association of Southeastern Wisconsin**

**Chairman Testin, Vice-Chair Feyen and members of the Committee,**

Thank you for allowing me to speak today around this important package of legislation aimed at making Wisconsin a more dementia capable State. I am Tim Harrington, Advocacy lead for the Alzheimer's Association in Wisconsin. I am speaking today on behalf of the three Alzheimer's Association Chapters in Wisconsin. We support care and support for Wisconsinites impacted by Alzheimer's and dementia, raise concern awareness of the disease, advocate the rights in the best interest of those impacted and offer support of research in every county of the State of Wisconsin.

It is not an exaggeration to say the State of Wisconsin, like every in the U.S., is facing a public health crisis when it comes to Alzheimer's disease and related dementias. There are currently over 115,000 people living with the disease in Wisconsin, out of over 5 million nationally, and the Department of Health Services predicts this number will grow by 68% in less that 20 years to over 190,000. These demographic numbers play out in different ways in different parts of our State. For example, currently only two counties, Door and Vilas have more than 27% of the population over the age of 65, mainly due to a higher concentration of retired people. By 2035 however, 25% of the population will be over 65 in the entire northern tier of counties, and no Wisconsin county will have less than 20% of the population over 65. This poses issues across the State, but especially in rural Wisconsin. As the children in a family go off to school and find jobs elsewhere, older adults can become increasingly isolated. Recent surveys indicate that as many as 30 percent of Wisconsinites with Alzheimer's live alone in their communities.

This growth is due to several factors including increased longevity, the aging Baby Boomer population and the increasing racial and ethnic diversity of our State.

**Medical, Health Care, Research and Public Health Issues**

The medical treatments available for Alzheimer's today only work on the symptom of memory loss and do not slow the underlying disease process. As indicated earlier, diagnostic rates for Alzheimer's disease are not consistent with the number of people with cognitive decline, partly due to stigma and partly due to the difficulty of making an accurate diagnosis and the lack of effective treatments. The unfortunate consequence is that many people do not seek help, and many doctors may not make a thorough assessment even when they suspect a problem. This can lead to reversible forms of dementia that go untreated, and can also make it more difficult for the person and the family to begin financial and legal planning to prepare for the future.



Scientists now know that for the person who develops the symptoms of Alzheimer's by age 70, brain changes were occurring for at least 20 years. In the future, we hope to have effective treatments that slow or reverse the course of the disease, and a reliable biomarker that helps identify the people who are developing the disease, even when they are still largely asymptomatic. Coupling those two advances would lead to the ability to prevent or substantially delay the most difficult stages of the disease.

Until that day arrives the Alzheimer's Association is encouraging states to see Alzheimer's disease as a public health issue, and to take public health steps to raise awareness in local communities that can lead to a higher level of dementia screening, diagnosis and treatment. We are very encouraged that Wisconsin is a leader in participating in the Public Health Road map for Alzheimer's disease, and with the Alzheimer's Association and AARP Wisconsin, has produced the Dementia Friendly Communities Toolkit and the Dementia Friendly Employers Toolkit.

Wisconsin has been ahead of many states in these efforts starting with the convening of a task force put together by Former Secretary of Health Services, Kitty Rhodes, who brought together key stake holders to set the platform for and implement our Wisconsin State Alzheimer's plan, followed by the Speakers Task force in the Assembly on Alzheimer's and Dementia that introduced a comprehensive package of bills that addressed many areas of need, then furthered even more by the legislature's insistence on continuing and expanding the funding for the Dementia Care Specialist position in the ADRC's around the state.

The bills before you today are another example of Wisconsin's dedication to staying ahead of what is being termed the Silver Tsunami, the rise in numbers of the baby boomer generation who are living longer and as such are more likely to develop Alzheimer's or a related dementia.

In regard to remaining gaps and concerns, the Alzheimer's Association would like to ask for your support of the following bills that are certain to keep us moving to become a truly dementia capable state:

- (SB 527) A State wide awareness campaign that aims to catch Alzheimer's and dementia sooner in those living with and also raise awareness for caregivers, co-workers, friends and family about the resources available to them while caring for a loved one targeting areas and demographics in the state that are currently underserved
- (SB 528) The creation for a caregiver tax credit for families who are caring for a loved one and accruing large out of pocket costs while doing so, an estimate from a Met Life study showed this could be as high as \$15,000 on average for an individual caregiver.
- (SB 518) Review and adjust our robust Guardianship Laws to allow Wisconsin courts to effectively communicate with other courts when a jurisdictional issue arises and transfer guardianship across state lines.
- (SB 548) Create a palliative care advisory council made up to help guide The Department of Health Services to evaluate the impact Palliative Care has on families, experiences of families

that have used Palliative Care services, practices and protocol of doctors within the Palliative care field and in areas where Palliative Care can be improved.

- (SB 552) Allows adults with functional impairment to create a SDM agreement to allow another person, referred to as a "supporter", to assist the adult with certain decision-making by providing assistance with understanding options, accessing and obtaining needed information, understanding information once it is obtained, and/or communicating the adult's Decision(s) to the appropriate people

Thank you again for the opportunity to address you today and I would be happy to entertain any questions.



Tim Harrington  
Alzheimer's Association  
414.479.8800  
tharrington@alz.org

11649 N. Port Washington Rd. Suite 210  
Mequon, WI 53092

Phone: 262.264.7702

Fax: 262.264.7706

[www.wesselslawoffice.com](http://www.wesselslawoffice.com)



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January 9, 2018

Senator Patrick Testin  
Senate Committee on Workforce Development, Military Affairs and  
Senior Issues.

Re: Written Testimony for Committee Hearing on January 10, 2018

Dear Senator Testin and Committee:

I am writing to express my support for bills that are before the Committee on January 10, 2018. These bills advance the dire need to provide care and support to individual with Alzheimer's and other dementias. Some go even farther to provide support to individuals with disabling or terminal conditions of any kind.

My connection with the devastating condition that is Alzheimer's is on a variety of levels. I - along with my brothers - was the caregiver for my mother, Velma who had the disease for 15 years until her death in January 2015. Also, as an elder law attorney, I work on a daily basis with families who are facing the challenges of Alzheimer's and other conditions. Finally, as an advocate, I hope to see an end to this disease in my lifetime.

1. Caregiver Credit SB 528: As I work with families who are providing care, I see the financial toll it takes on them as individuals. (It takes a toll on the health of the caregiver as well.) That is why SB 528 is a critical step in the right direction to provide some financial relief. According to the Alzheimer's Association, in Wisconsin alone, there are an estimated 193,000 people providing unpaid care for someone with Alzheimer's or dementia. These unpaid caregivers put in 219,000,000 (that's two hundred and nineteen MILLION) hours of unpaid care. If this care were valued it would be worth \$2,775,000,000. (That's two TRILLION 775 million dollars.) Caregivers make financial sacrifices - 48 percent cut back on spending for themselves and 43 percent cut back on saving because of the out-of-pocket cost of caring for someone with dementia. The bill would allow a tax credit for qualifying expenses:

- Spending \$800 to have a grab bar installed in the shower of your home would get a tax credit of \$400.
- Paying \$1500 in a year for an aide who comes in when you need to be away from your loved one would net a credit of \$750.
- Spending \$2000 on legal fees related to your loved one would allow a credit of \$1000.
- Spending \$500 on incontinence supplies such as Depends in a year would provide a \$250 tax credit.

The credit would put some money back in the pockets of caregivers, which quite frankly they would most likely use for more costs related to their loved ones. This bill, if enacted, would not only benefit families of people with Alzheimer's, but also parents caring for adult children with disabling conditions, and similarly situated families.

2. Uniform Guardianship: The bill related to uniform guardianship jurisdiction (AB 629/SB 518) would provide much-needed solutions to a problem that I see as an Elder Law Attorney. Where guardianship has been entered in one state and needs to be transferred to Wisconsin because the ward is moving, the process is so difficult under current law that usually it is necessary to start a whole new proceeding, adding time and costs. I personally have had to start entirely new guardianships where a person moved from out of state and we were not able to get the out of state court to provide the documentation required under Wisconsin's existing law. Families are frustrated by this since they already had to go through the stress and turmoil of a proceeding once, they should not be subjected to the entire process a second time. It should be a streamlined process that eliminates unnecessary repetition. This bill achieves that by facilitating the transfer process in the proposed Chapter 53. It also provides a process where a guardianship entered in Wisconsin can be recognized in another state. This is critical as well. I work with parents who are the guardians of adult children with disabling conditions. As the parents age, they look to siblings as the logical successor guardians. In many cases, siblings live in another state. The new Chapter 53 will make the transfer a much smoother process at a time where the family is already going through upheaval and transition. Most other states have already adopted this legislation.

As a member of the Elder Law Section of the State Bar of Wisconsin, I and a group of other attorneys worked directly with the drafter to make sure that this uniform bill had language that would allow it to dovetail correctly with Wisconsin's existing guardianship and protective placement law. One of the lawyers who had participated in the committee raised what I believe to be largely unsubstantiated issues about this proposed legislation in testimony before the Assembly Mental Health Committee. The majority of

the committee members involved in the drafting recommendations, myself included, feel that this bill is essential to the smooth functioning of our judicial system when it comes to the issue of interstate guardianships.

3. Palliative Care Council (SB 548 / AB 633): Not enough people use palliative care appropriately. Palliative care provides comfort and pain management, and while it is often used in Hospice situations, it does not need to be confined to a person in Hospice. People with chronic conditions can benefit greatly from the use of palliate care. Providing ongoing pain management and comfort can help stabilize an ongoing condition and avoid acute / emergency situations. Creating a council to study and positively impact the policies regarding palliative care will help maximize the ways in which people are able to make use of this benefit. It is a timely step in the right direction toward increased awareness and effective use of this treatment.
4. Awareness Grants (SB 527): According to the Alzheimer's Association 2017 Facts and Figures report, there will be an increase of 20,000 in the number of people living with Alzheimer's between now and 2025. The grant to provide education regarding community services and Alzheimer's issues will help those 20,000 newly-diagnosed people to find the services they need, or to become sufficiently educated so as to be able to obtain a needed diagnosis in order to plan for the future. Increasing awareness will also help the 110,000 people already living with the disease in our state to connect with available support and services and to understand the disease better.

I support these bills and encourage your committee to do so as well. Please do not hesitate to contact me if anything further is needed.

Very Truly yours,



Carol J. Wessels

Attorney at Law  
Cedarburg, Wisconsin