

Out-of-State Powers of Attorney for Health Care in Wisconsin

Updated 05/2026

A valid document granting a health care agent authority to make health care decisions for a principal that is executed in another state or jurisdiction in compliance with the law of that state or jurisdiction is valid and enforceable in this state to the extent that the document authorizes the health care agent to make decisions for the principal that a health care agent may make for a principal under Wisconsin law. [Wis. Stat. § 155.70\(1\)](#)

Wisconsin generally recognizes health care powers of attorney created under the laws of other states as long as the POA is valid under the law of the state in which it was signed. Wis. Stat. § 155.70(1). Keep in mind that the requirements to execute a POA in the other state might be different. For example, the other state might allow a health care POA to be notarized or might only require one witness. If the document complies with the requirements of the other state, Wisconsin law will recognize it as valid and enforceable here, even though it might not meet our signature and witness requirements.

However, the agent's authority is limited to the types of decisions that an agent would be able to make under Wisconsin law, regardless of what the other state's law allows. For example, Wisconsin law requires the agent to have specific authorization to admit the principal to a nursing home or community-based residential facility (CBRF) for long-term care. An out-of-state POA that does not specifically address admission to a nursing home or CBRF would not allow the agent to admit the principal to these facilities for long-term care. It would still be valid for other health care decisions, as long as those decisions are authorized by Wisconsin law.

Wisconsin law permits a health care agent to admit a principal to a nursing home or CBRF for up to three months for recuperative care if the principal is admitted directly from a hospital inpatient unit, unless the hospital admission was for psychiatric care. Wisconsin law also permits an agent to admit a principal to a nursing home or a CBRF to provide a temporary (30 day) placement to give the agent a respite when the agent and principal live together. Thus, an agent acting under an out-of-state POA can admit their principal to a Wisconsin facility for these purposes and time periods even if the document does not specifically authorize the agent to do so.

For any other kind of admission, the health care agent must have specific authorization. See Wis. Stat. § 155.20(2)(c)2.c. This means that the POA must include language that clearly indicates that the principal contemplated the use of the document for admission to a long-term care facility.

Examples of what the Wisconsin Guardianship Support Center believes to be acceptable language under Wisconsin law include:

- My agent may admit me to a rest home.
- My agent may admit me to a nursing home or community-based residential facility for any length of time for any purpose.

Examples of what the Wisconsin Guardianship Support Center believes to be unacceptable language under Wisconsin law include:

- My agent may make any health care decision for me.
- My agent may contract for any health care services for me.
- My agent can do anything I could do.

Facilities with questions about the authority granted under an out-of-state POA-HC should seek the advice of their own legal counsel and of the Division of Quality Assurance. These examples do not constitute legal advice to readers and are not assurances or guarantees that state surveyors will consider a document sufficient.

QUESTIONS?

Call the Wisconsin Guardianship Support Center at 855-409-9410 or email at guardian@gwaar.org.

Reproduction of this document is permitted and encouraged, so long as no modifications are made and credit to the Wisconsin Guardianship Support Center of the Greater Wisconsin Agency on Aging Resources, Inc., is retained.

This publication is provided for educational purposes only. The information contained herein is not intended, and should not be used, as legal advice. Application of the law depends upon individual facts and circumstances. In addition, statutes, regulations and case law are subject to change without notice. Consult a legal professional for assistance with individual legal issues.

