



Advance Care Planning Guide

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Everyone potentially faces difficult decisions about their care for the remainder of their lives, and a cancer diagnosis often brings the issue to the forefront. This guide explains how individuals can direct the medical care they receive in the event they are unable to speak for themselves.

Advance Care Planning

The term Advance Care Planning describes the process of planning out one's health care options, in advance, in case they have a serious health care event and are unable to make decisions about their care. Adults living in Wisconsin can make a plan to guide their health and treatments, even when they are unable to speak for themselves. This guide provides information about planning, in advance, an individual's health care wishes which would be carried out during serious illness and end of life.

While this guide covers various legal documents, *the content is not intended to be used as legal advice*. Please consult a relevant legal authority, or health care professional, in preparation of these documents.

Every adult in Wisconsin, age 18 and older, is encouraged to plan for their health care in case they are unable to communicate those choices when they are sick or in a medical crisis. It is important to make their preferences known to their families, caregivers, and physicians. The best time to do this is before a serious illness diagnosis or medical crisis occurs.

For People Impacted by Cancer

It is important for people impacted by cancer to speak with their health care professionals and understand their condition. They can then make informed decisions in their advance care planning that reflect their values and view of life. For those without advance care planning documents, the process should start as soon as they are able, by discussing their preferences for treatment with their health care providers, family, and individuals who will serve as their Power of Attorney for Health Care agent and alternate. A person with advance care planning documents may wish to review and possibly update their forms to reflect their prognosis.

Advance Directives

Advance directives are legal documents, in the advance care planning process, that reflect an individual's desired health care plans and take effect only if the individual is incapacitated and unable to speak for themselves.¹

Wisconsin Law: It is important to note that Wisconsin does not have a Next of Kin law, meaning that family members do not have an automatic right to make decisions about the person's care.¹ If an incapacitated person has not completed advance directive documents, they will continue to receive medical care, but the care may not reflect their wishes.¹

Wisconsin does not have a Next of Kin law, meaning that family members do not have an automatic right to make decisions about a person's medical care after a crisis.¹

Without complete advance directive documents, an incapacitated person will continue to receive medical care, but the care may not reflect their wishes.¹

A health care provider may sometimes ask the family for guidance on a patient's wishes, or a guardian may be appointed by a court to make decisions for the incapacitated patient, but it is not guaranteed they will follow a patient's advance care plan without legal documents.²

In 2026, Wisconsin state law was modified to allow a patient's next of kin to make the decision to transfer an incapacitated person from a hospital to a nursing home or community based residential facility without a petition for guardianship. The patient's representative would be able to make health care decisions and enroll the patient into Wisconsin Medicaid.

Wisconsin Forms: Two advance directive documents are built into Wisconsin law. These legal documents include:

1. Declaration to Health Care Professionals, or living will, and
2. Power of Attorney for Health Care

A **Declaration to Health Care Professionals**, or living will, is a document that allows a person to state their wishes about life-sustaining treatment if they are in a terminal condition, or persistent vegetative state. The living will directs a health care professional on a patient's wishes for life-sustaining treatment.³ A living will declaration may be a stand-alone document, or in some forms used by health care professionals. It may be incorporated into a Power of Attorney for Health Care.

The **Power of Attorney for Health Care** allows a person to designate a health care agent to make health care decisions on their behalf if that patient is incapacitated. This individual should be someone who knows you and is familiar with your thoughts about end-of-life care.⁴

This guide also explains two additional processes to support advance care planning: Do Not Resuscitate orders and Provider Orders for Scope of Treatment.

Do Not Resuscitate (DNR) orders are written by a person's health care provider, and direct health care professionals to not attempt to resuscitate the patient if their heart stops, or they are unable to breathe.⁶

- Visit the Wisconsin Department of Health Services website [to learn more](#).

Provider Orders for Scope of Treatment is not in state law and is only recognized in limited areas of the state.⁷

Where to Find Wisconsin Forms

Advance directive legal documents are available in Wisconsin from the Wisconsin Department of Health Services, the Wisconsin Medical Society, and the person's health care system.^{4,5}

It is important to consult with a health care professional to determine which of the directives are best for the person's care.

As an example, the [DHS Wisconsin Living Will Form](#) and the [DHS Power of Attorney for Health Care Form](#) can be found on the DHS website (scan the QR code below to navigate to the [relevant page](#)).



Important Considerations:

- Emergency medical technicians (EMTs) cannot honor a living will or Power of Attorney for Health Care.^{2,4} They will follow Do Not Resuscitate (DNR) orders.⁸
- A person living in a surrounding state, but receiving health care services in Wisconsin, should speak with their health care provider to determine which forms would be recognized by their health system and provider.

Living Will

A Declaration to Health Care Professionals document, or living will, as it is better known, allows an adult to state their preferences for life-sustaining procedures and feeding tubes, if they are in a terminal condition or persistent vegetative state.¹

Life-sustaining procedures include assistance with breathing, artificial maintenance of heart rate or blood pressure, blood transfusion, and kidney dialysis or other treatment.¹ A living will cannot be used to authorize the withholding or withdrawal of any medications, or treatment the physician feels will cause pain or reduce comfort.⁹ A living will may not be used if the person is pregnant.¹

A living will directs a health care professional on a patient's wishes for life-sustaining treatment.³

How Do I Complete a Living Will?

A person must fill in the required information, sign their name, and write their address and date of birth in front of two witnesses.⁹ The witnesses sign and print their name after they witness the person fill in the required information.⁹

The signed living will should be kept in a safe and accessible place.¹

Copies should be given to the person's health care provider and health care system to be included in a medical record, the person's health care agent and alternate, and a family member.¹

Some Power of Attorney for Health Care forms include provisions that serve as a living will, however that does not preclude a person from having a separate living will. If a Power of Attorney for Health Care and a living will conflict, the Power of Attorney for Health Care takes precedent.¹⁰

How is a Living Will Enacted?

If a living will needs to be enacted, two physicians, one who is the attending physician, must examine and diagnose the patient.³ Both need to certify in writing that the patient has a terminal condition or is in a persistent vegetative state.³ The physician is required to follow their living will or could face charges of unprofessional conduct.³

How Do I Revoke a Living Will?

A person may revoke their living will by destroying the form, or directing someone to destroy it; stating in a signed and dated written statement that the living will has been revoked; by a verbal statement by the person of their intent to revoke (but only if the person, or someone acting on their behalf, notifies the health care provider of their revocation); or by executing a new living will.⁹ The health care provider is directed to record in the person's medical records the time, date and place of the revocation of the living will, or the time, date, and place that they were notified of the revocation.

If a Power of Attorney for Health Care and a living will conflict, the Power of Attorney for Health Care takes precedent.¹⁰

Power of Attorney for Health Care

A Power of Attorney for Health Care is a legal document that allows an adult to authorize another adult, 18 and older, to be their “health care agent” to make decisions on their care if they are not able to do so for themselves.⁴

A Power of Attorney for Health Care allows a person to designate a health care agent to make health care decisions on their care if they are not able to do so themselves.

What is the Difference Between a Living Will and a Power of Attorney for Health Care?

A Power of Attorney for Health Care is more comprehensive than a living will because it covers more situations and allows an individual to speak for you.¹¹ The Power of Attorney for Health Care applies to all health care decisions when someone is incapable of making decisions about their care and authorizes another adult to make health care decisions on their behalf.⁴

In the Power of Attorney for Health Care, a person may include their decisions on whether to receive medication, have an operation, or be moved to or from a health care center.⁴ The form also allows a person to determine the scope of powers for their health care agent.

For example, if an individual is unable to speak for themselves, a health care agent can manage their wishes for medical care, talk with health care providers, and make decisions about tests, procedures, and treatments.

Those decisions should be outlined clearly in the Power of Attorney for Health Care document. An agent may be called upon to uphold the person’s wishes, even if other family and loved ones are not in agreement.

Why is Having a Power of Attorney for Health Care Important?

Because Wisconsin does not have a Next of Kin law, each person 18 years of age and older should have a completed Power of Attorney for Health Care document. If a person does not have advance directive legal documents, in some situations, a guardian may be appointed by a court, which could be costly and delay treatment decisions.¹⁰ Completing a Power of Attorney for Health Care allows the person to choose who will make decisions about their care and have more control over the choices that may need to be made.

Who Should Be Designated as the Health Care Agent?

The individual completing the Power of Attorney for Health Care form will need to identify their primary health care agent and another individual that could replace the agent, if they are unavailable (and alternate).¹⁰ Both the agent and the alternate should be trusted people, such as a family member or friend, that understand the person’s values and wishes and are aware of the person’s health.

It is important for a person to choose a health care agent (and alternate) who will be able to step in and make decisions when they are unable. The agent (and alternate) cannot be the person’s health care provider, or an employee or spouse of the health care provider, unless they are related to the individual.¹⁰ The agent (and alternate) should be able to ask questions of the health care providers and ensure that the person’s wishes are followed.¹⁰

A Power of Attorney for Health Care is more comprehensive than a living will because it covers more situations and allows an individual to speak for you.¹¹

The individual completing the Power of Attorney for Health Care document should have conversations with their agent (and alternate) about their wishes for care, and what is important to them when they are not able to make decisions.¹⁰

It may be impossible to predict what could happen to an individual that would result in an agent needing to step in and make decisions, but honest and comprehensive conversations will better inform the agent if they are ever in that situation.

How Do I Complete a Power of Attorney Document?

When an individual signs their Power of Attorney for Health Care document, it must be witnessed by two other people who know the individual and believe them to be of sound mind.

Each witness:

1. Must be at least 18 years of age,
2. Must not be related to the individual by blood, marriage, or adoption; be entitled to or have claim to the individual's estate; or be a doctor, staff, or any employee of the facility providing care, except chaplains and social workers, and
3. Must not be directly financially responsible for the individual's health care.¹⁰

An original copy of the Power of Attorney for Health Care document should be kept in a safe and accessible place.¹ Copies of the document should be given to the individual's health care provider, health care agent, and alternate agent, family members, and others who may handle the individual's legal matters.¹

It is important to know which Power of Attorney for Health Care form is used by your medical providers. The Wisconsin Department of Health Services provides one potential version on their website.¹²

Some health care systems use a form created by the Wisconsin Medical Society that provides an advance directive for a person to name another individual and alternate to be their Power of Attorney for Health Care.¹³ The Wisconsin Medical Society form also allows the person to state their goals and preferences for future medical care in specific situations.

If a living will needs to be enacted, two physicians, one who is the attending physician, must examine and diagnose the patient.³ Both need to certify in writing that the patient has a terminal condition or is in a persistent vegetative state.³ The physician is required to follow their living will or could face charges of unprofessional conduct.³

Some Power of Attorney for Health Care forms include a living will provision, but some do not. Ask a health care professional whether their recommended form includes a living will, and if the person should complete a separate living will form.

It is important to know which Power of Attorney for Health Care form is used by your medical providers. The Wisconsin Department of Health Services provides one potential version on their website.¹²

How Do I Make Changes to a Power of Attorney Document?

A Power of Attorney for Health Care document should be kept up to date to reflect the person's current values and wishes. The document should be reviewed when any or more of these situations occur: a decade has passed since their advance directive was made; there has been a dispute or death of a loved one; the person has divorced a spouse; the person has experienced a decline in their health; and the person has been diagnosed with a serious illness.⁵

How Do I Revoke a Power of Attorney Document?

A person may revoke their Power of Attorney for Health Care by destroying the form, or directing another person to destroy it; stating in a signed and dated written statement by the person that the power has been revoked; verbally expressing their intent to revoke the power in the presence of two witnesses; and executing a new document.¹⁴ The person with the new document should notify their agent and alternate that the form has been revoked.¹⁴

You should review and update your Power of Attorney for Health Care Document after each of these five major life events.

1. A **decade** has passed since your advance directive was made;
2. There has been a **dispute or death of a loved one**;
3. You have **divorced a spouse**;
4. You have experienced a **decline in your health**; or
5. You have been **diagnosed with a serious illness**.⁵

How is a Power of Attorney Enacted?

As with the living will, the Wisconsin Power of Attorney for Health Care document takes effect when a patient's doctor and one other doctor determine that the patient is unable to receive and evaluate information that would allow them to express decisions about their care.¹ The two doctors must certify in writing that the patient is not able to make or communicate decisions about their health care, and the patient has a terminal condition, or is in a persistent vegetative state.¹

A health care agent (and alternate) could not incur criminal or civil liability if they are acting in good faith of the person's wishes.¹ The agent (and alternate) are not liable for the financial costs of medical care resulting from their decisions unless the agent or alternate is a person's spouse.¹

A Power of Attorney for Health Care agent and Power of Attorney for Finance and Property agent do not have similar roles.¹⁰ The Health Care agent would be unable to manage financial matters for the person.¹⁰ Conversely, a Finance and Property agent would not be able to make health care decisions for a patient.¹⁰

However, only a Power of Attorney for Finance and Property agent can enroll a person in programs managed by government, such as Medicaid.

Do Not Resuscitate (DNR) Order

A Do Not Resuscitate order is a health care directive made by a person and their doctor and tells medical professionals not to resuscitate a person if their heart stops or they are unable to breathe.⁹ In situations where a person does not have a DNR order, a care team will try CPR or other measures to restore health. The DNR order only directs resuscitation and no other health care decisions. A DNR is separate from a living will or Power of Attorney for Health Care, and a DNR is not included in a living will or Power of Attorney for Health Care document.

How Do I Complete a DNR Order?

A doctor must consult with the patient, their appointed representative, or a family member before writing a DNR.¹⁰ When a person has a DNR order, they receive a free DNR bracelet. The bracelet may be plastic, which is free from the state, or metal, which can be obtained for a fee. The metal bracelet shows the phrase "Wisconsin Do Not Resuscitate EMS" on the front side, and the person's name on the back.

How Do I Revoke a DNR Order?

A person, legal guardian, or health care agent may revoke a DNR order by expressing to emergency medical staff that the person be resuscitated, they deface or destroy the DNR bracelet, or the bracelet is removed from the person.⁸ Removing the bracelet may be done by the person, legal guardian, or health care agent, or by another person at their direction.

Provider Orders for Scope of Treatment (POST)

POST forms are not widely used in Wisconsin and are not recognized under Wisconsin state law. Those considering a POST should speak with their health care professionals to determine if all members of their medical team are familiar with the order and would know how to follow it.

If a POST is appropriate, it may be part of a person's advance care planning. It is a document that communicates a person's wishes as medical orders. A person determined to be seriously ill, or frail, prepares the order together with their health care provider and it is signed by the provider.¹⁵ POST provides specific directions on treatments during a health emergency when the patient cannot speak for themselves.¹⁶ The form allows a person to state whether they specifically want certain types of care, and for how long. POST complements a Power of Attorney for Health Care and is not intended to replace that document.¹⁶

A POST form states the person's Do Not Resuscitate decision, decisions on the scope of medical interventions if the person has a pulse and is breathing, decisions on artificially administered nutrition, and who should be consulted in serious health situations.¹⁷

As with a Power of Attorney for Health care form, a POST should be reviewed periodically if the person is transferred to one care setting or care level to another; there is a substantial change in the person's health care status; and/or the person's treatment preferences change.

To revoke a POST, a person with capacity, or valid surrogate of a person without capacity, may void the form and request alternative treatment.¹⁷ A POST may be revoked by drawing a line through the first five sections of the document and writing VOID in large letters if the POST is replaced or becomes invalid.¹⁷ If a POST is included in an electronic medical record, the procedures of a facility or community to revoke the document should be followed.¹⁷

People impacted by cancer face complex health care decisions. Advance care planning allows an individual to make decisions about your health care and treatments, even when you are unable to speak for yourself. You might not be able to predict when or how you will need critical care, but preparing ahead provides that your wishes are respected by your health care professionals, family, and friends in that moment.

Wisconsin Cancer Plan 2020-2030

The Wisconsin Cancer Collaborative's Wisconsin Cancer Plan 2020-2030 lays forth a blueprint for action with a singular vision: creating a healthier Wisconsin by reducing the burden of cancer for everyone. It spans the entire cancer control continuum, from risk reduction through end of life. The success of the Wisconsin Cancer Plan depends on people and organizations from multiple sectors coming together to take action. Chapter 6 of the Cancer Plan outlines the importance of advance care planning for people impacted by cancer. It also identifies both the access and knowledge barriers currently impacting the Wisconsin cancer community.

References

1. Goebel K, Crave M. Advance Directives for Health Care Wisconsin Living Will and Power of Attorney for Health Care. <https://www.nrc-pad.org/images/stories/PDFs/wisconsin%20hcpa.pdf>
2. Health Care. www.wisbar.org. <https://www.wisbar.org/forPublic/INeedInformation/Pages/Health-Care.aspx>
3. Wisconsin Legislature: Chapter 154. Wisconsin.gov. Published 2019. <https://docs.legis.wisconsin.gov/statutes/statutes/154>
4. Your Right to Direct Your Future Health Needs. Published October 2020. Accessed July 17, 2025. <https://www.dhs.wisconsin.gov/publications/p6/p62025.pdf>
5. Advance Directive Including Power of Attorney for Health Care. Published May 2023. Accessed July 2025. AD (fillable).pdf. Google Docs. https://drive.google.com/file/d/1wpxXlaiV-jqtqZTIK0w_KlayXVS7QHnk/view
6. Do-Not-Resuscitate (DNR) Information. Wisconsin Department of Health Services. Published October 2, 2014. <https://www.dhs.wisconsin.gov/ems/dnr.htm>
7. Foutz R. POLST: Advancing the Advance Directive.; 2018. Accessed July 17, 2025. <https://ocpe.mcw.edu/sites/default/files/Foutz%20POLST%20Lecture%202018.pdf>
8. Wisconsin Legislature: subch. III of ch. 154. docs.legis.wisconsin.gov. <https://docs.legis.wisconsin.gov/statutes/statutes/154/III>
9. Walker S, Smith D. State of Wisconsin. Accessed July 17, 2025. <https://www.froedtert.com/sites/default/files/upload/docs/froedtert-health/patient/living-will.pdf>
10. Planning Ahead for Future Health Needs. Accessed July 17, 2025. <https://www.elderlawcenterofwisconsin.com/wp-content/uploads/2018/04/A-Gift-to-Your-Family.pdf>
11. COMPARISON of WISCONSIN'S LIVING WILL and POWER of ATTORNEY for HEALTH CARE.; 2011. Accessed July 17, 2025. <https://www.uwgb.edu/UWGBCMS/media/Lifelong-Learning-Institute/files/Comparison-of-WI-s-Living-Will-and-Power-of-Attorney-for-Health-Care.pdf>
12. Forms - Advance Directives. Wisconsin Department of Health Services. Published June 21, 2011. <https://www.dhs.wisconsin.gov/forms/advdirectives/adformspoa.htm>
13. Advance Care Planning & Advance Directive. Wismed.org. Published 2024. <https://wismed.org/wismed/wismed/about-us/advance-care-planning.aspx>
14. Wisconsin Legislature: Chapter 155. Wisconsin.gov. Published 2019. <https://docs.legis.wisconsin.gov/statutes/statutes/155>
15. Who Needs a POLST, a Portable Medical Order? Accessed July 17, 2025. <https://healthynh.org/wp-content/uploads/2022/10/2022.03.16-Who-Needs-a-POLST-Form.pdf>
16. CaringInfo. POLSTs are Portable Medical Orders. CaringInfo. <https://www.caringinfo.org/planning/advance-directives/polsts-are-portable-medical-orders/>
17. Provider Orders for Scope of Treatment (POST). Published 2021. Accessed July 17, 2025. <https://polst.org/wp-content/uploads/2018/06/2016.11.23-Wisconsin-POST-Form.pdf>