



Medical Procedures - 13

Preventive Law Series

In Preparation of Medical Procedures

The content of this handout is provided for general information purposes only and does *not* constitute legal advice or opinion of any kind.

This preventive law handout focuses on legal documents recommended for you to have in place *before* undergoing medical procedures. This is not an exhaustive list; please reach out to an attorney if you have questions or concerns.

I am about to undergo a medical procedure. What legal documents should I have in place?

Living Will. A Living Will addresses whether you would like to terminate life-sustaining treatments if you become terminally ill and death is imminent, or if medical doctors have determined that you are in a permanent vegetative state. The Living Will *only* applies or takes effect in those circumstances. It is recommended for you to have a Living Will in place when you have decided that if you are ever to be in such circumstances, you want to leave instructions to withdraw or forego life-prolonging procedures that would otherwise artificially prolong the process of dying.

If you are undecided or do *not* wish to leave such instructions, then these types of healthcare decisions may be left to your Healthcare Power of Attorney or Agent who is designated in your Healthcare Power of Attorney.

Healthcare Power of Attorney. A Healthcare Power of Attorney (HPOA) lets you appoint someone else to make healthcare decisions for you if you become incapacitated and cannot make the decisions yourself. You can designate someone over the age of 18, such as your spouse, parent, adult child, or sibling, who you trust to make medical decisions on your behalf if you are unable to do so due to your incapacitation. The HPOA can ensure that your healthcare is managed according to your values and preferences. You are also able to specify the extent of your healthcare agent's powers, including but not limited to the types of decisions they can make, as well as HIPPA access (e.g., access to medical records or documentation). You can revoke a HPOA at any time as long as you are deemed medically and legally competent to make your own decisions.

Financial Power of Attorney. Like an HPOA, a Financial Power of Attorney (FPOA) lets you appoint someone else to handle your financial matters for you while you are incapacitated and unable to do so yourself. This can be used to pay hospital and healthcare expenses, as well as other routine bills or to handle other financial affairs on your behalf while you are incapacitated. You can also revoke a FPOA at any time as long as you are deemed medically and legally competent to make your own decisions.

SGLI (Service Members Only). This document designates the beneficiary (e.g., recipient(s)) who will receive your SGLI benefits. This can be updated in Service members' Online Enrollment System (SOES) via the MilConnect platform, unless you have a testamentary



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trust or a custodial account designated in your Last Will and Testament. If there is a testamentary trust or custodial account, or you are unsure if you have one in place, please reach out to your nearest legal assistance office to update your SGLI.

Last Will and Testament (“Will”). A Will directs how and to whom you want your assets and estate to be distributed upon your death. If you die without a Will in place, your assets and estate will be distributed according to your State’s intestacy laws. Generally, State intestacy laws have your surviving spouse as the first recipient of your estate, with alternates being your surviving children, parents, or siblings. For more information on a Last Will and Testament, please see Preventive Law Handout Guam 6 – Estate Planning.

When should I get these documents?

These recommended legal documents should be completed and executed (e.g., signed) at least one week before undergoing any medical procedure. This generally affords you time to make informed decisions and to notify any designated agent or power-of-attorney that you have appointed them to act on your behalf if you were to become incapacitated.

Are these documents required for me to undergo my medical procedure?

No. You can still receive any necessary medical procedure even if you do not have any of these documents completed at the time of the procedure. However, these documents are strongly recommended because they provide clear instructions regarding your personal wishes and desires when it comes to medical treatment and healthcare, and ensure your affairs are taken care of while you are unable to do so for yourself. In some cases, they can also provide peace of mind to your surviving family members.

Want more information or to schedule an appointment?

Additional Preventative Law Handouts on this and other topics can be found at: <https://www.jag.navy.mil/legal-services/rlso/handouts/pacific/>.



For personal legal advice, or to schedule an attorney appointment, please contact your nearest Navy Legal Assistance Office:

Guam Legal Assistance: GuamLegalAssistance@us.navy.mil or 671-333-2061.

Yokosuka Legal Assistance: YokosukaLegalAssistance@us.navy.mil or DSN: 315-243-8901

Sasebo Legal Assistance: SaseboLegalAssistance@us.navy.mil or DSN: 315-252-3347