



UNDERSTANDING MEDICAL POWER OF ATTORNEY AND LIVING WILLS

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Current as of October 2024

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Planning for the future is crucial, especially when it comes to your healthcare. Two essential legal documents can help ensure your medical wishes are respected if you are unable to speak for yourself: a Medical Power of Attorney (MPOA) and a Living Will/Advanced Medical Directive. This handout will explain what each document is, how they differ, how they complement each other, whether you need both or can choose just one, and how our office can assist you in drafting these important documents.

What is a Medical Power of Attorney (MPOA)?

A Medical Power of Attorney is a legal document that allows you to appoint someone you trust to make healthcare decisions on your behalf if you become incapacitated. This person is known as your healthcare agent or proxy.

Key Features:

- **Appointment of Agent:** You designate a trusted individual to make medical decisions for you.
- **Scope of Authority:** Your agent can make a wide range of healthcare decisions, including consent or refusal of treatment, selecting healthcare providers, and making end-of-life decisions.
- **Activation:** The MPOA can be structured to become effective immediately upon signing or only when a physician determines that you are unable to make your own healthcare decisions. This choice depends on your preferences and should be discussed when drafting the document.

What is a Living Will/Advanced Medical Directive?

A Living Will, also known as an Advanced Medical Directive, is a legal document that outlines your preferences for medical treatment if you are unable to communicate your wishes. It focuses on end-of-life care and specific medical treatments you do or do not want.

Key Features:

- **Specific Instructions:** You provide detailed instructions regarding medical treatments, such as resuscitation, mechanical ventilation, tube feeding, and organ donation.
- **End-of-Life Care:** It addresses your preferences for life-sustaining treatments if you are terminally ill or in a persistent vegetative state.
- **No Appointment of Agent:** Unlike the MPOA, a Living Will does not appoint someone to make decisions for you; it simply states your wishes.

How Do They Differ?

While both documents are essential for ensuring your healthcare wishes are respected, they serve different purposes:

- **Decision-Making Authority:** The MPOA appoints a person to make decisions on your behalf, whereas the Living Will provides specific instructions for your care.
- **Scope:** The MPOA covers a broad range of healthcare decisions, while the Living Will focuses on specific end-of-life treatments.
- **Activation:** The MPOA can become effective immediately or upon a physician's determination of incapacity, while the Living Will applies when you are in a specific medical condition, such as terminal illness or permanent unconsciousness.

Do You Need Both or Can You Choose Just One?

Whether you need both documents or just one depends on your personal preferences and circumstances:

- **Choosing Both:** Having both an MPOA and a Living Will ensures comprehensive coverage for your healthcare needs. The MPOA allows your agent to make decisions based on your overall healthcare preferences, while the Living Will provides specific instructions for critical situations. Together, these documents provide clarity and direction, reducing the burden on your loved ones during difficult times.
- **Choosing One:** If you prefer to have a trusted person make all healthcare decisions for you, an MPOA might be sufficient. Conversely, if you want to ensure specific medical treatments are or are not administered, a Living Will may suffice. However, relying solely on one document might limit the effectiveness of your healthcare planning.

How Do They Work Together?

Having both documents ensures comprehensive coverage for your healthcare needs:

- **Complementary Roles:** The MPOA allows your agent to make decisions based on your overall healthcare preferences, while the Living Will provides specific instructions for critical situations.
- **Guidance for Your Agent:** The Living Will can serve as a guide for your healthcare agent, helping them make decisions that align with your wishes.

Example 1: Imagine you are in a severe accident and fall into a coma. Your Living Will states that you do not want to be kept on life support if there is no reasonable chance of recovery. However, the doctors need to make several immediate decisions about your care, such as whether to perform a risky surgery that could potentially save your life but also carries significant risks. In this situation, your healthcare agent, appointed through the MPOA, can make informed decisions based on your overall healthcare preferences and the specific instructions in your Living Will. The agent can decide to proceed with the surgery if they believe it aligns with your wishes for recovery, but also honor your Living Will's directive to avoid prolonged life support if the surgery is unsuccessful. This example illustrates how the MPOA and Living Will work together to ensure your healthcare decisions are made according to your wishes, providing a comprehensive approach to your medical care.

Example 2: Consider a scenario where you have a terminal illness and your Living Will explicitly states that you do not want any life-prolonging treatments, such as mechanical ventilation, if you are in a persistent vegetative state. You then fall into such a state, and your healthcare agent, appointed through the MPOA, believes that continuing life support might give you a chance to recover. In this case, the physician will follow the instructions in your Living Will over the wishes of your healthcare agent. The physician is legally bound to honor your specific directives about end-of-life care as stated in your Living Will, even if your healthcare agent disagrees. This ensures that your explicit wishes regarding life-prolonging treatments are respected. This example illustrates how the Living Will can provide clear guidance in specific medical conditions and ensure that your wishes are followed, even if there is a difference of opinion with your healthcare agent.

Peace of Mind: Together, these documents provide clarity and direction, reducing the burden on your loved ones during difficult times.

Our Services

Our office is dedicated to helping you prepare for the future by drafting personalized Medical Power of Attorney and Living Will/Advanced Medical Directive documents. Our experienced attorneys will create clear and legally sound documents tailored to your specific needs.

Planning for your healthcare future is a vital step in ensuring your wishes are respected and your loved ones are supported. By understanding and utilizing both a Medical Power of Attorney and a Living Will/Advanced Medical Directive, you can achieve peace of mind knowing that your healthcare decisions are in trusted hands. Whether you choose to have both documents or just one, our office is here to guide you through the process.

NOTE: This guide is intended for general informational purposes only and does not constitute legal advice. It is advisable to periodically verify this information and consult with a legal professional for the most current and applicable advice. If you have any questions or need to schedule an appointment with a legal assistance attorney, please call the Legal Office at 325-654-3203.