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### **Ensure That Your Loved Ones Call the Right Doctor**

Now that we are in March, we are well past the point at which most of us have abandoned our New Year's resolutions. As in previous years, improving physical health ranked among the top goals that Americans set for themselves in 2025.<sup>1</sup> But while goals like losing weight and building strength remain popular, there is a growing emphasis on overall well-being, including mental health and preventative care.

This greater focus on health and wellness, however, stands in stark contrast to our lack of advance healthcare planning. While some Americans are diligently counting their steps, watching what they eat, and trying to live longer, healthier lives, many have failed to plan adequately for their future healthcare and what could happen in a medical emergency. One basic list can help address this shortcoming.

### **The Healthcare Planning Gap**

For a growing number of Americans, healthy living is no longer a luxury but a core value. Although we spend more on healthcare than other high-income countries, our health outcomes are among the worst by many metrics.<sup>2</sup> An estimated 129 million Americans—roughly half the population—have at least one chronic disease (e.g., heart disease, cancer, diabetes, obesity, hypertension).<sup>3</sup>

The COVID-19 pandemic accelerated the trend of Americans taking a more proactive role in their health.<sup>4</sup> It also prompted more Americans to create estate plans as we contemplated our mortality.<sup>5</sup> Unfortunately, the percentage of Americans with a will has since fallen back to prepandemic levels of around one-fourth.<sup>6</sup>

The number of people who have created a healthcare power of attorney is slightly higher than those who have created a will, but not by much. According to a study by Penn Medicine, the systematic review of approximately 795,000 people in 150 studies found that only 29.3 percent had completed an advance directive, including just 33.4 percent who had designated a healthcare power of attorney.<sup>7</sup>

The lead researcher in this study said that this lack of surrogate decision-makers and end-of-life care instructions means that the treatments most Americans would choose near the end of their lives are often different from the treatments they receive—a disconnect that can lead to “unnecessary and prolonged suffering.”<sup>8</sup>

### **How to Ensure That You Get the Care You Need—and Want**

Without medical directives such as a healthcare power of attorney, doctors may be forced to make critical decisions without a clear understanding of your wishes. This can lead to delayed care, unwanted treatments, family disagreements over the best course of action, and even court intervention.

Although you may have a healthcare power of attorney, this document alone might not be enough to guarantee that the treatments you receive are the ones you need—or would choose yourself. It may be necessary to have an advance directive or living will to help elaborate on your wishes. If your state does not recognize advanced directives or living wills as legally valid, you can still leave a letter of instruction to your healthcare power of attorney to share your thoughts and desires.

A healthcare power of attorney authorizes a trusted person (your healthcare agent) to make medical decisions on your behalf when a medical condition prevents you from making or communicating those decisions. This agent is charged with the task of making decisions that are in your best interest and would ideally be ones you would make for yourself. However, your agent needs additional context to make the appropriate choices for you. This information should be organized in a document that lists the following:

- Doctor’s name and specialty. In a stressful situation, seemingly obvious details like these can be easily forgotten.
- Doctor’s contact information. Include the office phone number, after-hours contact number, and the provider’s office address.
- Current health conditions. List any chronic illnesses or ongoing medical concerns the doctor is managing.
- Medication list. Provide a complete and up-to-date list of all medications, including dosages, frequencies, and the reasons they are prescribed.

- Healthcare power of attorney. Confirm that a healthcare power of attorney is on file with the doctor's office.
- Insurance information. Knowing your insurance information and coverages can facilitate timely access to care and billing.

Each of the doctors you regularly see should be on the list—and they should have a copy of your healthcare power of attorney on file—to cover all potential health situations.

During a life-threatening or emergency medical situation, it is generally recommended that your primary care provider be contacted because they know you and your medical history. However, there may also be situations where a specialist, such as a cardiologist or psychologist, needs to be consulted in short order.

### **Other Healthcare Planning Documents and Considerations**

Not planning for medical contingencies, from sudden illnesses or injuries to gradual declines in cognitive abilities, could result in you losing the ability to voice your treatment preferences. Because the stakes are so high, your healthcare planning should cover all of the bases.

- Copies of your power of attorney, both physical and digital, should be kept in several other strategic locations, such as with your agent, trusted family and friends, and your attorney. A medical crisis may require you to visit the emergency room, where the document is not on file.
- A healthcare power of attorney is just a starting point for future healthcare planning. Other advance directives to consider are a living will, HIPPA authorization form, DNR order, and documents that address organ donation and funeral preferences. And do not forget about life insurance.
- Periodically review your healthcare power of attorney and other advance directives to ensure that they still reflect your wishes. Send and store updated copies that reflect these document changes.

Maintaining your health and fitness can include one simple action that does not involve going to the gym, tracking steps, or following the latest diet trend. It only takes a visit to our office to complement your current wellness goals and get an instant mental health boost knowing that you and your loved ones are prepared for a medical emergency.

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  - 5) Daniel de Visé, Facing Mortality, More Americans Wrote Wills During the Pandemic. Now, They're Opting Out, USA Today (Apr. 3, 2024), <https://www.usatoday.com/story/money/2024/04/03/fewer-americans-writing-awill/73170465007>.
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  - 8) Id.