

FRIEDMAN RANZENHOFER ATTORNEYS AT LAW

IN THIS ISSUE

Medicaid/Elder Law Seminars	1
Would You Like to Receive Future Issues of this Newsletter?	1
What are Mike Ranzenhofer's Clients Saying About Him?	1
FedEx Drivers Class Action Lawsuit.	2
What is the Power of Attorney Gift Rider?	2
Landlord Seminar.	2
Senior Health & Fitness Fair	2
Contact Us 24 Hours a Day	2
Are Your Digital Assets Protected?	3
Answers to Personal Injury Questions	3
Does Your Fire Company or Fire District Need Legal Services?	3
Our Practice Areas	3
Free 2017 Nursing Home Medicaid Guide	4
Discharged Hospital Patients May Designate a Caregiver	4

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Robert Friedman

MEDICAID/ELDER LAW SEMINARS

“FOURTEEN WAYS TO PRESERVE YOUR ASSETS WITH THE MEDICAID LAWS” will be presented at the **Akron-Newstead Senior Center**, 5691 Cummings Road, Akron, NY 14001 on Wednesday, March 8, 2017 at 6 PM and Wednesday May 31, 2017 at 10:45 AM; and the **Clarence Senior Center**, 4600 Thompson Rd, Clarence, NY 14031 on Thursday, April 6, 2017 at 1:30 PM. Speakers are Robert Friedman, Attorney and Jeff Vastola, CLU of M&T Securities. Learn how to preserve your assets and plan for incapacity with powers of attorney, health care proxies, living wills, Wills, Trusts, transferring your home to family members, Long Term Care Insurance, Prepaid Funeral Accounts, IRAs, pensions, properly documented gifts, spousal allowances and transfers, caregiver agreements and promissory notes. To register for the free seminars, call 716.542.5444. ■

WOULD YOU LIKE TO RECEIVE FUTURE ISSUES OF THIS NEWSLETTER?

Is this your first issue of the newsletter? To receive future issues by mail or email, call us at 716.542.5444; email Maura@legalsurvival.com; or (3) sign-up for the email version at Legalsurvival.com or WNY-Lawyers.com.



Michael Ranzenhofer

WHAT ARE MIKE RANZENHOFER'S ACCIDENT CLIENTS SAYING ABOUT HIM?

“**Great lawyer.** I was hit head on in a car accident and had got injured. I contacted Mike Ranzenhofer and he got started the process of getting money for me for my pain and suffering and future medical bills. Every time I called or came to his office he always took his time to help me. And we eventually won the case. He is an amazing lawyer and person himself and I would fully recommend him to anyone.”

“I was a client and was **treated with much respect and dignity** and Michael Ranzenhofer did his job well getting my personal injury case settled in a timely fashion with such professionalism and I would highly recommend him to everyone I know.” – Hazel

“**Very professional.** I am very pleased with the way Mr. Ranzenhofer handled my case. Everyone in his office was very accommodating and professional. I have recommended his services to many friends since he handled my injury case.” – Teresa

To see more reviews or to write a review, please visit “Reviews” at:wny-lawyers.com

Mr. Ranzenhofer has 36 years trial experience representing the victims of automobile accidents, dog bites, slip and fall accidents and defective products. For a free personal injury consultation, call him any time at 716.542.5444 or 585.343.0746; text him at 716.983.6370 or email him at mrantz@legalsurvival.com ■

FEDEX DRIVERS CLASS ACTION LAWSUIT

Friedman & Ranzenhofer's clients ("Plaintiffs") are drivers for FedEx Ground Package System Inc. (FEG) under Operating Agreements (OA) which state that they were independent contractors. Their class action suit alleged that despite their classification under the OAs, they were still directed and controlled by FEG which required Plaintiffs to adhere to its written and unwritten policies, procedures, and directives, and set the prices customers were charged for pick-up and delivery of packages. The court denied FEG's motion to dismiss the class suit seeking reimbursement of deductions and charges taken from their wages by FEG and rejected FEG's claims that Plaintiffs were not employees. ■

WHAT IS THE POWER OF ATTORNEY GIFT RIDER?

In order to authorize your agent to make gifts in excess of an annual total of \$500, you must initial the gift statement and execute a Statutory Major Gifts Rider (SMGR) at the same time as the power of attorney is signed. SMGR must be acknowledged and witnessed by two witnesses in the same manner as the execution of a will. Specific provisions in the SMGR grant the agent authority to create, revoke, modify and fund living trusts; designate insurance beneficiaries; create joint accounts; and change beneficiaries on retirement benefit plans. The SMGR is essential for Emergency Medicaid Planning. ■

LANDLORD SEMINAR

"How to Survive Legally as a Landlord" will be presented by attorney/author, Robert Friedman on **Thursday, May 4, 2017, from 6 PM - 9 PM** at the Hyatt Place Buffalo, 5020 Main Street, Amherst, NY 14226. Drawing on thirty-eight years of experience representing landlords, he will explain how to successfully screen tenants without discriminating, draft leases, quickly evict tenants and collect rent judgments. There are twenty common legal mistakes that landlords and their attorneys make. Default notices, notices of petition and petitions are often incorrectly prepared, served and filed, especially with Section Eight tenants. Landlords fail to protect themselves with key lease provisions. Landlords are not taking advantage of Limited Liability Companies (LLC) and other asset protection strategies. Landlords need to know what to do in the event a tenant dies or is arrested for drug-dealing. The seminar is free and open to the public. Call 716.631.9999 or email maura@legalsurvival.com for reservations. ■



SENIOR HEALTH & FITNESS FAIR

The fifth annual Senior Health & Fitness Fair will be held on Wednesday, May 31, 2017 from 9 AM-1 PM at the Akron-Newstead Senior Center, 5691 Cummings Road, Akron, NY 14001. The completely free event will offer lunch; health screenings; prizes; demonstrations; and exhibits. Sponsors are Blue Cross & Blue Shield, Clarence Senior Center, Friedman & Ranzenhofer, PC Attorneys and the Akron-Newstead Senior Center For further information, contact Sarah at 716.542.6645. ■



**Blue Cross & Blue Shield
of Western New York**

**AKRON-NEWSTEAD
SENIOR
CITIZENS**

**Clarence
Senior
Center**

CONTACT US 24 HOURS A DAY

Have a late night urgent legal question? Have you been injured in an accident? Arrested for DWI? Served with a lawsuit summons? We answer our phones 24 hours a day/ seven days a week. Additionally you can reach us using the Chat Service and contact forms on our websites WNY-Lawyers.com and Legalsurvival.com ■

ARE YOUR DIGITAL ASSETS PROTECTED?

“Digital assets” are any content or electronic information stored on a computer, or through computer-related technology. Examples of digital assets are:

1. financial accounts, such as the login credentials for online bank accounts;
2. Email accounts;
3. social media accounts, including postings of photos and videos; and
4. information stored on computers, tablets, or phones, including Word documents, PDFs and music.

Internet companies (“Custodians”) may store some of these digital assets on their servers. Digital assets are subject to unfavorable federal or state laws and the Custodian’s “terms of service”. If you used your deceased spouse’s password to log on to his or her online bank account to pay a bill, the Stored Communications Act (a privacy law prohibiting Internet service providers from disclosing the contents of its user’s information) prevents you from accessing the account. Additionally, not only have you violated the Custodian’s terms of service, but also the Computer Fraud and Abuse Act, which prohibits unauthorized access. Keep an updated list of all online accounts with usernames, passwords and answers to any security questions in a secure location, such as a safe. Contact us about having digital asset provisions included in your will and power of attorney. ■



DOES YOUR FIRE COMPANY OR FIRE DISTRICT NEED LEGAL SERVICES?

Friedman & Ranzenhofer provides legal services to fire companies, fire departments and fire districts, including advice on : Fire Company and Non-Profit Corporation Governance; Training; Civil Liability; Freedom of Information Law; Contracts; Reporting Requirements; General Operational Management Matters; Fire Station Construction, Remodeling and Financing; Apparatus Acquisition and Financing; Bylaw Review; Standard Operating Procedures; Disciplinary Matters and Hearings; Personnel Policies; PESH and OSHA Proceedings; Rules and Regulations; Service Award Programs; Membership Issues and Ethics Compliance. Contact Robert Friedman at 716.542.5444 if you would like him to submit a legal services proposal to your fire company. ■



ANSWERS TO PERSONAL INJURY QUESTIONS

Mike Ranzenhofer answers fifty-six personal injury questions on videos at WNY-Lawyers.com, including these: What should I do after I get into an auto accident? Will my personal injury case go to trial? What factors impact the value of my personal injury case? How much compensation will I get for an auto injury? Can I file a claim if the car accident is partially my fault? What should I do after an auto accident involving a drunk driver? What can be claimed as damages after an accident? How will my car get fixed if the other driver is uninsured? Who is responsible for my child’s injury at school? What should I do if I slip and fall on ice and what is the time frame for filing a claim? ■

OUR PRACTICE AREAS

- ✓ Accidents/Personal/Injury
- ✓ Animal Law
- ✓ Commercial Litigation
- ✓ Corporate/Business/LLC
- ✓ Criminal/Traffic/DWI
- ✓ Divorce/Custody/Support
- ✓ Elder Law/Guardianships
- ✓ Fire Company/District Law
- ✓ Landlord/Tenant
- ✓ Matrimonial/Family Law
- ✓ Municipal Law
- ✓ Probate/Estates
- ✓ Trials/Appeals
- ✓ Wills/Trusts

FREE 2017 NURSING HOME MEDICAID GUIDE

Our **2017 NY Medicaid Guide** answers many frequently asked questions, including:

- What are the 2017 asset and income levels that allow Medicaid eligibility?
- What is the 2017 Medicaid penalty regional rate in WNY?
- What resources are not counted when determining Medicaid eligibility?
- How can an individual whose income exceeds the Medicaid limit still qualify for Medicaid?
- What are the transfer of asset rules?
- Will Medicaid pay for home care?
- How do Medicaid rules differ for a single person and a married person whose spouse is still living in the community?
- What are the advantages of creating a Medicaid Trust?

To obtain a free copy, see “Legal Guides” at WNY-Lawyers.com or send a stamped (.91), 4” x 9½” self-addressed envelope to POB 31-B, Akron, NY 14001 ■

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While a great deal of care has been taken to provide accurate and current information, the ideas, suggestions, general principles and conclusions presented in this newsletter are subject to local, state and federal laws and regulations, court cases and any revisions of same. The reader is thus urged to consult legal counsel regarding any points of law – this newsletter should not be used as a substitute for competent legal advice.

The purpose of this newsletter is to give the reader a general understanding of the law – not to provide specific advice. Every effort has been made to achieve accuracy. The law constantly changes and is subject to differing interpretations. Always consult with your attorney and act only on his or her advice. Friedman & Ranzenhofer, P.C. shall not be responsible for any damages resulting from any inaccuracy or omission. This newsletter is designed to provide accurate and authoritative information in regard to the subject matter covered. If legal advice or other expert assistance is required, the services of a competent professional person should be sought. Certain portions of this newsletter may be applicable only to New York State law. Prior results do not guarantee a similar outcome.

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DISCHARGED HOSPITAL PATIENTS MAY DESIGNATE A CAREGIVER

The Caregiver Advise, Record, and Enable (CARE) Act amended the NY Public Health Law to require that hospitals allow patients to formally designate a caregiver (such as a relative, partner, friend or neighbor) before they leave the hospital or are transferred to another facility. Hospitals are to provide the caregiver with instruction or training on how to perform tasks for the patient at home, such as changing bandages or administering medication. However, patients are not required to designate caregivers and caregivers are not obligated to perform after-care tasks for patients. The patient must consent to disclose the patient’s health information to the caregiver. If the patient designates a CARE Act caregiver, the hospital must:(a)include the name and contact information of the caregiver in the patient’s discharge plan; (b)attempt to notify the caregiver of the patient’s transfer to another health care facility; (c)attempt to contact the caregiver prior to a patient’s discharge to his or her residence so that the caregiver can provide after-care assistance in accordance with the hospital’s instruction to the caregiver; (d) as soon as possible prior (and if possible, 24 hours prior) to the patient’s discharge consult with the identified caregiver along with the patient regarding the patient’s after-care needs at his or her residence; and (e) offer caregivers written or verbal instruction in all after-care tasks, taking into account the capabilities and limitations of the caregiver for patients being discharged to their homes. ■