

**FRIEDMAN  
RANZENHOFER**  
ATTORNEYS AT LAW

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## National Senior Health & Fitness Day® Fair

**Wednesday, May 29, 2013**

**12 Noon - 4 P.M.**

**Akron-Newstead Senior Center**

**5691 Cummings Road**

- FREE** health screenings, including diabetes, blood pressure and cholesterol by Catholic Health Systems.
- FREE** seminars, including "14 Ways To Preserve Your Assets with the Medicaid Laws"(see page 4).
- FREE** prize giveaways, lunch and exhibits.
- FREE** review of your will, power of attorney and health care proxy.\*

### Sponsored by:



### For further information:

(716) 542-6645

DSabbatis@townofnewstead.com

WNY-Lawyers.com

*\*Free will review by an attorney will be held from 1 PM to 4 PM. It is limited to the first 20 people who register at the health fair registration table on May 29, 2013 beginning at 12 noon. There will be no advance registration.*

## NEW "ESTATES, TRUSTS AND ELDER LAW" WEBSITE

Friedman & Ranzenhofer, PC's new New York "Estates, Trusts and Elder Law" website at LegalSurvival.com was launched on May 1, 2013. It features free legal checklists, FAQs, legal guides, forms, seminars and updates on these nine key legal topics:

1. Advance Health Care Directives
2. Elder Law Attorneys
3. Estate Planning & Wills
4. Estate, Income & Gift Tax
5. Guardians:  
MHL Article 81 & SCPA 17
6. Living Trusts & Trustees
7. Medicaid, Medicare & Nursing Home Planning
8. Powers Of Attorney
9. Will Contests & Estate Litigation

We hope that this free New York legal information resource will help you and your family prepare in advance for retirement, death or disability. ■

### DO YOU PREFER TO BE CONTACTED BY EMAIL?

Do you prefer to save a tree and receive communications from us (invoices, scheduling appointments, correspondence, newsletters, etc.) by email? If so, please contact [april@legalsurvival.com](mailto:april@legalsurvival.com)

## LEGAL HELP FOR SENIORS



We understand that your legal matters are urgent and stressful, so the attorneys at Friedman & Ranzenhofer, PC are available by telephone or email (listed on page 1) seven (7) days a week. Speak directly with an experienced attorney any time if you need assistance with:



**Estate Planning/Elder Law:** wills, health care proxies, living wills, trusts, business succession planning and powers of attorney.



**Estates:** Probate of wills, administration of estates and will contests.



**Income/Benefits:** Social Security Disability, Medicaid Planning, Pension issues and severance agreements.



**Housing:** Life estates, evictions, home repair fraud, zoning issues, leases, boundary line disputes, co-tenancy issues, sale and purchase of real estate and code violation defense.



**Family:** Grandparent's rights, divorce, prenuptial agreements, name changes, and guardianships.



**Criminal Defense:** Traffic violations, shoplifting, and DWI.



**Injury & Accident:** Auto accidents, dog bites, defective products, slip and fall and nursing home negligence.

As Elder Law Attorneys for over 57 years, Friedman & Ranzenhofer, PC has helped families find appropriate ways to finance long-term care while preserving their dignity and avoid total impoverishment. Legal problems that affect the elderly are rapidly growing. State and federal laws and regulations are becoming more complex. Actions taken by the elderly with regard to a single matter may have unintended legal effects. As Elder Law Attorneys, we have a broad understanding of the laws that may have an impact on your situation, to avoid future problems. We take into account and empathize with some of the true physical and mental difficulties that often accompany the aging process. Our understanding of the afflictions of the aged allows us to determine more easily the differences between the physical and mental disability of our clients. We are more aware of real life problems, health and otherwise, as persons age. All of these things will hopefully make you more comfortable when dealing with us and ease your way as you try to resolve your legal problems. ■

### Our Practice Areas:

- |                              |                           |                               |                   |
|------------------------------|---------------------------|-------------------------------|-------------------|
| ■ Accidents/Personal Injury  | ■ Corporate/Business/LLC  | ■ Landlord/Tenant             | ■ Probate/Estates |
| ■ Administrative Proceedings | ■ Criminal/Traffic/DWI    | ■ Matrimonial/Family Law      | ■ Real Estate     |
| ■ Animal Law                 | ■ Divorce/Custody/Support | ■ Municipal Law               | ■ Trials/Appeals  |
| ■ Commercial Litigation      | ■ Elder Law/Guardianships | ■ Not-for-Profit Corporations | ■ Wills/Trusts    |

## DO YOU HAVE THESE ADVANCE HEALTH CARE DIRECTIVES?

**HEALTH CARE PROXIES** recognize your right to appoint a health care agent that you trust to decide about medical treatment in the event that you become unable to decide personally. Your spouse or other relatives are not legally authorized to make medical decisions on your behalf unless that authority is delegated to them by a living will and health care proxy. Unless specified otherwise, the agent will have the same authority that you would have in deciding about treatment. The authority encompasses the right to forego treatment or to consent for needed treatment. The agent's authority begins only when a physician determines that you have lost the capacity to decide about treatment.

**LIVING WILLS** are written declarations instructing your family and doctor about life-prolonging medical procedures when your condition is terminal and there is no chance of medical recovery. Under constitutional and common law, patients have the right to refuse medical treatment. A living will gives you the opportunity to express your wishes in advance, since you may not be able to make them known when it becomes necessary to do so. Life-prolonging procedures include the use of machines if you cannot breathe on your own, performing operations or prescribing antibiotics that cannot realistically increase the chances of recovery, starting your heart mechanically when it stopped beating, or feeding by tube. You can specify that the only treatment rendered be for the relief of pain.

**ORGAN AND TISSUE DONATIONS.** More than 10,000 New Yorkers are on waiting lists as the need for organ donations far exceeds the supply. One person who donates organs (hearts, lungs, liver, kidneys, pancreas and intestines) can save up to eight lives, while a tissue donor (corneas, bone, skin, heart valves, tendons, veins, etc.) can improve 12 or more lives by restoring eyesight, helping fight infections in burn patients and preventing the loss of mobility and disability. By enrolling in the Donate Life Registry through the NY DMV or Board of Elections, you are giving legal con-

sent for the recovery of your organs, tissues and eyes for the purposes of transplantation and research at the time of your death.

**DO-NOT-RESUSCITATE ORDER (DNR)** in the patient's medical chart instructs the medical staff not to try to revive the patient if breathing or heartbeat has stopped. Physicians, nurses and others will not initiate such emergency procedures as mouth-to-mouth resuscitation, external chest compression, electric shock, insertion of a tube to open the patient's airway, injection of medication into the heart or open chest heart massage. If the patient is in a nursing home a DNR order instructs the staff not to perform emergency resuscitation and not to transfer the patient to a hospital for such procedures.

**MEDICAL ORDERS FOR LIFE SUSTAINING TREATMENT (MOLST)** is a medical order form that informs others about the patient's medical orders for life-sustaining treatment. All health care professionals must follow these medical orders as the patient moves from one location to another, unless a physician examines the patient, reviews the orders, and changes them. MOLST is generally for patients with serious health conditions. Physicians consider consulting with the patient about completing a MOLST form if the patient:

- Wants to avoid or receive life-sustaining treatment.
- Resides in a long-term care facility or requires long-term care services.
- Might die within the next year. ■

### BACK ISSUES/ FREE SUBSCRIPTION

Have you missed the past eighteen (18) years of the *LegalSurvival.com* newsletter? If so, all back issues are available at *LegalSurvival.com*. If you are not on our mailing list, call (716) 542-5444 for a free subscription.

## CLARENCE ROTARY PORSCHE RAFFLE

Robert Friedman, Chairman of the Clarence Rotary Porsche Raffle, announced that tickets are still available at [www.ClarenceRotaryRaffle.com](http://www.ClarenceRotaryRaffle.com) or by calling 716.631.9999. The grand prize is the choice of a 2014 Porsche Boxster or Cayenne or \$40,000 cash. Ten \$500 cash prizes will also be awarded. The drawing will be held on August 5, 2013 at 8 PM at the 10th Annual Clarence Chamber of Commerce Taste of Clarence. The proceeds of the raffle will be used to fulfill the Clarence Rotary Club Foundation's mission of benefiting healthcare, youth activities, scholarships and community projects. ■



**YOU DIED...**

Where is your will?

**COUPON**  
YOUR BASIC WILL PREPARED  
Only \$45  
EXPIRES 10/5/13  
(Full customary fee w/out coupon \$85)

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Elder Law • Accident & Injury • Divorce



**Robert Friedman**

## FREE MEDICAID/ELDER LAW SEMINARS

**“FOURTEEN WAYS TO PRESERVE YOUR ASSETS WITH THE MEDICAID LAWS”** will be presented at both Orazio’s Restaurant, 9415 Main St, Clarence on Wednesday, May 8th at 5:30 pm and the Akron-Newstead Senior Center, 5691 Cummings Rd., Akron on Wednesday, May 29th at 1:00 pm. Speakers are Robert Friedman, Attorney of Friedman & Ranzenhofer, P.C. 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, annuities and promissory notes. To register for the free seminar, call 716.542.5444. To obtain a free copy of the “2013 NY Medicaid Guide,” send a stamped (.86), 4”x 9-1/2” self-addressed envelope to PO Box 31-M, Akron, NY 14001-0031 or visit “Free Legal Resources” at WNY-Lawyers.com. ■

The LegalSurvival.com Newsletter is published as a public service by Friedman & Ranzenhofer, P.C., Attorneys, with offices in Akron, Buffalo, Batavia, Rochester, West Seneca, Wheatfield and Williamsville/Clarence, New York. The firm, founded in 1955, practices estate planning, real estate, personal injury, probate, criminal, traffic, marital, family, business, municipal, corporate, debt collection, landlord/tenant and elder law. Your comments and questions are always welcome. For further information or to obtain permission to reprint the contents of this newsletter, call Robert Friedman at (716) 631-9999, visit the Legal Survival web site at [www.legalsurvival.com](http://www.legalsurvival.com) or e-mail to [rfriedman@legalsurvival.com](mailto:rfriedman@legalsurvival.com).

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.

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### 2013 Medicaid Penalty Regional Rates

The 2013 New York  
Medicaid regional rates  
used to determine a  
transfer of assets  
penalty period are:

These rates are based on average nursing home costs in each of the seven regions in New York State. A period of ineligibility (“penalty period”) is imposed for any transfers of assets for less than fair market value (gifts) for the past five years. A period of ineligibility for Medicaid institutional

services will result from these transfers. Medicaid will calculate the period of ineligibility by the following statutory formula: the dollar value of the transfer divided by the average monthly cost for one month of nursing home care equals the number of months of ineligibility for Medicaid nursing home institutional services.

| REGION                      | MONTHLY REGIONAL RATE |
|-----------------------------|-----------------------|
| Western NY.....             | \$8,682               |
| Long Island.....            | \$12,034              |
| New York City.....          | \$11,350              |
| Northern Metropolitan ..... | \$10,737              |
| Central NY.....             | \$8,432               |
| Northeastern NY .....       | \$8,950               |
| Rochester .....             | \$9,782               |