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Exceptional Representation For the Injured



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DISTRACTED DRIVING — Every Split-Second Matters!

Distracted driving has become a deadly problem in the United States and across the world. According to the National Highway Traffic Safety Administration (NHTSA), over 2,800 people were killed in 2018 in motor vehicle crashes involving distracted drivers. The NHTSA has named three categories of driver distraction:

MANUAL — A manual distraction is any activity that takes one or both hands off the steering wheel. Some manual distractions, such as texting, also fall into the other two categories.

COGNITIVE — A cognitive distraction takes a driver's focus off the road — even if their hands remain on the wheel. Talking with other passengers, listening to a book or podcast while driving, or just getting lost in a song are examples of cognitive distractions. Talking on the phone (even hands-free) is also a cognitive distraction.



VISUAL — Visual distractions cause a driver to take their eyes off the road. Texting, billboards, scenery, fiddling with a navigation unit, or looking for a snack for children requires drivers to take their eyes off the road.

Some activities fall into all three categories. Texting is among the deadliest. If you or a loved one was injured by a distracted driver, contact an attorney for a confidential case evaluation.

IDENTITY THEFT

PROTECT YOURSELF AND YOUR FAMILY FROM IDENTITY THIEVES:

- Dispose of personal documents with sensitive information by shredding them.
- Keep personal documents with sensitive information in a locked drawer, safe, or safe-deposit box.
- Give each of your accounts a unique password.
- Don't give out private information via phone or e-mail. Scammers abound. If you think a request is legitimate, hang up the phone and call the company back on their advertised customer-service number.
- Check your accounts for suspicious activity, make sure your address is correct, and if you receive a credit card that you didn't order, call the company to report it right away.

If you think you've been a victim of identity theft, contact TransUnion, Equifax, or Experian to place an alert on your credit report, contact the account(s) in question, and file a complaint with the Federal Trade Commission (FTC), who will try to help recover damages and work with law enforcement to track down the criminal.

Identity theft is on the rise, and thieves are craftier than ever. Identity thieves are on the lookout for ways to gain access to personal information such as Social Security and credit card numbers. With this information, they can open bank accounts in someone else's name, order and use new credit cards, and purchase merchandise online. This can destroy a victim's good credit and recovery can be painstaking.



Scott Mullins & Company, L.P.A.

Downtown

Centennial III - 895 Central
Ave., Suite 300,
Cincinnati, OH 45202
513-621-2100
FAX: 513-721-7008

Mason

5300 Socialville-Foster Road
Suite 200
Mason, OH 45040

Website:

www.scottmullinslaw.com



E-mail:

smullins@scottmullinslaw.com

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Five Reasons You May Have Been Wrongfully Terminated

All states in the United States have adopted the at-will employment rule — meaning that an employee can leave at any time with or without cause and likewise be terminated at any time without a reason.

By and large, most situations that lawyers hear about may involve unfair or unsubstantial reasons for termination, but they are not illegal; however, there are a number of laws in place that, if violated, would be considered wrongful termination:

1. **Discrimination:** An employee cannot be let go based on race, sex, religion, nation of origin, disability, pregnancy, or age. Likewise, an employee can't be terminated because they complained about being harassed or discriminated against.
2. **Insufficient cause:** There are actions so severe, that doing them once can result in dismissal. Theft and violence would be such instances at most places of employment. Being let go on a single minor infraction when there is no history would be insufficient cause.
3. **Constructive discharge:** Constructive discharge is when an employee is forced to quit because working conditions are made intolerable. You will have to prove that the employer made a change to create an unbearable condition or allow for such a condition.
4. **Refusing to perform illegal or unsafe acts:** An employee can't be fired for refusing tasks that are illegal or are unsafe, nor can they be fired for filing a claim against an employer who has broken the law.
5. **Military leave of absence:** An employee can't be fired for taking time off for military service.

If you think that you've been illegally fired from a job, contact an attorney to discuss your rights.

Elder Abuse and Home Healthcare

Home healthcare seems like a great alternative to nursing homes, but cases of elder abuse are often reported right at home. One reason is that the homecare industry has little oversight.

In many cases, workers are overworked and undertrained, resulting in substandard patient care and injury. The National Center on Elder Abuse estimates that somewhere between one and two million Americans age 65 and older have been injured, exploited, or otherwise mistreated by someone whom they depended on for care or protection. It is estimated that many cases go unreported. Elder abuse can be physical, sexual, emotional, or come in the form of financial exploitation and theft.


SIGNS OF ELDER ABUSE INCLUDE:

- Bruises, broken bones, abrasions, or burns from abuse or neglect.
- Bedsores, unmet medical and hygiene needs, dehydration, and weight loss.
- Sudden change in financial situation, including changes in legal documents and large gifts.
- Withdrawal from normal activities, changes in behavior or alertness, depression, and strained caregiver relations.

If you or a loved one has experienced abuse or exploitation from a caregiver, please give our office a call to discuss your rights.



Legalized, Recreational-Use Marijuana Causing Spike in Traffic Accidents



As more states legalize marijuana for recreational use, motorists and lawmakers are concerned that, in addition to phones and alcohol, marijuana will become another major safety issue on the roads.

According to research published in January 2020 by the AAA Foundation for Traffic Safety, this concern has become a reality in Washington state. The share of drivers who, after a fatal crash, tested positive for active THC — marijuana's psychoactive ingredient — has doubled since the state legalized marijuana in December 2012. AAA believes the increase raises important safety concerns for drivers across the country, because recreational marijuana use is now legal in 11 states and Washington, D.C. Another 22 states have legalized it for medical use only.

The latest AAA Foundation research found that between 2008 and 2012 — the five-year period before the drug was legal — an estimated 8.8 percent of Washington drivers involved in fatal crashes tested positive for THC. That rate rose to 18 percent between 2013 and 2017.

Marijuana use can inhibit concentration, slow reaction times, and cloud judgment. Its effects vary by individual, but several studies have concluded that marijuana use impairs the ability to drive safely. Research suggests that users who drive high are up to twice as likely to be involved in a crash.

Testing for DUI

One of the problems with preventive measures, such as citing drivers for being under the influence of marijuana while driving, is measuring impairment. With alcohol, a blood or breath test is accurate. With marijuana, blood levels of THC depend on how much is used and how often. It would be possible for an impaired recreational user to test the same as an unimpaired low-dosage medicinal user.

Source: AAA newsroom

Searching for a Nursing Home

Whether you are looking for yourself, a spouse, or a parent, choosing and moving to an assisted-living facility or nursing home is a tough decision. If you are lucky enough to have a good choice among facilities in your area, start by getting recommendations from your or your family member's doctor and/or specialists. They will be able to advise on the appropriate level of care required to match current and future physical and emotional needs. Options include continuing-care facilities, which offer independent living, assisted living, and skilled nursing facilities to support residents as they age, or homes that specialize in assisted living, skilled nursing, and specialized care (e.g., dementia, ventilator care, hospice).

Medicare offers a comprehensive, printable nursing home checklist. Here are just a few things from the checklist to consider when looking for a safe home:

- Is the nursing home Medicare and/or Medicaid certified?
- Are the home and administrator licensed?
- What are the resident policies?
- Will the nursing home/facility provide written summary of the services, charges, and fees so that you can cost-compare?
- Has the home been cited for issues relating to abuse?
- Are residents clean, well groomed, and appropriately dressed for the season and time of day?
- Does the facility appear clean?
- Is the temperature comfortable?
- What is the staff and administrative turnover?

The entire list is available at [Medicare.gov/NursingHomeCompare/checklist.pdf](https://www.aaa.com/Medicare.gov/NursingHomeCompare/checklist.pdf).



What Is a PERSONAL INJURY LIEN?

Most people don't realize that if a health insurer paid medical bills related to a personal injury case, they are entitled to be reimbursed. To protect this right, a lien is placed on any settlements or awards. This means that before the victim can be paid from a settlement or verdict, the lien holders must be paid.

Lien laws vary by state and can be very complicated. Some state that the full amount must be paid back to the insurer, while others allow funds for legal fees to be deducted from the total.

Personal injury liens are quite common. Usually, the terms of such a lien are embedded into a health-insurance policy itself. If Medicare or Medicaid paid for medical care, they will also need to be paid back. If the person was uninsured, the provider of care may also seek a full or partial lien on any awards won. The provider may ask that a lien letter against a settlement be signed as payment for services. If an accident victim does have insurance, the provider must accept the insurance and cannot put a lien on a future settlement to pay the difference. Auto insurance carriers also can seek reimbursement for services over \$5,000 if a settlement is won.

An experienced attorney can help renegotiate liens or, in some cases, eliminate them altogether.

Auto Accident Investigations

When a client is seriously injured in a vehicle collision, we will make every effort to seek additional sources of precise, detailed, and thorough information to determine responsibility for the accident.

We often investigate:

- ▶ Cell phone and global-positioning satellite records for all involved vehicles and drivers. These may record direction, mechanical problems, operating errors, position, velocity, or improper electronic-device use.
- ▶ Digital 911 call records to locate witnesses who may have observed and reported the accident.
- ▶ Digital photographs taken by police at the scene.
- ▶ Paramedic, ground ambulance, or medical air transport reports of emergency care that may include injury specifics.
- ▶ Tow-truck or wrecker records, which also may shed light on accident details.
- ▶ Traffic cameras at dangerous intersections to determine if the monitoring system recorded the accident.



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Centennial III - 895 Central Ave.,
Suite 300, Cincinnati, OH 45202

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REFERRALS

We want you to think of us as your law firm.

If you have legal matters that need attention, please let us know. If we do not specialize in that area of law, we will refer you to a firm that does.

Please feel free to refer us to your family, friends, and neighbors for their legal needs. We welcome the opportunity to help.



**CALL US. YOU'RE GOING
TO FEEL A WHOLE LOT
BETTER ABOUT THINGS.**

School Bus Safety

With increasingly common footage showing bus drivers speeding through red lights and viral videos of impatient drivers illegally passing buses and nearly running over children, parents wonder about the safety of school transportation. Here are a few things to keep in mind about school bus safety.

First, the good news: According to the National Highway Traffic Safety Administration (NHTSA), school buses are one of the safest forms of transportation in the United States. The agency says that approximately 450,000 public school buses travel about 4.3 billion miles to transport 23.5 million children to and from school and school-related activities every year. On average, there are six fatalities a year involving school transportation.

While that is a good statistic, no fatalities would be better. The majority of school bus-related fatalities happen when students are struck by the bus or other vehicle while waiting for, boarding, or getting off the bus. In many cases, unsafe school loading zones and distracted drivers are at fault.

If your child was injured in a school bus accident, please contact our office for a confidential consultation.