

Overtime Rule in Effect in New York State: On September 22, 2016, a U.S. District Court judge in Texas granted an Emergency Motion for Preliminary Injunction and enjoined the U.S. Department of Labor from implementing and enforcing the Federal Overtime Final Rule that was scheduled to go into effect on December 1, 2016. The Federal Overtime Final Rule would have increased the salary threshold under the Salary Level Test from \$455 per week (\$23,600/yr.) to \$913 per week (\$47,476/yr.). While the Federal Court ruling, at least for now, has stayed the Federal Overtime Final Rule, employers in NYS need to be aware that the NYS Department of Labor has adopted a rule that will increase the Salary Level test in NYS.

NYS Department of Labor regulations, in general, incorporate the FLSA requirements for overtime pay, including the FLSA exemptions based upon the Salary Level, Salary Basis and Duties tests. On December 28, 2016, the NYS Department of Labor adopted a rule that raised the Salary Level Test for Executive and Administrative employees. The new requirements went into effect on December 31, 2016.

For a discussion of the Salary Threshold, Salary Level, Salary Basis and Duties tests, see [Overtime Pay Final Rule](#) and [Overtime Pay Final Rule's Salary Level Test Revised; Effective December 31, 2016](#) by Donald R. Moy, Esq.

Showdown between Ryan and Trump over Medicare and Entitlements Looming: House Speaker Paul Ryan and President-Elect Donald Trump appear to be at an impasse concerning Medicare and other entitlement programs. Speaker Ryan seeks a major overhaul of Medicare and entitlements, a plan President-Elect Trump once called “political suicide.” Ryan is calling for Medicare to become a voucher program and seeks to reform other entitlement programs as part of the GOP’s efforts at achieving tax reform under next year’s 2018 budget plan that would balance the budget in 10 years. Republicans maintain that the cause of the nearly \$20 trillion debt is the mandatory spending programs, not the annual discretionary spending Congress directly controls. Therefore, Ryan and GOP members argue that without addressing Medicare spending and entitlements, there is no way to balance the budget. Trump, however, assured voters during the presidential campaign that he had no interest in entitlement reform. Trump’s incoming Chief of Staff, Reince Priebus, reiterated this position earlier this month when he stated that the incoming Commander-in-Chief does not want to “meddle” with entitlement reforms. Congress passed a fiscal 2017 budget last week that did not balance, but most GOP members went along with the proposed legislation because it set in motion the party’s plans to repeal Obamacare. Many GOP members noted, however, that future budgets will not pass so easily if there are not provisions in place to ensure a balanced budget, which certainly suggests Medicare and entitlements will be in play.

FDA Bans Powdered Gloves: The US Food and Drug Administration (“FDA”) last month issued a Final Rule that bans powdered medical gloves beginning January 19, 2017. The FDA proposed the ban earlier this year, citing mounting evidence that such gloves posed serious risks to patients, including airway and wound inflammation, post-surgical adhesions and allergic reactions. This Final Rule is only the second time that the FDA has banned a medical device since banning prosthetic hair fibers in 1983. In April, the FDA proposed banning a third type of device, electrical stimulation devices when used to treat self-injurious or aggressive behavior, though a final ban is still pending. Jeffrey Shuren, director of the Center for Devices and Radiological Health, said that “this ban is about protecting patients and health care professionals from a danger they might not even be aware of.” Specifically, the FDA’s ban applies to the sale, distribution and manufacturing of all powdered surgeons’ gloves, powdered patient examination gloves and absorbable powder used to lubricate surgeons’ gloves, though the ban will not apply to powdered radiographic protection gloves. Additionally, the ban will not apply to powder used during the manufacturing process for non-powdered gloves, so long as only trace amounts (no more than 2 mg of powder per glove) make it into the finished product. To facilitate the ban, the FDA says it is also amending the classification regulations for medical gloves in order to distinguish between powdered and non-powdered gloves, as the current classifications do not differentiate between the two.

For more information on the above items, contact Kern Augustine, P.C. at 1-800-445-0954 or via email at info@DrLaw.com



PHYSICIAN ADVOCACY PROGRAM[®]

Experience and Vigilance make a difference.

Log on to ThePAP.com for more details
or email us at info@ThePAP.com



To Stay Updated Daily: Search for “KERN AUGUSTINE, P.C.” on

