

**UNIVERSITY OF FLORIDA COLLEGE OF MEDICINE-JACKSONVILLE**

<b>Approval Date:</b> 11/2/21	<b>Subject:</b> Moonlighting by Residents/Fellows	<b>Page</b> 1 of 4
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<b>Effective Date:</b> 5/18/1992		<b>Reviewed Date:</b> 9/4/12; 8/15/13, 10/1/13; 8/1/14; 5/10/16; 10/8/20; 5/1/21; 10/4/21

**Introduction:** Professional activities that are not part of the educational program are called moonlighting. More specifically, moonlighting, for purposes of this policy document, is defined as any and all activities that entail reimbursed provision of patient care, patient care-related activities, or non-patient care activities. Moonlighting does not include volunteerism. If required by program specific Accreditation Council for Graduate Medical Education (ACGME) Residency Review Committee (RRC) requirements, volunteerism should be reported with clinical and educational work hours; otherwise volunteerism does not need to be logged with clinical and educational work hours.

Moonlighting is also not considered to include non-medical earning or business enterprises, and therefore is not required to be logged and counted as part of clinical and educational work hours. However, these activities must be reported at least annually or at interval changes, in accordance with the University of Florida Outside Activities policy and procedure. An outside activity form must be submitted to the Office of Educational Affairs (OEA) prior to engaging in the activity.

Because residency is a full-time endeavor, the program director must ensure that moonlighting does not interfere with the ability of the resident to achieve the goals and objectives of the educational program. Therefore, institutions and program directors must closely monitor all moonlighting activities as outlined below.

The ACGME requires sponsoring institutions to have a moonlighting policy and a monitoring mechanism. Individual residency programs are accredited by their RC and must also adhere to those requirements regarding outside employment. Although RCs vary, **the Common Program Requirements (CPR) specify that:**

- VI.F.5.a) Moonlighting must not interfere with the ability of the resident to achieve the goals and objectives of the educational program, and must not interfere with the resident's fitness for work nor compromise patient safety. (Core)
- VI.F.5.b) Time spent by residents in internal and external moonlighting (as defined in the ACGME Glossary of Terms) must be counted towards the 80-hour maximum weekly limit. (Core)
- VI.F.5.c) PGY-1 residents are not permitted to moonlight. (Core)

All programs must have policies regarding moonlighting that meet both their RC and University of Florida College of Medicine requirements. The Graduate Medical Education Committee (GMEC) must review and approve these policies. Programs are responsible for enforcement of these policies. Program directors have authority to decide whether moonlighting is allowed for residents within their program. Residents on academic probation, suspension, or administrative leave are not permitted to engage in moonlighting. **Residents who are J-1 Visa holders are not permitted to moonlight since the Department of Homeland Security [as found in the Federal Register] expressly forbids outside employment, and termination as a participant in an exchange visa program could occur.** Residents on an H1B visa may moonlight if the following are the same as what was filed on their current petition to USCIS: 1) approved duties; 2) position title; 3) FTE; 4) worksite location. Moonlighting is a privilege; denial of moonlighting by a program director cannot be appealed nor can residents be required to engage in moonlighting.

There are two categories of moonlighting: 1) internal and 2) external. Both have specific requirements that must be met. The brief descriptions below should serve as a guide to both program directors and residents.

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All residents/fellows/PDAs must read and acknowledge by their electronic signature that they have reviewed a copy of this policy through the evaluations module of New Innovations annually.

**ALL MOONLIGHTING MUST BE COUNTED TOWARD THE 80-HOUR WORK-WEEK LIMIT, and must be in compliance with all other terms of the clinical and educational work hours standards as set forth in the ACGME Common Program Requirements and the program's Clinical and educational work Hours Policy and Procedures (i.e., one day in seven free from all educational and clinical responsibilities, continuous on-site duty not to exceed 24 consecutive hours with four hours for hand-off/transition or education, etc.).**

### **Moonlighting**

- 1) Internal moonlighting is defined by the ACGME as a voluntary, compensated, medically-related work (not related with training requirements) performed within the institution in which the resident is in training or at any of its related participating sites. UFCOM-J indicates it is a professional activity that takes place at University of Florida educational affiliates, and for which there is a completed agreement between the program, site, and Office of Educational Affairs (OEA) designating the activity to be performed, rate of pay, and account to be charged. Program directors may propose the addition of new sites through completion of the attached site agreement. Internal moonlighting is characterized as:
  - consisting of activities similar to usual resident activities within the program, including scope, and level of responsibility
  - appropriate lines of supervision must be designated and utilized for each activity
  - covered by the resident's training license, and the UF Self-Insurance Program and Workers Compensation Program
  - services not billed for by the resident
  - supplemental salary income provided by the University to the resident who participates through their regular paycheck
  
- 2) External moonlighting is defined by the ACGME as a voluntary, compensated, medically-related work performed outside the institution where the resident is in training or at any of its related participating sites. UFCOM-J indicates it is any professional activity that does not fall under the definition of internal moonlighting. External moonlighting is characterized as:
  - initiated by the resident and not involving any agreement between the University and the outside employer
  - requiring residents to have their own permanent license and malpractice coverage
  - services billed for by the resident
  - no supervision provided by the University faculty
  - no salary income provided by the University to the resident who participates
  - external moonlighting cannot be performed at a facility in the UF Health coverage area or a facility within a radius that would compete with UF Health practice plan coverage area.
  
- 3) Approval: Moonlighting is a privilege and not a right or training requirement. Prior approval is required for each moonlighting site, as well as for scheduled dates and shifts (on a monthly basis). The approval form requires information that will help the DIO assessment of both individual and programmatic performance.
  - Per ACGME, No PGY1 is allowed to moonlight.
  - The resident must not have had any professionalism incidents, disciplinary actions or academic

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remediation in prior six (6) months, or as approved by the DIO.

- The resident must have scored in the 50<sup>th</sup> percentile or above the national average for PGY on most recent in-training exam, or as approved by the DIO.
- The resident or fellow must obtain written approval from their program director and the DIO at least 2 weeks prior to participation in any moonlighting activity (see attached form). The program director's approval acknowledges that the resident or fellow is in good academic standing and that the additional hours are in compliance with the program's Clinical and Educational Work Hours Policy and Procedures. Requests submitted with less than 2-weeks' notice may be denied by the DIO.
- The original copy will be returned to the program assistant for distribution to the resident and program director, unless sent via DocuSign.
- Permission for participation in moonlighting may be revoked at any time by the program director and/or DIO.
- External moonlighting requests form MUST be accompanied by a completed UF Outside Activities Form, in order to satisfy UF rules and regulations.
- Terminating residents will not be approved for internal moonlighting in June. [Residents who moonlight in May cannot be included on the Gainesville termination file since PeopleSoft cannot accommodate two EPAFs on the same person at one time.]

4) Reporting requirements and monitoring:

Moonlighting reports will be generated by the OEA for GMEC review along with each institutional clinical and educational work hour's survey report. In addition the OEA will monitor moonlighting requests as they are submitted.

5) Processing internal moonlighting

- The Office of Educational Affairs is responsible for processing internal moonlighting invoice requests. As part of the invoicing process, the resident will attest to the hours worked on the bottom of the approval form. The invoice, LSP Authorization and approval attestation is to be submitted to the OEA within 2 weeks of the end of the month in which the activity occurred. The payment request is to be entered into Cor360 at the time the invoice is submitted to OEA. Once the pay request is entered into PeopleSoft, the Eform ID will be returned to the department and Cor360 is to be updated with the Epaf ID as the invoice number.

The College of Medicine and the University take no responsibility for any action or problem arising from professional activities which are initiated by the resident and do not involve any agreement between the College of Medicine and the outside employer.

1) Reporting requirements and monitoring:

- Resident performance must be monitored by the program director for the effect of these activities. Adverse effects may lead to withdrawal of permission to moonlight.
- Program directors are required to monitor hours and location of moonlighting throughout the academic year.

2) Acknowledgment of policies and procedures

- On an annual basis, all residents and fellows are required to electronically sign the University of Florida College of Medicine - Jacksonville Policy on Moonlighting policy. Violation of this policy may lead to

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immediate revocation of moonlighting privileges, and other disciplinary measures, including dismissal as per the Resident Professionalism Code of Conduct.

All residents must read and acknowledge by their electronic signature that they have reviewed a copy of the Professional Expectations Policy through the evaluations module of New Innovations.

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**Additional Residency Program Policies:**

In addition to compliance with Institutional and Program requirements, the following additional Pediatric Core program policy requirements are in effect:

To be eligible to participate in moonlighting, a resident must be in good academic standing in the residency program. One measure of a resident's ability to achieve the goals and objectives of the educational program is performance on the In-Training Exam. No resident with an In-Training Exam score in the 50%ile or less will be eligible for moonlighting.

Internal Moonlighting must in no way interfere with regularly assigned clinical, educational or administrative responsibilities.

**Resident Responsibilities:** The Resident or Fellow must obtain written approval from their Program Director prior to participation in any internal moonlighting. This approval acknowledges that the Resident or Fellow is in good academic standing and that the additional hours are in compliance with the Program's Duty Hours Policy and Procedures. Permission for participation in internal moonlighting may be revoked at any time by the Program Director. Participation in professional activities for supplemental income without formal approval of the University of Florida College of Medicine-Jacksonville administration as outlined above will result in disciplinary action, which may include dismissal from the program.

External moonlighting is not allowed.