

UNIVERSITY OF FLORIDA COLLEGE OF MEDICINE JACKSONVILLE
Office of Graduate Medical Education

POLICY: Moonlighting by Residents/Fellows Policy	
Approved by: GMEC	Page(s): 1 of 4
Approval date: 11/5/2024	Reviewed date: 9/4/12; 8/15/13, 10/1/13; 8/1/14; 5/10/16; 10/4/21
Effective date: 5/18/1992	Revised date: 10/01/10; 9/4/12; 8/15/13, 10/1/13; 8/1/14; 5/10/16; 5/12/17; 5/17/18; 10/4/21; 3/1/22; 10/1/24

BACKGROUND

The Accreditation Council for Graduate Medical Education (ACGME) defines moonlighting as "voluntary, compensated, medically-related work performed beyond a resident's or fellow's clinical experience and education hours, and additional to the work required for successful completion of the program" (Source: ACGME Glossary of Terms). Moonlighting is considered a privilege; denial of moonlighting by a program director cannot be appealed.

There are two types of moonlighting: internal moonlighting and external moonlighting.

1. Internal moonlighting is a voluntary, compensated, medically-related work (not related with training requirements) performed within the institution in which the resident/fellow 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 Graduate Medical Education (OGME) 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 site agreement form. Internal moonlighting is characterized as:
 - a. consisting of activities similar to usual trainee activities within the program, including scope, and level of responsibility
 - b. appropriate lines of supervision must be designated and utilized for each activity
 - c. covered by the trainee's training license, and the UF Self-Insurance Program and Workers Compensation Program
 - d. services billed under the faculty supervisor, not the trainee
 - e. individuals working at an education affiliate may receive salary through their regular paycheck or may be hired and paid by the educational affiliate
 - i. programs wishing to allow their residents/fellows to be hired by the educational affiliate must have a site approval form on file in the OGME
 - ii. if paid by the educational affiliate, a UF Outside Activities form must be completed and sent to the Self Insurance office
 - iii. the trainee must still request and receive approval before the activity and turn in the attestation after the activity
2. External moonlighting is a voluntary, compensated, medically-related work performed outside the institution where the trainee 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:
 - a. initiated by the trainee and not involving any agreement between the University and the outside employer
 - b. requires trainees to have their own permanent license and malpractice insurance coverage
 - c. services billed for by the trainee
 - d. no supervision provided by the University faculty
 - e. no salary income provided by the University to the trainee
 - f. external moonlighting cannot be performed at a facility in the UF Health Jacksonville coverage area or a facility within a radius that would compete with UF Health Jacksonville practice plan coverage area or scope of services

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.

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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 OGME prior to engaging in the activity.

ACGME REQUIREMENTS

The ACGME institutional requirements state that:

- IV.K.1.a) residents/fellows must not be required to engage in moonlighting; ^(core)
- IV.K.1.b) residents/fellows must have written permission from their program director to moonlight; ^(core)
- IV.K.1.c) an ACGME-accredited program will monitor the effect of moonlighting activities on a resident's/fellow's performance in the program, including that adverse effects may lead to withdrawal of permission to moonlighting; and, ^(core)
- IV.K.1.d) the Sponsoring Institution or individual ACGME-accredited programs may prohibit moonlighting by residents/fellows. ^(core)

The ACGME Common Program Requirements (CPR) specify that:

- VI.F.1. Maximum Hours of Clinical and Educational Work per Week: Clinical and educational work hours must be limited to no more than 80 hours per week, averaged over a four-week period, inclusive of all in-house clinical and educational activities, clinical work done from home, and all moonlighting. (Core)
- VI.F.5.a) Moonlighting must not interfere with the ability of the resident or fellow to achieve the goals and objectives of the educational program, and must not interfere with the resident's (fellow's) fitness for work nor compromise patient safety. (Core)
- VI.F.5.b) Time spent by residents (fellows) 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)

MONITORING

The ACGME requires sponsoring institutions to have a mechanism in place to monitor trainee participation in either internal or external moonlighting. Individual residency and fellowship programs that are accredited by the ACGME must also adhere to the review committees' (RCs) moonlighting requirements. As residency/fellowship is a full-time endeavor, the program director must closely monitor all moonlighting activities as outlined below.

1. All programs must have policies regarding moonlighting that adhere to the program's RC regulations and University of Florida College of Medicine's requirements.
2. Program directors have authority to decide whether moonlighting is allowed for residents/fellows within their program, and may revoke privileges at any time. As stated above, moonlighting is considered a privilege; denial of moonlighting by a program director cannot be appealed.
3. The program director must monitor the effect of moonlighting activities on resident's/fellow's performance. Adverse effects may lead to moonlighting approval withdrawal.
4. **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.).

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QUALIFICATIONS

1. Trainees must be PGY2 or above. No PGY1 is allowed to moonlight, per ACGME requirements.
2. Trainees must be in good academic standing. Those on remediation, academic probation, suspension, or administrative leave are not permitted to engage in moonlighting.
3. Visa holders:
 - a. H1B visa holders 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; and 4) worksite location.
 - b. 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 violations of this policy may result in the trainee's termination as a participant in an exchange visitor program.
4. The trainee must have scored at or above the 50th percentile on the most recent in-training examination (ITE). PD justification for trainees below the 50th percentile must have been shown to be on-track to pass their specialty Board exams by some other validated assessment and approved by the DIO. PDAs do not need to submit ITE or other validated assessment. PDAs and fellows in one-year programs are exempt and do not require DIO approval.
5. Terminating trainees will not be approved for internal moonlighting during their last month of training.

MOONLIGHTING APPROVAL PROCESS:

1. Prior approval is required for each moonlighting site, as well as for scheduled dates and shifts (on a monthly basis).
6. Moonlighting permission may be revoked at any time by the program director.
2. External moonlighting site approval requests MUST first be accompanied by a completed UF Outside Activities Form in order to satisfy UF rules and regulations and be approved by the DIO.
 - a. 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.
3. The trainee must obtain written approval from their program director (or associate/assistant program director if designated by the program director) at least 2 weeks prior to participation in any moonlighting activity, whether internal or external.
 - a. The program director's approval acknowledges that the trainee is in good academic standing and that the expected moonlighting hours follow the program's clinical and educational work hours policy and procedures.

REPORTING REQUIREMENTS:

1. Moonlighting reports will be generated by the OGME for GMEC review.
2. Program directors are required to monitor hours and locations of moonlighting throughout the academic year.
3. Internal Moonlighting:
 - a. The OGME is responsible for processing programmatic moonlighting invoices.
 - b. As part of the invoicing process, the trainee will attest to the hours worked on the bottom of the approval form.
 - c. The invoice, LSP Authorization Form and attestation is submitted to the OGME within 2 weeks of the end of the month in which the activity occurred and after the request is entered into Cor360.
 - d. Once the pay request is entered into PeopleSoft, the Eform ID will be returned to the department

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and Cor360 voucher is updated with the Epaf ID as the invoice number.

4. External Moonlighting:
 - a. The trainee will submit the UF outside activities form once during the academic year.
 - b. The trainee will report all external moonlighting hours in the New Innovations™ duty hours module.

POLICIES AND PROCEDURES ACKNOWLEDGEMENT

On an annual basis, all residents and fellows are required to electronically sign the University of Florida College of Medicine - Jacksonville Moonlighting by Residents/Fellows policy. Violation of this policy may lead to immediate revocation of moonlighting privileges, and other disciplinary measures, including dismissal as per the Resident Professionalism Code of Conduct.