

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

<b>Approval Date:</b> 11/1/2022	<b>Subject:</b> Moonlighting by Residents/Fellows	<b>Page</b> 1 of 4
<b>Approved by:</b> GMEC		<b>Revised Date:</b> 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; 3/1/2022
<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; 10/4/21

Policy:

The ACGME institutional policies state that:

- IV.K.1.a) residents/fellows must not be required to engage in moonlighting; <sup>(core)</sup>
- IV.K.1.b) residents/fellows must have written permission from their program director to moonlight; <sup>(core)</sup>
- 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, <sup>(core)</sup>
- IV.K.1.d) the Sponsoring Institution or individual ACGME-accredited programs may prohibit moonlighting by residents/fellows. <sup>(core)</sup>

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

Internal moonlighting is 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 site agreement form. Internal moonlighting is characterized as:

- consisting of activities similar to usual trainee 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 trainee's training license, and the UF Self-Insurance Program and Workers Compensation Program
- services billed under the faculty supervisor, not the trainee
- supplemental salary income provided by the University to the trainee through their regular paycheck

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:

- initiated by the trainee and not involving any agreement between the University and the outside employer
- requires trainees to have their own permanent license and malpractice insurance coverage
- services billed for by the trainee
- no supervision provided by the University faculty
- no salary income provided by the University to the trainee
- 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

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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.

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 adhere to the review committees' (RCs) moonlighting requirements .

Although RCs vary, **the Common Program Requirements (CPR) specify that:**

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. <sup>(Core)</sup>

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. <sup>(Core)</sup>

VI.F.5.c) PGY-1 residents are not permitted to moonlight. <sup>(Core)</sup>

As residency/fellowship is a full-time endeavor, the program director must closely monitor all moonlighting activities as outlined below.

All programs must have policies regarding moonlighting that adhere to the program's RC regulations and University of Florida College of Medicines requirements. Program directors have authority to decide whether moonlighting is allowed for residents/fellows within their program. Trainees on remediation, academic probation, suspension, or administrative leave are not permitted to engage in moonlighting. **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.** Trainees 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; and 4) worksite location. Moonlighting is a privilege; denial of moonlighting by a program director cannot be appealed.

**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**

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**on-site duty not to exceed 24 consecutive hours with four hours for hand-off/transition or education, etc.).**

Process:

**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).

- Per ACGME, No PGY1 is allowed to moonlight.
- The resident must have scored at or above the 50<sup>th</sup> percentile. If the resident scored below the 50<sup>th</sup> percentile, the resident score and the the national mean/median score is required. Anyone without a score less than the national mean/median score must have PD justification and DIO approval.
- 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. 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.
- Moonlighting permission may be revoked at any time by the program director.
- External moonlighting site approval requests **MUST** be accompanied by a completed UF Outside Activities Form in order to satisfy UF rules and regulations and be approved by the DIO.
- Terminating trainees will not be approved for internal moonlighting during their last month of training.

**Reporting Requirements:** Moonlighting reports will be generated by the OEA for GMEC review.

1. The program director must monitor the effect of these activities on resident performance. Adverse effects may lead to moonlighting approval withdrawal.
2. Program directors are required to monitor hours and locations of moonlighting throughout the academic year.

**Internal Moonlighting:**

- The OEA is responsible for processing programmatic moonlighting invoices. As part of the invoicing process, the trainee will attest to the hours worked on the bottom of the approval form. The invoice, LSP Authorization Form and attestation is submitted to the OEA within 2 weeks of the end of the month in which the activity occurred and after the request is entered into Cor360. Once the pay request is entered into PeopleSoft, the Eform ID will be returned to the department and Cor360 voucher is updated with the Epaf ID as the invoice number.

**External Moonlighting:**

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. The trainee will submit the UF outside activities form once

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during the academic year. 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.

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**Program Specific Policy if required by ACGME:**