

<b>Policy #:</b> 010.002
<b>Policy Title:</b> Trainee Moonlighting
<b>Sponsor:</b> David Brown, MD; DIO
<b>Approved by:</b> Graduate Medical Education Committee

**Purpose**

Florida International University (FIU) has adopted the following policy to further elaborate upon trainee moonlighting.

This policy addresses Accreditation Council of Graduate Medical Education’s (ACGME) Institutional Requirement *IV.K.1. Moonlighting: The Sponsoring Institution must maintain a policy on moonlighting that includes the following: IV.K.1.a) residents/fellows must not be required to engage in moonlighting; IV.K.1.b) residents/fellows must have written permission from their program director to moonlight; 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 moonlight; and, IV.K.1.d) the Sponsoring Institution or individual ACGME-accredited programs may prohibit moonlighting by residents/fellows*

**Definitions**

**Clinical and educational work hours:** Are defined as all clinical and academic activities related to the program i.e. patient care, administrative duties relative to patient care (both inpatient and outpatient), the provision for transfer of patient care, time spent in-house during call activities, and scheduled activities such as conferences. Clinical and educational work hours do not include reading and preparation time spent away from the training program.

**Fatigue management:** Recognition by either a trainee or supervisor of a level of trainee fatigue that may adversely affect patient safety and enactment of a solution to mitigate the fatigue.

**Moonlighting:** Moonlighting is defined as any activity, outside the requirements of the training program, in which an individual performs duties as a fully licensed physician and receives direct financial remuneration. This includes, but is not limited to:

1. Providing direct patient care
2. Conducting "wellness" physical examinations
3. Reviewing medical charts, EKGs, or other information for a company or an agency
4. Clinical teaching in a medical school or other educational programs involving clinical skills
5. Providing medical opinions or testimony in court or to other agencies
6. Serving as a sports team physician or medical official for an event

**Background**

Residency training is a full-time educational experience. It is recognized that excessive numbers of hours worked by intern and trainee physicians can lead to errors in judgment and clinical decision-making. This can have an impact on patient safety through medical errors, as

well as the safety of the physician trainees through increased motor vehicle accidents, stress, depression and illness related complications.

The ACGME defines External Moonlighting as voluntary, compensated, medically related work performed outside the institution where the trainee is in training or at any of its related participating sites. Internal Moonlighting is defined as voluntary, compensated, medically related work (not related to training requirements) performed within the institution in which the trainee is in training or at any of its related participating sites.

Internal Moonlighting is not permitted. External Moonlighting must not interfere with the trainee's educational performance; nor must those activities interfere with the trainee's opportunities for rest, relaxation, and independent study. Therefore, there will be a high degree of sensitivity to the physical and mental well-being of trainees and every attempt will be made to avoid scheduling excessive work hours leading to sleep deprivation. The following policy applies to all trainees in an FIU-sponsored GME programs that wish to moonlight. However, trainees are not required to engage in moonlighting activities as a condition for appointment. For the purpose of this policy "Moonlighting" will refer to External Moonlighting.

### Policy

Trainees seeking to moonlight must first obtain prior written approval from their Program Director. This written statement of permission must be kept in the trainee's file. The trainee's performance in the program will be monitored for any adverse effects from moonlighting. The Program Director may withdraw his/her permission to moonlight at any time.

### Eligibility

1. Trainees must be in PGY-2 or beyond. PGY-1 trainees are *not* permitted to moonlight.
2. A trainee who is on formal academic review, probation or suspension is prohibited from engaging in any moonlighting activities during the period of remediation.
3. A trainee wishing to moonlight must complete a Moonlighting Form (see attached); the Program Director has the right to reject the type or venue of Moonlighting being requested.
4. A trainee approved to moonlight must either purchase sufficient malpractice insurance to cover his/her moonlighting activities or obtain written assurance from the hiring entity that it will provide malpractice insurance and workers' compensation coverage to the trainee. That insurance is separate from the coverage provided by FIU for the trainee's core training program. FIU's malpractice policy for trainees *does not* extend to medical services rendered outside of officially scheduled assignments, duties, or rotations.
5. It is the sole responsibility of the trainee to apply for and obtain a permanent license to practice medicine to support any moonlighting activities and to apply for and obtain their own DEA # if one has not already been issued.
6. The trainee is responsible for reporting all moonlighting hours. Failure to report moonlighting hours will result in suspension and/or dismissal from the residency program.

### **80-Hour Maximum Weekly Limit**

1. Trainees shall not be assigned to work physically on duty in excess of eighty hours (80) per week averaged over a four (4) week period, inclusive of all in-house call activities and all moonlighting.
2. Moonlighting must not interfere with the ability of the trainee to achieve the goals and objectives outlined by the educational program. Time spent by trainees Moonlighting must be counted towards the 80-Hour Maximum Weekly Limit.
3. Moonlighting hours must be entered into the clinical and educational hour tracking system on a weekly basis.
4. Moonlighting assignments generally run concurrently with the routine obligations and responsibilities of the trainee to the program, as such the Program may limit the number of hours that can be spent moonlighting in a given month.

### **Supervision**

Program faculty have no direct role in the supervision of the professional activities of trainees engaged in moonlighting.

### **Fatigue Mitigation**

Moonlighting trainees are expected to be present, appropriately rested and prepared to carry out their obligations to their educational programs.

### **Monitoring**

1. Moonlighting must never interfere with a trainee's primary responsibilities to his/her program. It should not interfere with the trainee's ability to participate in the educational opportunities of the training program and with the ability of the trainee to achieve the goals and objectives of the educational program.
2. Moonlighting must not interfere with the trainee's ability to provide patient care

### **Procedure**

#### **Approval**

1. Moonlighting permission must be specifically requested in writing from the Program Director.
2. Requests must be submitted and approved before the commencement of the services.
3. These forms (see attached) are only valid for the current academic year and must be renewed prior to July 1st of each succeeding academic year if the trainee wishes to continue to moonlight.
4. The trainee's moonlighting request must be included as part of the institution's trainee file.
5. The request for moonlighting must indicate the number of hours the trainee will be working in the moonlighting job.

### **Loss of Moonlighting Privileges**

1. Moonlighting may be disallowed if any adverse effects are documented. If a trainee/experiences educational difficulty or excessive fatigue, the Program Director at his/her discretion may suspend moonlighting privileges.

2. A letter will be submitted by the Program Director to the trainee and the Office of Graduate Medical Education (GME) stating that the trainee is no longer permitted to moonlight.

**Clinical Work and Educational Hours Monitoring**

1. Clinical work and educational hour compliance must be documented. This will be reviewed by the trainee with the Program Director on a monthly basis.
2. Failure to accurately document moonlighting hours will result in the suspension of moonlighting privileges.

**Related Policies**

Trainee Clinical Work and Educational Hours, Trainee Fatigue Mitigation

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Moonlighting Request Form

Trainee Name:

PGY:

Program:

Program Director:

Reason for request (*please concisely state why you ought to be allowed to moonlight*):

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GME Office Use Only:

Trainee academic standing:

- Satisfactory
- Unsatisfactory

- Approved
- Rejected

Program Director Signature: \_\_\_\_\_

Date: \_\_\_\_\_