

<b>Policy #:</b> 010.003
<b>Policy Title:</b> Resident/Fellow Moonlighting
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<b>Approved by:</b> Graduate Medical Education Committee

### **Purpose**

Florida International University (FIU) has adopted the following policy to address resident/fellow 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:** Time spent on 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 (e.g., conferences). Clinical and educational work hours do not include reading, studying, research and any other preparation time spent away from the training program.

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

**Moonlighting:** 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

**Internal Moonlighting:** Voluntary, compensated, medically related work performed within the site of the resident's/fellow's program, including the primary clinical site and any participating sites.

**External Moonlighting:** Voluntary, compensated, medically related work performed outside the site of the resident's/fellow's program, including the primary clinical site and any participating sites.

### **Background**

Residency/fellowship training is a full-time educational experience. It is recognized that excessive numbers of hours worked by residents/fellows 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 resident/fellow through increased motor vehicle accidents, stress, depression and illness-related complications.

Internal or external moonlighting must not interfere with a resident's/fellow's educational performance; nor must those activities interfere with the resident's/fellow'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 residents/fellows and every attempt will be made to avoid scheduling excessive work hours leading to sleep deprivation. The following policy applies to all residents/fellows in an FIU-sponsored GME program that wish to moonlight. Residents/fellows are not required to engage in moonlighting activities as a condition for appointment.

### **Policy**

Resident/Fellows seeking moonlighting opportunities must first obtain prior written approval from their program director utilizing the Moonlighting Form (see Appendix I). This must be kept in the resident's/fellow's file on the residency management software. The resident's/fellow'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. Resident/Fellow must have:
  - a. A Florida "Medical Doctor – Unrestricted" License as denoted by the Florida Board of Medicine, License by Endorsement Chapter 458.313 F.S. or License by Examination Chapter 458.311 F.S.  
<https://flboardofmedicine.gov/licensing/medical-doctor-unrestricted/>;
  - b. Passed of all parts of national examinations (NBME, FLEX, or USMLE)
2. Resident/Fellow must be in Post Graduate Year (PGY)-2 or beyond. International Medical Graduates (IMGs) are eligible to moonlight after the completion of at least two years in one specialty area. Residents/Fellows *not permitted* to moonlight include:
  - a. PGY-1 Residents
  - b. J1 visa-holders
  - c. A resident/fellow who is under academic review
3. A resident/fellow wishing to moonlight must complete a Moonlighting Request Form; the program director has the right to reject the type or venue of Moonlighting being requested.

4. A resident/fellow approved for external moonlighting 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 residents/fellows. That insurance is separate from the coverage provided by FIU for the resident's/fellow's core training program. FIU's malpractice policy for residents/fellows *does not* extend to medical services rendered outside of officially scheduled assignments, sites, duties, or rotations.
5. It is the sole responsibility of the resident/fellow 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 number if one has not already been issued.
6. The resident/fellow is responsible for reporting all moonlighting hours. Failure to report moonlighting hours will result in suspension and/or dismissal from the graduate medical education program.

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

1. Residents/fellows 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 residents/fellows to achieve the goals and objectives outlined by the educational program. Time spent by residents/fellows 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 resident/fellow to the program. As such, the program may limit the number of hours a resident/fellow can moonlight in a given month.

#### **Supervision**

Program faculty have no direct role in the supervision of the professional activities of residents/fellows engaged in moonlighting.

#### **Professional Liability Coverage**

While performing within course and scope of an FIU residency or fellowship training program, and/or as an agent or employee of FIU, resident/fellows are covered under the Florida International University Herbert Wertheim College of Medicine Self-Insurance Program (FIU SIP) for professional and patient general liability claims and/or allegations related to their acts or omissions while delivering professional healthcare services.

**Note, however, FIU SIP protections DO NOT EXTEND to moonlighting activity outside of the resident/fellows' FIU training program (i.e., External Moonlighting). When engaging in external moonlighting, resident/fellows practice as private physicians; as such, they are solely responsible for the patient care they provide and must individually satisfy Florida's professional liability financial responsibility requirements applicable to physicians.**

#### **Fatigue Mitigation**

Moonlighting residents/fellows 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 resident's/fellow's primary responsibilities to his/her program. It should not interfere with the resident's/fellow's ability to participate in the educational opportunities of the training program, or with his/her ability to achieve the goals and objectives of the educational program.
2. Moonlighting must not interfere with the resident's/fellows' ability to provide patient care.

### **Procedure**

#### **Approval**

1. Moonlighting permission must be specifically requested in writing from the program director via the Moonlighting Request Form.
2. Requests must be submitted and approved before the commencement of the services.
3. The [Moonlighting Request Form](#) is only valid for the current academic year and must be renewed prior to July 1st of each succeeding academic year if the resident/fellow wishes to continue to moonlight.
4. The resident's/fellow's Moonlighting Request Form must be included as part of the institution's resident/fellow file.
  - a. The request for moonlighting must indicate the number of hours the resident/fellow will be working in the moonlighting job.

### **Loss of Moonlighting Privileges**

1. Moonlighting may be disallowed if any adverse effects are documented. If a resident/fellow experiences educational difficulty or excessive fatigue, the program director, at his/her discretion, may suspend moonlighting privileges. Additionally, a resident/fellow who loses good standing in the program, whether due to academic, professional, or conduct-related issues, will automatically have their moonlighting privileges revoked.
2. A written notification will be submitted by the program director to the resident/fellow and to the Office of Graduate Medical Education (OGME) stating that the resident/fellow is no longer permitted to moonlight.

### **Clinical Work and Educational Hours Monitoring**

1. Clinical work and educational hour compliance must be documented. The program director reviews compliance with the resident/fellow on a monthly basis.
2. Failure to accurately document moonlighting hours will result in the suspension of moonlighting privileges.

### **Related Policies**

Resident/Fellow Clinical Work and Educational Hours, Resident/Fellow Fatigue Mitigation

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GMEC Approval	Reviewed and approved	

Appendix I

[Moonlighting Request Form](#)