

Policy on Working Outside of the Training Program (including Moonlighting)

Scope: This policy applies to Trainees appointed as Resident (10328), Chief Resident (10329), Chief Resident/Non-ACGME (10333) and Fellow (10439) participating in accredited medical and dental training programs.

This policy also applies to Trainees appointed as Senior Fellow (10445) and/or Senior Fellow Trainee (10442) who are participating in non-ACGME accredited training programs, and who do not hold a concurrent Acting Instructor (10124) title. The exception is Trainees appointed as Chief Resident/Non-ACGME or in Maternal Fetal Medicine.

Background: Work Outside of the Training Program (“Outside Work”) is defined as any voluntary, clinical or non-clinical work that is outside of a trainee’s regularly scheduled program duties, done for additional compensation. Outside work includes (1) Internal Moonlighting, (2) External Moonlighting, (3) Extra Pay for Extra Duty and (4) Additional Non-Clinical Work.

Outside Work does not include medical volunteering, which is governed by the UW GME Medical Volunteer Activities Policy (<https://www.uwmedicine.org/education/Documents/gme/Medical-Volunteer-Activities-Policy.pdf>).

Several policies and laws govern Outside Work, including but not limited to the Accreditation Council for Graduate Medical Education (ACGME) Institutional Requirements¹ and Common Program Requirements², the Washington State Ethics in Public Service Act,³ and University of Washington Executive Order No. 57 (“Outside Professional Work Policy”).⁴ The GME Office is designated by the UW School of Medicine as the unit with permission to review and approve such requests for Trainees.

Regardless of whether they are participating in an ACGME-accredited program, Trainees who choose to engage in Outside Work activities must ensure that the activities do not interfere with their ability to achieve the goals and objectives of their training program.

Outside Work activities must not interfere with the ability of Trainees in ACGME-accredited programs 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. *CPR VI.F.5.a*). All types of Outside Work are optional activities. *IR IV.J.1.a*). Trainees in ACGME-accredited training programs are responsible for complying with the Institutional Clinical and Educational Work Policy. *CPR VI.F.5.b*).

¹ ACGME Institutional Requirements:

https://www.acgme.org/Portals/0/PDFs/FAQ/InstitutionalRequirements_07012015.pdf

² ACGME Common Program Requirements: <http://www.acgme.org/What-We-Do/Accreditation/Common-Program-Requirements>

³ Washington State Ethics in Public Service Act (RCW 42.52): <http://apps.leg.wa.gov/RCW/default.aspx?cite=42.52>

⁴ University of Washington Executive Order No. 57 (“Outside Professional Work Policy”): <http://www.washington.edu/admin/rules/policies/PO/EO57.html>.

Definitions: **Additional Non-Clinical Work (“Part-Time Employment”):** Extra non-clinical work that is outside of the scope of the approved training program, whether within or outside of UW Medicine or affiliated sites. Examples include curriculum design, consulting, teaching or working as a teaching assistant for a course.

Accredited Training Program: Residency and fellowship training programs accredited by the Accreditation Council for Graduate Medical Education (ACGME), or the Commission on Dental Accreditation (CODA), or approved by the American Board of Medical Specialties (ABMS).

Clinical and Educational Work: Includes all clinical and academic activities related to the training program, including in-patient and out-patient clinical care, in-house call, short call, night float and day float, transfer of patient care, administrative duties related to patient care such as completing medical records, ordering and reviewing lab tests, and signing verbal orders, scheduled didactic activities including conferences and journal club, scheduled research activities, and other program activities such as participating in hospital committees and in interviewing residency candidates. Clinical and educational work also includes all hours engaged in any moonlighting activities, extra work or additional non-clinical work. Clinical and Educational Work does not include reading or preparation time spent away from the duty site, or studying, and research done from home. *CPR VI.F.1.*

Eligibility: Article 18 of the UW-UWHA Collective Bargaining Agreement establishes additional provisions regarding Outside Work for residents/fellows who are part of the collective bargaining unit. See <https://hr.uw.edu/labor/wp-content/uploads/sites/8/2017/09/UWHA-Bargaining-Unit-Summary-9.14.2017.pdf>

Extra Pay for Extra Duty: Extra clinical duties that occur within the scope of the Trainee’s educational program, performed outside their regularly scheduled duties or required responsibilities, assumed by the resident on a voluntary basis, and which are performed for additional compensation at a UW Medicine or UW-Affiliated Site. Examples include clinical coverage during special events like graduation and award dinners.

External Moonlighting: Voluntary, compensated, medically-related work performed outside the institution where the resident is in training or at any of its related participating sites. *ACGME Glossary.* In the context of UW Medicine, External Moonlighting is extracurricular medical practice that is outside the scope of the Accredited Training Program, performed at a non-UW Medicine Site, non-UW-Affiliated Site, or site that does not participate in the Trainee’s Training Program. Note: a “site” may include other facilities owned or operated by the organization. When a Training Program includes one facility in a health system, all facilities and clinics within the health system may be considered part of the “site.”

Fitness for duty: The condition of being mentally and physically able to effectively perform required clinical responsibilities and promote patient safety. *ACGME Glossary*

Internal Moonlighting: Voluntary, compensated, medically-related work (not related to training requirements) performed within the institution in which the resident is in training or at any of its related participating sites. *ACGME Glossary.* In the context of UW Medicine, Internal Moonlighting is extra clinical work that is outside the scope of the Training Program, performed for additional compensation at a UW Medicine or UW-Affiliated Site. These activities require endorsement by the Department Chair and approval by the GME Office.

Outside Work: See definition in Background section above.

Outside Work Activity	Non/Clinical	Scope of Training	Site
External Moonlighting	Clinical	Outside scope of training	Non-training site
Internal Moonlighting	Clinical	Outside scope of training	Training site
Extra Pay for Extra Duty	Clinical	Within scope of training	Training site
Additional Work	Non-clinical	Outside scope of training	Either

Professional Fee Billing: Billing for a physician's clinical services to patients.

Trainee: Residents, Chief Residents and Fellows participating in Accredited Training Programs and Senior Fellows and Senior Fellow Trainees who are participating in non-ACGME accredited training programs and who do not hold a concurrent acting instructor or other faculty title.

UW-Affiliated Site: For the purposes of this Policy, includes Seattle Children's Hospital, VA Puget Sound Healthcare System, Seattle Cancer Care Alliance, Fred Hutchinson Cancer Research Center, and Bloodworks Northwest.

UW Medicine Site: UW Medical Center, Harborview Medical Center, UW Neighborhood Clinics, Northwest Hospital & Medical Center, Valley Medical Center and Airlift Northwest. **Affiliated Site:** For the purposes of this Policy, Northwest Hospital and Valley Medical Center are handled on a case-by-case basis.

Policy: The University of Washington School of Medicine (UWSOM) permits trainees from all departments to engage in Outside Work provided that they are eligible, and that such activities do not interfere with the responsibilities, duties or assignments of their training program or their stipend-supported research, if applicable. Approval is also contingent on Outside Work activities complying with all UW policies and Washington State law.

A Trainee who wants to participate in any type of Outside Work must complete the **Request for Approval of Work Outside of the Training Program form** located at the end of this Policy and submit it to the GME Office.

All Outside Work must be approved in writing by the trainee's Program Director **and** the GME Office **PRIOR** to engaging in any Outside Work activities. *IR IV.J.1.b*). The GME Office (on behalf of the Sponsoring Institution) or the individual ACGME-accredited programs may prohibit moonlighting by residents/fellows. *IR IV.J.1.d*).

Trainees in the Department of Pediatrics and/or at Seattle Children's Hospital (SCH)-based programs must **also** obtain advance approval by the SCH GME Office.

ACGME-accredited programs must monitor the effect of moonlighting activities on a resident's/fellow's performance in the program; adverse effects of moonlighting may lead to withdrawal of permission to moonlight. *IR IV.J.1.C*)

Senior Fellows (10445) and Senior Fellow Trainees (10442) who seek to perform work outside of their UW appointment must also seek approval through the UW Outside Work Approval process: http://www.washington.edu/admin/acadpers/faculty/outside_profwork.html. These trainees must complete the form 1460 and submit it to the GME Office together with the Request for Approval of Work Outside of the Training Program form.

Senior Fellow Trainees (10442) who seek to perform work outside of their UW appointment must also complete the Request to Perform Additional Work form located here: <https://depts.washington.edu/uwsom/research-and-graduate-education/training-grants-resources/gme-Trainee>.

Approval of any Outside Work activities is valid for the current academic year only. The Trainee must submit a new request to participate in such activities each academic year (generally July 1 – June 30).

Any Trainee found to be misrepresenting or underreporting Outside Work activities may be restricted from participating in these activities.

Limitations on External Moonlighting:

- **Scope of Practice:** Trainee must be competent to perform any clinical services that s/he will be credentialed to perform at that site. The scope of practice for External Moonlighting activities cannot require ongoing care of patients after the moonlighting shift(s) has ended.
- **Liability Coverage:** University of Washington professional liability coverage does not apply to external moonlighting activities. Trainees who engage in External Moonlighting activities must obtain confirmation of coverage by the site's malpractice insurance or obtain their own private malpractice insurance.
- **Medical Licensure:** Trainees engaging in External Moonlighting activities at non-UW Medicine and non-UW-Affiliated Sites must meet the licensure requirements of the state in which the moonlighting activities will occur. Trainees are required to hold a full medical license (MD) in Washington State when moonlighting. Under Washington State Law (RCW 18.71.095(3)), a limited license “. . . shall permit the resident physician to practice medicine only in conjunction with his or her duties as a resident/fellow physician and shall not authorize the physician to engage in any other form of practice.” Approval of External Moonlighting activities by the UW does not constitute the University's endorsement that the Trainee has the appropriate license. It is the Trainee's responsibility to ensure that s/he is appropriately licensed before engaging in any moonlighting activities.
- **DEA Registration:** Fee-exempt DEA registrations obtained through the UWSOM are restricted to activities performed by Trainees within the scope of their training program, Internal Moonlighting or Extra Pay for Extra Duty performed at UW Medicine Sites and UW-Affiliated Sites. A fee-exempt registration may also be obtained for work at federal state or local government-operated hospitals and institutions. Trainees who engage in External Moonlighting must obtain an individual DEA registration if prescribing during this activity.

Limitations on Internal Moonlighting:

- **Medical Licensure:** Trainees are required to hold a full medical license (MD) in Washington State when moonlighting. Under Washington State Law (RCW 18.71.095(3)), a limited license “. . . shall permit the resident physician to practice medicine only in conjunction with his or her duties as a resident/fellow physician and shall not authorize the physician to engage in any other form of practice.” Approval of Internal Moonlighting activities by the UW does not constitute the University's endorsement that the Trainee has the appropriate license. It is the Trainee's responsibility to ensure that s/he is appropriately licensed before engaging in any moonlighting activities.
- Endorsement by the Department Chair **and** approval by the GME Office of the Internal Moonlighting activity itself must be on file in the GME Office. Departments should request approval for new Internal Moonlighting activities by completing this form: <https://catalyst.uw.edu/webq/survey/uwgme/261782>.
- **Professional Fee Billing:** Billing by Residents, Chief Residents, Fellows, Senior Fellows and Senior Fellow Trainees who do not hold a faculty title such as Acting

Instructor (0124) for any services at UW Medicine and UW-Affiliated Sites is generally prohibited.

- **Liability Coverage:** University of Washington professional liability coverage may not apply to internal moonlighting activities. This will be determined on a case by case basis. Trainees who engage in Internal Moonlighting activities for which UW liability insurance is not extended, must obtain confirmation of coverage by the site's malpractice insurance or obtain their own private malpractice insurance.

Limitations on Extra Pay for Extra Duty:

- A request by the program for the Extra Pay for Extra Duty activity must be on file in the GME Office.
- Eligibility requirements to participate in Extra Pay for Extra Duty will be determined by Article 18 Section 3 of the UW/UWHA collective bargaining agreement.
- Program Directors or designees shall make all eligible and qualified residents aware of all available opportunities.
- The program director or designee will not arbitrarily deny extra pay for extra duty assignments to eligible and interested residents.
- Both the denial of eligibility and denial of assignment opportunity are subject to the residency and fellowship appointment agreement grievance policy and procedure.

Limitations on Additional Non-Clinical Research Work:

- Activities related to research projects by Senior Fellow Trainees must be approved in writing by the Trainee's Program Director **and** the Office of Research and Graduate Education (RGE) **PRIOR** to engaging in such activities.
- Such activities may not interfere or overlap with the Trainee's NRSA-supported experience.
- For Senior Fellow Trainees who receive stipend support from federal training grants and fellowships AND who are in an Accredited Training Program, refer to the RGE's [GME Research Trainees](#) webpage.
- For those who are NOT in an Accredited Training Program, refer to the RGE's [Postdoctoral Research Trainees](#) webpage.

Limitations for Visa Holders: Trainees with visas sponsored by the Educational Commission for Foreign Medical Graduates (ECFMG) or UW are subject to the following limitations:

- **J-1 Visas:** Compensation for activities outside the scope of the training program, whether clinical or non-clinical in nature, is not permitted for J-1 physicians. Under the US Code of Federal Regulations governing the Exchange Visitor Sponsorship Program, J-1 Exchange Visitor physicians sponsored by ECFMG "may receive compensation from the sponsor or the sponsor's appropriate designee for employment when such activities are part of the exchange visitor's program", and "an exchange visitor who engages in unauthorized employment shall be deemed to be in violation of his or her program status and is subject to termination as a participant in an exchange visitor program".
- **H-1B Visas:** H-1B visas are both position and employer specific. Therefore, moonlighting, extra work, or additional non-clinical work is permitted on an H-1B Visa issued for the training program only on a case-by-case basis, and the activity must be included in the petition to USCIS. If a Trainee wishes to engage in external moonlighting activities while in training, a separate petition specific to that activity must be submitted by the institution or employer at which the Moonlighting will occur.

Information on entering compensation for Outside Work activities into Workday:

Programs and departments can find information about entering compensation for activities within UW Medicine (Internal Moonlighting, Extra Pay for Extra Duty and some additional non-clinical work) here: <https://depts.washington.edu/uwsom/graduate-medical-education/gme-operations/workday>

Request for Approval for Work Outside of the Training Program

(Submit ONE form for each Outside Work activity requested)

Approval for Outside Work is granted subject to the conditions below and through the earliest of either the end of the current academic year or until change(s) to the approved Outside Work activities occurs. Submission of an updated Request for Approval must occur each subsequent year or immediately upon any change in the activities or narrative described below.

Please submit form with all fields completed. Incomplete forms will be returned to the program. For questions with the form, please contact the GME Office.

Section I: Disclosure of Proposed Outside Work Activity

1. Trainee Name: _____
2. Residency/Fellowship Program: _____
3. Physician/Dentist license number: _____
4. R-Level at Time of Activity: _____
5. Appointment Type: _____
6. Activity:
 - a. Describe the activities to be performed. Include the nature and scope of the activities and their relationship (or lack thereof) to your UW employment: _____

 - b. Clinical? Yes/No
 - c. Will the Activity be supervised? Yes/No
 - i. If yes, Name of Supervising Physician: _____
 - ii. Supervising Physician Email Address: _____
 - d. Site/Location _____
7. Dates upon which activities will begin _____ and end _____
8. Source(s) of compensation for activities: _____
9. Will professional fees be billed for this activity (See definition above)? (Check one)
☐ Yes, professional fees will be billed for my Outside Work activities.
☐ No, professional fees will not be billed for my Outside Work activities.
10. Will you be prescribing? (Check one)
☐ Yes, I will be prescribing and have obtained a Paid DEA registration (please attach copy of registration).
☐ No, I will not be prescribing.

11. Do you or any member of your immediate family, including any significant other:

- a. Have ownership or other Significant Financial Interest with the outside Organization (defined by UW Policy GIM 10: <http://www.washington.edu/research/policies/gim-10-financial-conflict-of-interest-policy/>)? Yes/No
- b. Have a management position? Yes/No
- c. Participate in day-to-day operations (e.g. as an employee)? Yes/No
- d. Have other significant or continuous involvement with the outside organization that is deeper than a usual consulting relationship? Yes/No
- e. For any indicated relationships, please describe the involvement:

Section II: Trainee's Certification

By signing this Request for Approval, I certify that the description of my requested Outside Work activities is accurate and true. I understand that any approval of the requested Outside Work activities is conditioned on my ongoing compliance with the following assurances, and will terminate upon failure to comply with any of the following:

- Outside Work will not interfere in any way with my educational experience, performance or regular Training Program responsibilities.
- I will not engage in Outside Work activities during my scheduled training program hours, including times when I am scheduled to be on-call or available for consultations as part of my Training Program.
- I must remain in good standing in my Training Program, as documented by satisfactory evaluations, in order to continue Outside Work activities.
- I must promptly update this Request Form to reflect any changes in my Outside Work activities.
- I may not engage in Outside Work activities in which there may be a conflict of interest with my appointment at the University of Washington.
- My Outside Work activities must comply with this Outside Work Policy and all applicable federal and State law and regulations.
- I agree to be bound by the following work hour limits: My total aggregate work hours, including both my activities as part of an Accredited Training Program and my Outside Work activities shall not exceed 80 hours per week when averaged over four weeks. Further, I will not be on duty more than 24 consecutive hours, and I will have at least 10 hours off after Outside Work activities and before the start of my training program activities [for Trainees in accredited programs only].
- I agree to enter all time spent in Outside Work activities into MedHub [for Trainees in accredited programs only].
- I must provide evidence of liability coverage from institution or my own malpractice insurance coverage during periods in which I am engaged in Outside Work activities outside of UW Medicine. I understand that the University of Washington malpractice insurance provided for my authorized training program duties may not cover Outside Work activities.
- I will not be visually identifiable as a Trainee, and will not hold myself out as a Trainee, in a UW residency/fellowship program when I am engaged in Outside Work.
- I understand that failure to comply with any of the foregoing conditions may result in withdrawal of permission to engage in Outside Work or other disciplinary actions.

I certify that I will comply with all of the foregoing conditions while participating in Outside Work activities:

Trainee Signature

Date

Section III: Program Director Approval/Disapproval

Will this activity occur at an approved training site for your program? Yes/No

Is trainee meeting performance expectations? Yes/No

Is trainee undergoing remediation or performance management? Yes/No

I have reviewed the above-noted request in addition to the expected duty hours and my determination regarding that request is as follows:

- ☐ Request Approved.
- ☐ Request Denied.

Program Director's Signature

Date

Graduate Medical Education Office Signature

Date