Guidelines for House Officer Extra Work for Extra Pay

Policy Number: GME - 005  
Version:  02  
Effective Date: December 9, 2009  
Updated:  07-01-2011

Description:
These guidelines provide clarification for professional and patient care activities by UCSD house officers external to the educational requirements of a UCSD training program.

Purpose:
Sponsoring institutions must develop policies and guidelines for “moonlighting” (which will be termed “extra work for extra pay” or “activities external to the educational requirements”) by UCSD house officers.

Scope:
House officers and program leadership of ACGME accredited/ABMS certificate training programs sponsored by UCSD.

Definitions:
The term “extra work for extra pay” refers to services that licensed house officers perform that are outside the scope of the educational requirements of an approved GME program.

Medicare regulates when a house officer in an approved training program can be counted for purposes of Medicare direct graduate medical education (“DGME”) and indirect medical education (“IME”). When house officers are providing physician services as part of their approved training program they may not bill a professional fee for the services provided. Medicare does allow house officers to bill Medicare for their patient-specific services as physician services when the services are provided outside of the scope of the approved training program in certain circumstances.

In order to engage in extra work for extra pay, a house officer must have an unrestricted California license in medicine, or osteopathy. Note: Holders of J-1, H-1B, and O-1 visas are generally ineligible to engage in extra work for extra pay and should contact the Office of Graduate Medical Education for further information.

In addition to the licensure requirement, Medicare also regulates where services external to the educational scope of the training program can be provided as follows:

• Approved Training Program Site.
  o Billable extra work for extra pay does not include services to inpatients of hospitals participating in the house officers approved training program.
  o Billable extra work for extra pay may include outpatient and emergency department services provided the services are identifiable and separate from services provided as part of an approved training program.
• Non-Approved Training Program Site.
  o Billable extra work for extra pay may include inpatient, outpatient or other ambulatory settings.

Abbreviations:
RCHSD: Rady Children’s Hospital of San Diego
VAMC: Veteran’s Administration Medical Center

POLICY:

I. Institutional Requirement and Responsibility

  a. House officers must not be required to engage in "moonlighting" or "extra work for extra pay."

  b. All house officers engaged in extra work for extra pay must be licensed in the State of California.

  c. It is the responsibility of the institution hiring the house officer to determine whether such licensure is in place, adequate liability coverage is provided, and whether the house officer has the appropriate training and skills to carry out assigned duties.

  d. UCSD liability coverage will not be extended to cover extra work for extra pay of the house officer that falls outside the course and scope of the individual’s University appointment unless UCSD is the specific contracting entity.

  e. Extra work for extra pay that occurs at UCSD, RCHSD and the VAMC, i.e., “internal extra work for extra pay,” shall be counted toward the 80 hour weekly limit on duty hours. In addition, a UCSD “GME/ABMS MSP Employment Contract” must be utilized. This is available through the Office of GME. Additionally, all external moonlighting hours must also be counted toward the 80 hour weekly limit.

  f. The program director must provide a prospective, written statement of permission allowing the house officer to engage in extra work for extra pay. This statement shall be made a part of the house officer’s permanent file.

  g. In the event a house officer is given permission for extra work for extra pay, the program director shall monitor the house officer for the effect of these activities upon performance in the trainee’s residency program. Adverse effects may lead to the withdrawal of permission for extra work for extra pay.

  h. The GMEC will oversee the training program’s implementation and monitoring of these UCSD guidelines.

  The GMEC may monitor the training programs’ compliance through periodic reviews/surveys conducted with the trainees and program directors and may require
reports from each program. The GMEC may audit the data provided to assure that each program has demonstrated its adherence to policy.

i. The UCSD guidelines for extra work for extra pay must be disclosed to applicants to the GME training programs and to all current trainees.

II. Training Program Responsibility

a. Each program director must develop a written policy and procedure document for extra work for extra pay that implements these guidelines. Programs may develop more restrictive policies or prohibit extra work for extra pay.

b. The program director must develop a mechanism for the house officers to communicate their request for permission to engage in extra work for extra pay. A sample request form and certification are appended to this document. The approval of a Request for extra work for extra pay is only valid for one academic year. The house officer must submit a new Request for Approval each year.

c. The program director must provide a prospective, written statement of permission to the house officer allowing the individual to engage in extra work for extra pay. This document will be made a part of the trainee’s file.

d. In accordance with each program’s policy and procedure document, the program director shall monitor the effect of extra work for extra pay upon the performance of the house officer in his/her training program. Adverse effects may lead to the program director withdrawing permission for extra work for extra pay.

e. The program director shall also monitor “internal and external extra work for extra pay” to assure that hours spent in that activity are counted toward the 80 hour weekly limit on duty hours.

III. House Officer Responsibility

a. House officers will not engage in activity or employment that will interfere with their obligation to the University in any way or to the effectiveness of the individual in the training program, including the quality of patient care rendered.

b. Trainees will comply with their program as well as UCSD guidelines regarding their professional and patient care activity outside of the UCSD training program.

c. House officers will communicate their request to engage in extra work for extra pay to their program director and will comply with the processes developed within their program to implement the UCSD guidelines for extra work for extra pay.
References:
ACGME Institutional Requirements
Medicare Regulations

Attachments:
UCSD House Officer Disclosure and Request for Approval of Extra Work for Extra Pay

Approval Dates:
GMEC December, 2009, updated July 1, 2011

Contact Information:
Office of Graduate Medical Education; http://meded.ucsd.edu/gme/
Section I: Disclosure of Proposed Moonlighting

1. Resident/Fellow Name: ____________________________________________________________

2. Residency/Fellowship Program: ____________________________________________________

3. Training Year: __________________________________________________________________

4. Specific description of the activity: _________________________________________________

5. Name of institution/organization: _____________________________________________________

6. Services rendered will be:
   - [ ] Inpatient
   - [ ] Outpatient

7. Dates upon which moonlighting activities will commence ______ and end ________

8. Average number of moonlighting hours worked per week: ___________________________

9. Maximum length of shift: _________________________________

10. Amount of time off (number of hours) between end of moonlighting shift and the beginning
    of the scheduled accredited program shift: ___________________________________________

11. Source(s) of compensation for moonlighting: _______________________________________

12. Will professional fees be billed for this activity? (Check one)
    - [ ] Yes, professional fees will be billed for my moonlighting activities.
    - [ ] No, professional fees will not be billed for my moonlighting activities.
Section II: House Officer's Certification: Extra Work for Extra Pay

By signing this Request for Approval, I certify that the foregoing description of my requested extra work for extra pay is accurate and true. I understand that any approval of this request is conditional on my ongoing compliance with the following assurances, and will terminate upon failure to comply with any of the following:

- Extra work for extra pay outside my approved training program will not interfere in any way with my educational experience, performance or regular training program responsibilities.
- I will not engage in extra work for extra pay during my scheduled training program hours, including times when I am scheduled to be on-call or available for consultations as part of my approved training program.
- I must remain in good standing in my approved training program, as documented by satisfactory evaluations, in order to continue extra work for extra pay.
- I must promptly update this Request Form to reflect any changes in my extra work for extra pay.
- I may not engage in extra work for extra pay in which there may be a conflict of interest with my appointment at UCSD.
- My extra work for extra pay outside the approved training program must comply with applicable federal and State law and regulations, as well as applicable licensing requirements.
- I agree to be bound by the following work hour limits: My total aggregate work hours, including both my activities as part of an approved training program and my extra work for extra pay 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 extra work for extra pay and before the start of my training program activities.
- I must provide my own malpractice insurance coverage during periods in which I am engaged in extra work for extra pay. I understand that the malpractice insurance provided by UCSD for my authorized training program duties does not cover extra work for extra pay unless UCSD is the specific contracting entity.
- I will not be visually identifiable or hold myself out as a UCSD house officer when I am engaged in extra work for extra pay unless UCSD is the specific contracting entity.
- I understand that failure to comply with any of the foregoing conditions may result in withdrawal of permission to engage in extra work for extra pay or other disciplinary actions.
- I will log my moonlighting hour in New Innovations

I certify that I will comply with all of the foregoing conditions while engaging in extra work for extra pay. Failure to do so may result in a loss of eligibility to moonlight.

________________________________________  __________________________
House Officer Signature                          Date

Section III: Program Director Approval/Disapproval

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. I concur that the UCSD duty hour requirements will not be exceeded. Approval for extra work for extra pay is granted solely subject to the above-noted conditions and through the earliest of either the end of the current academic year or until change(s) to the approved extra work for extra pay occurs. Submission of an updated Request for Approval must occur each subsequent year or immediately upon any change in the activities or narrative described above.

☑ Request Denied

________________________________________  __________________________
Program Director’s Signature                          Date