

NOTICE OF PROPOSED REGULATION

Date: February 15, 2006

REGULATION TITLE:
College of Medicine Resident Policies

REGULATION NO.:
6C1-5.0761

SUMMARY: The amendments incorporate current language concerning the status of resident physicians. The changes indicate that policies concerning fringe benefits, leave, and outside employment will be incorporated into the resident contracts rather than in the regulation.

AUTHORITY: BOG Resolution dated January 7, 2003

COMMENTS CONCERNING THE PROPOSED REGULATION SHOULD BE SUBMITTED WITHIN 14 DAYS OF THE DATE OF THIS NOTICE TO THE CONTACT PERSON IDENTIFIED BELOW.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED REGULATION IS: Rebecca J. Holt, Executive Secretary, 123 Tigert Hall, Post Office Box 113125, University of Florida, Gainesville, Florida 32611, 352-392-1358 office, 352-392-4387 facsimile, regulations@ufl.edu.

NAME OF PERSON WHO APPROVED THE PROPOSED REGULATION: Dr. Douglas Barrett, Sr. Vice President for Health Affairs

THE FULL TEXT OF THE PROPOSED REGULATION IS ATTACHED TO THIS NOTICE.

~~REGULATIONS~~RULES OF
~~DEPARTMENT OF EDUCATION~~
~~DIVISION OF UNIVERSITIES~~
UNIVERSITY OF FLORIDA

6C1-5.0761 ~~University of Florida~~ College of Medicine Resident Policies; ~~Fringe Benefits, Leaves and Outside Employment.~~

(1) The College of Medicine interns, residents and fellows ~~shall~~ consist of full-time or part-time appointees in a program of graduate medical education within an academic department in the College of Medicine who have the title of resident or fellow (hereafter referred to as residents). They are also known as "house officers". These appointees ~~are~~shall be graduates of a Liaison Committee for Medical Education (LCME) or American Osteopathic Association (AOA) approved medical degree program or have a valid certificate from the educational commission for foreign medical graduates or have a full and unrestricted license to practice medicine in a US licensing jurisdiction or be a graduate of medical school outside the US who has completed a Fifth Pathway Program provided by an LCME accredited medical school and be enrolled in postdoctoral training within a selected area of specialty. ~~Appointments are usually on a twelve-month basis and compensation is usually from Other Personal Services (OPS) funds. Shorter periods of appointment may be appropriate under some circumstances. Graduates of foreign medical schools must have all appropriate documentation, examination results and immigration status.~~ Salaried residents shall be entitled to fringe benefits, and abide by leave provisions and policies governing outside employment/activity as described in their resident contracts~~this rule~~.

(2) The position of the resident (the term resident applies to interns, residents and fellows) presents the dual aspects of a student in post-graduate training and a participant in the delivery of patient care. A resident's continuation in the training program is dependent upon satisfactory performance as a student and the maintenance of satisfactory professional standards in the care of patients. Behavior that reflects poorly on the professional standards, ethics and collegiality are all components of a resident's academic evaluation. Disqualification of a resident as a student or as a member of the health care team disqualifies the resident from further continuation in the program. Policies and procedures for discipline, grievances, nonrenewal, and dismissal shall be as set forth in the resident contract.

~~——(2) Fringe Benefits. Residents are eligible to receive benefits from life, disability and health insurance programs provided by the College of Medicine resident fringe benefit program and will remain covered under the health, disability and life insurance policies while on educational assignment.~~

~~——(a) Screening of residents for infectious diseases, prophylaxis/treatment for exposure to communicable disease and immunizations shall be provided directly by the College of Medicine or through arrangements with other health providers. All residents are required to have documentation of immunity to measles, mumps, hepatitis B, varicella and rubella, and to have an annual tuberculosis skin test. Residents shall be required to comply with the infection control policies and procedures of the facilities where their resident rotations occur.~~

~~——(3) Leave:~~

~~——(a) General Policies. Residents shall be entitled to leave with pay for the purpose of annual and sick leave depending upon the length of appointment during the academic year July 1~~

~~through June 30, as described in this section. Leave will be granted and charged in one day increments for each workday of leave requested and approved.~~

~~1. If specialty board regulations for annual and sick leave accrual and usage differ from that outlined in this rule, written notification of the board policy shall be completed by the program director (PD) and submitted to the Dean for approval. The confirmation of the board policy will be maintained in the respective department and the Office of the Dean.~~

~~2. The total maximum time a resident can be away from a program in any given year or for the duration of the residency program shall be determined by the requirements of the specialty board involved. If leave time is taken beyond what is allowed by the University or the applicable specialty board, the resident may be required to extend the period of activity in the Program accordingly in order to fulfill the appropriate specialty board requirements. The resident will be paid for makeup or extended time if funds are available. However, residents are not automatically entitled to additional training beyond the prescribed number of years in order to achieve board eligibility in the designated specialty. Any such extension of the residency and the required funding must be consistent with the specialty board requirements and be approved by the Program Director (PD) and the Dean of the College of Medicine or his designee.~~

~~3. Unused sick and annual leave are considered non-payable leave, and there is no entitlement for lump-sum payment for unused leave upon separation or completion of training.~~

~~4. All absences must be approved by the PD.~~

~~(b) Types of Leave~~

~~1. Sick Leave~~

~~a. All residents shall accrue sick leave at the rate of ten working days per year of full employment.~~

~~—— b. —— Residents shall be entitled to utilize sick leave for personal illness. Sick leave may also be used for serious illness or death in the immediate family (spouse, parents, brothers, sisters, children, grandparents, and grandchildren of both resident and spouse). The number of days allowed will be determined by the PD.~~

~~—— c. —— When sick leave is taken, such leave shall be reported when used on the appropriate Leave forms.~~

~~—— d. —— Sick leave may be advanced to residents proportionate to expected service. The amount of advanced sick leave will not exceed that which can be earned during the remainder of the academic year.~~

~~—— e. —— Sick leave which has been granted and used but not earned by the resident at the time of separation from the academic department will require an appropriate reduction for the value thereof in the final stipend payment.~~

~~—— f. —— Residents may not carry over unused sick leave to a new academic year.~~

~~—— 2. —— Annual Leave~~

~~—— a. —— All residents shall accrue annual leave at the rate of fifteen working days per year of full employment. Residents may be permitted to carry over unused annual leave to a new academic year, if it is consistent with departmental policy and approved by the PD. An excess of twenty five (25) workdays cannot be accumulated.~~

~~—— b. —— Annual leave shall be reported when used, and approved by the PD.~~

~~—— c. —— Annual leave should not be fragmented into less than one week periods except under unusual circumstances and must be taken at the time approved by the PD.~~

~~——d.—— Annual leave may be advanced to residents proportionate to expected service. The amount of advanced leave will not exceed that which can be earned during the remainder of the academic year.~~

~~——e.—— Annual leave which has been granted and used but not earned by the resident member at the time of separation from the academic department will require an appropriate reduction for the value thereof in the final stipend payment.~~

~~——3.—— Military Leave. Absences for temporary military duty (e.g., two-week annual training) may be taken from annual leave or if insufficient annual leave is accumulated, the resident must be placed on leave without pay for such absences. If activated from reserve to active duty status, the resident will receive thirty (30) days full pay before going on leave without pay. Insurance policies will remain in effect for dependents during period of active duty for one year. Additional extensions require special approval from the Dean of the College of Medicine.~~

~~——4.—— Holidays. Residents shall be entitled to observe all official holidays designated by the Department of Administration for state employees except when they are on call for clinical responsibilities. Residents on Veterans' Administration Medical Center (VAMC) rotations shall be entitled to observe all official holidays designated by the federal government for Veterans Administration employees except when they are on call for clinical responsibilities. When on duty or call for clinical responsibilities on designated holidays, this assignment will be considered as a part of the residency and will not result in extra remuneration.~~

~~——5.—— Leave of Absences.~~

~~——a.—— Educational Assignment: Residents shall be eligible for leave of absence with pay pertaining to education provided it is allowed by the appropriate board and approved by the PD.~~

~~—— b. —— Licensure Examination Leave for residents taking American specialty board and state licensure examinations will be authorized for compensated leave of absence at the discretion of the PD. The leave will not exceed the time actually required for taking the examination and for travel to and from the place of examinations. Only one licensure and one specialty exam shall be authorized per resident. Any additional absence will be charged to annual leave or leave without pay if annual leave is not available.~~

~~—— 6. —— Leave of Absence Without Pay.~~

~~—— a. —— Requests for maternity and paternity leave, or any other type of leave of absence without pay must be submitted to the PD for approval. The duration of maternity leave before and/or after delivery will be determined by the resident and her physician in consultation with the PD.~~

~~—— b. —— Leave of absence without pay for greater than six months will be unusual and require special approval by the PD.~~

~~—— c. —— Accrued annual and sick leave may be used prior to the resident being placed on leave without pay. Residents taking leave without pay can only use hours accumulated prior to the leave request; hours not yet accrued cannot be advanced since he/she will not earn leave while on leave without pay. The date of leave begins after annual and sick days are used.~~

~~—— d. —— In special circumstances, leave may be granted for residents involved in adoption with the advance approval of the PD.~~

~~—— e. —— The resident must submit in writing the request for leave of absence without pay for approval by the PD and the Director of Graduate Medical Education (DGME). The letter must contain the purpose of the leave of absence; the period of leave to be taken; if an extension is needed, the resident must write a new letter indicating the new date of return; acknowledgement~~

~~that the academic department will cover the insurance benefits for two to six months after which time the resident may purchase such coverage for a time period consistent with COBRA regulations; acknowledgement that the residency program may be extended by the amount of time taken as leave, as required by the Specialty Board.~~

~~7. Leave of Absence With Pay.~~

~~a. Under special circumstances consistent with a medically documented illness or disability, an approved leave of absence may be requested for a period not to exceed six months.~~

~~b. During such an approved leave of absence, eligible residents will continue to receive salary and all fringe benefits. Once long term disability coverage begins, the resident will be taken off payroll but benefits will continue for up to six months. After six months, the resident may purchase such coverage for a time period consistent with COBRA regulations.~~

~~c. Leave begins after annual and sick days are used. At the discretion of the PD, annual leave and sick leave may be advanced to a resident proportionate to expected service but cannot exceed that which can be earned during the remainder of the academic year.~~

~~d. The resident must submit in writing the request for leave of absence with pay for approval by the PD and the DGME. The letter must contain the purpose of the leave of absence; period of leave to be taken; if an extension is needed, the resident must write a new letter indicating the new date of return; and acknowledgment that the residency program will be extended by the amount of time taken as leave, as required by the Specialty Board.~~

~~e. Upon a resident's return from leave, a Return to Work Notification letter must be written to the DGME by the PD indicating that the resident has returned, the date of the return, the status of the resident's return to work and a statement regarding the resident's ability to resume the duties of the position.~~

~~8. Leave Requests Approval and Record Keeping. Residents have the responsibility of keeping their department informed of all leaves and obtaining the required approval from the PD. Each academic department is responsible for maintaining actual leave accruals. The leave records should indicate when the resident is on a Veterans Affairs Medical Center (VAMC) rotation and accruals and usage should continue to be recorded by the department. When a resident takes leave while on a VAMC rotation, a deduction should be made from both sets of records.~~

~~9. Outside Employment. In order to guarantee residents a full educational experience, the following policy regarding outside employment shall apply:~~

~~a. All residents must adhere to State University System Guidelines regarding outside activities/outside employment, conflict of interest, and additional compensation. Such outside activity includes private practice, private consultation, or other employment outside State government which is not part of assigned University duties and for which the University provides no compensation. Each program must have rules regarding outside and extracurricular activity which meets their specialty board requirements and University of Florida College of Medicine policy. Each program's rules regarding programmatic and nonprogrammatic professional activity must be reviewed by the Graduate Medical Education Committee (GMEC). A summary annual report of nonprogrammatic and programmatic professional activities of residents must be provided by the PD to the GMEC.~~

~~b. Any professional activities which are outside the established educational program must not interfere with the residents' educational process or quality care of patients. Programs, departments and services will be responsible for enforcement of this policy. Violation may lead~~

~~to immediate dismissal. Residents may not be required by their Programs to engage in outside activities. There are two usual categories of outside activity:~~

~~i. Programmatic Activity: These activities are initiated by departments to provide clinical experiences which often are not afforded within the standard curriculum and which usually occur at non-campus health care affiliates. Supplemental salary income is provided by the University to residents who participate in programmatic activities. A contractual agreement between the College of Medicine and sponsoring health care facility for programmatic outside activity must exist, with a copy sent to the GMEC. Compensation for this activity must be directed to the appropriate department for payment to participating residents. Such opportunities will be available to qualified residents without restrictions. All residents participating in programmatic outside activity must sign a Programmatic Professional Activity form (also called Certification for Special Duty), FA PR XDHC/10-94, incorporated herein by reference and which can be obtained from the appropriate Dean's Office for the College of Medicine. This must be signed by the Chair or PD and Dean or appropriate Dean's designee, or for Jacksonville residents, the Associate Chair or PD and the Senior Associate Dean for Jacksonville Programs or appropriate Senior Associate Dean's designee.~~

~~ii. Non-Programmatic Activity: These activities are initiated by the resident and do not involve any agreement between the College of Medicine and the outside employer. 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. Programs have total authority to decide whether Nonprogrammatic activities are allowed in keeping with their specialty board guidelines and curriculum. Nonprogrammatic activity of residents by the Gainesville Veterans~~

~~Affairs Medical Center is included in this policy. The resident is not provided with Self Insurance coverage nor is there University Workers Compensation coverage while engaged in nonprogrammatic activity. All residents participating in Nonprogrammatic Outside Activity must complete a Nonprogrammatic Professional Activity Form, May 2001, incorporated herein by reference and which can be obtained from the appropriate College of Medicine Dean's Office, that stipulates that the resident understands that the activity is not a College of Medicine employment duty; that the resident is fully responsible for malpractice coverage, workers compensation and other insurance; that the resident has made it clear to their outside employer or other recipient of services that they are not engaging in such outside activity as an employee, agent, or spokesperson of the University of Florida, or the State University System; that the resident understands and agrees that the University of Florida has no obligation, responsibility or liability for any injury or harm incurred during the performance of or a result of the outside activity. This form must have approval and signature by the Chair, Associate Chair or PD and the Dean of the College of Medicine or his designee.~~

Specific Authority: [BOG Resolution dated January 7, 2003-240.227\(1\) FS.](#)

~~Law Implemented 240.227(5) FS.~~

History--New 5-18-92, Amended 6-28-98, 7-3-01, _____.