

Policy of the Graduate Medical Education Committee
Section: Resident Supervision/Work Environment
Subject: Moonlighting
Number: 3.300
Date Developed: 7/20/2017
Last Review/Revision: 4/2005, 10/2007, 7/2011, 5/2014
Replaces: previous policy of Internal Moonlighting, dated 3/1994 and Moonlighting and Malpractice insurance Coverage While Moonlighting, dated 3/1994
ACGME Requirements: Institutional IV.B.2.1); IV.J.1.; Common II.A.4.j); VI G.1.; VIG.2.

Purpose

The purpose of this policy is to define what constitutes moonlighting activities in the residency setting which result in additional financial support to residents above their contractual residency stipend. This policy also sets forth the procedures for approval of such moonlighting activities.

This policy also serves to prevent inappropriate use of a residents' services in activities that residents cover as part of their educational program. Since residency training is a full-time educational experience, moonlighting must neither interfere with the resident's educational performance nor with the resident's opportunities for rest, relaxation, or independent study.

Definitions

Moonlighting: Any activity, outside the requirements of the residency program, in which an individual performs duties as a fully-licensed physician and receives direct financial remuneration.

Internal Moonlighting: Voluntary, compensated, independent medically-related work that is not related to approved Accreditation Council for Graduate Medical Education (ACGME) training programs and is performed in an outpatient department or an emergency department within UAMS or any of its related participating sites in which residents have their approved ACGME training program.

Examples of internal moonlighting: a child psychiatry fellow weekend rounding on the adult psychiatry inpatient unit at the Psychiatric Research Institute; a pediatric Emergency Medicine Fellow moonlighting at the UAMS Emergency Department.

External Moonlighting: Any voluntary, compensated, independent professional activity arranged by an individual resident, which is outside the course and scope of the approved

ACGME training program, that is outside of the UAMS system or any of its related participating sites.

Examples of external moonlighting: a resident performing physical examinations at a local/community psychiatric hospital; an emergency medicine resident doing ER shifts at a non-affiliated community hospital emergency department.

Resident: Any physician in an ACGME accredited graduate medical education program, including interns, residents and fellows.

Fellow: Any physician in an ACGME accredited program of graduate medical education who has completed the requirements for eligibility for the first board certification in a specialty. The term “subspecialty residents” is also applied to such physicians. Other uses of the term “fellow” require modifiers for precision and clarity, e.g., research fellow.

Residency: An ACGME accredited graduate medical education program to provide a structured educational experience designed to conform to the Program Requirements of a particular specialty.

General Considerations Regarding Moonlighting

1. A resident must not be required to moonlight.
2. A PGY-1 resident may not moonlight.
3. A resident who is on formal probation is prohibited from engaging in any moonlighting activities during the probationary period.
4. Internal moonlighting activity must comply with the following: (1) all State and Federal rules and regulations; (2) all accrediting organizations rules and regulations (e.g. Joint Commission for the Accreditation of Healthcare Organizations); (3) state law regarding line item salary maximums for a position’s authorized compensation; (4) UAMS’s credentialing policies and procedures.
5. The Program Director or his/her designee must approve or deny a resident’s request to participate in moonlighting activities. The decision to approve or deny a resident’s request to moonlight will depend on a number of factors including, but not limited to, interference with the resident’s responsibilities in the training program and the individual educational circumstances of the resident.
6. An individual residency program may decide that moonlighting activities are counterproductive to education and may not allow for any resident to participate in any moonlighting activities.

7. Moonlighting privileges may be curtailed or prohibited based upon any of, but not limited to, the following grounds:
 - (a) If it is determined that such activities interfere with the resident's opportunities for rest, relaxation, and independent study; or
 - (b) If it is determined that such activities interfere with the resident's patient care responsibilities and educational performance or if such activity adversely impacts the professional reputation of the resident and/or UAMS; or
 - (c) If such limitation is required by the appropriate organization(s) responsible for the accreditation/certification of graduate medical education programs; or
 - (d) If the resident fails to abide by the procedures outlined herein.

I. Internal Moonlighting

A. Specific Considerations Governing Internal Moonlighting

1. A resident can only be involved in internal moonlighting services that are not a part of their required or elective training activities in their current ACGME approved training program.
2. The internal moonlighting services performed by a resident must be separate and distinguishable from those services that are required as part of his/her ACGME approved training program at UAMS.

B. Determining Questions

Answering the following questions will assist in determining whether internal moonlighting services are separate and distinguishable from the resident's ACGME approved training program:

1. Will the resident work on the same unit during moonlighting activities as the training program?
2. Will the resident see the same patients during moonlighting and during the training program?
3. Will the resident Perform work which would require supervision if performed during the regularly scheduled hours of the approved training program?
4. Will the resident use any of the data from the patients seen during moonlighting as case studies for program papers or presentations?

If the answer to all of the above questions is "**no**" then internal moonlighting is possible.

C. Additional Requirements

1. A resident must be fully licensed to practice medicine, osteopathy, or podiatry by the State of Arkansas. The Arkansas State Medical Board residency-training exemption statute is not a license to practice medicine outside the scope of an ACGME approved training program.
2. Appropriate hospital credentialing must be in place for each resident participating in any moonlighting activities in an outpatient department or emergency department within University of Arkansas for Medical Sciences (UAMS) or any of its related participating sites in which residents have their approved ACGME training program.
3. UAMS' Liability Insurance Program provides professional liability coverage (malpractice insurance) for residents only during an approved ACGME program's training activities and does not cover any moonlighting activities. A resident must obtain individual malpractice insurance for any moonlighting activities.
4. Residents must obtain an individual DEA number for any moonlighting activity. Use of the UAMS Medical Center's, Arkansas Children's Hospital's, or any affiliated hospital's DEA number is prohibited.
5. When performing moonlighting services, a resident must not wear badges or other identifiers as a trainee in UAMS College of Medicine residency training programs.
6. A resident must report in New Innovations *all duty hours, including all moonlighting hours*. The Program Director and the individual resident must closely monitor moonlighting to ensure compliance with ACGME duty hour rules -- including the 80-hour rule -- to ensure that moonlighting does not interfere with a resident's ability to achieve the goals and objectives of the educational program. Failure to report moonlighting hours could result in suspension and/or dismissal from the training program.
7. A resident's income from a state institution must not exceed state regulations, in particular, a resident's compensation from UAMS, which includes residency stipend and all earnings from internal moonlighting, may not exceed the state line item position authorized.

D. Fellow Exception

Moonlighting services can only be performed in an outpatient setting or emergency department at the University of Arkansas for Medical Sciences (UAMS) or any of its related participating educational sites in which residents have their approved ACGME training program. Federal funding supports 100 percent of the FTE for the residents' inpatient time. Because Federal funding support for Fellows is less than 100 percent of the FTE, Fellows may participate in moonlighting in the inpatient setting at UAMS or any

of its related participating sites; however, fellows, may not provide billable professional services in the inpatient setting.

There are no other moonlighting exceptions for fellows other than the ability to work in an inpatient setting. All other additional clarifying requirements outlined herein for internal moonlighting must be met.

II. External Moonlighting

External moonlighting is any voluntary, compensated professional activity arranged by an individual resident, which is outside the course and scope of the approved training program; therefore, outside the University of Arkansas for Medical Sciences (UAMS) system and any of its related participating sites.

Please see above, Internal Moonlighting *Additional Requirements (I.C.)* which must be met for External Moonlighting as well.

III. Moonlighting Procedure

1. A resident must obtain a valid Arkansas Medical License; and
2. A resident must obtain a malpractice insurance policy that will cover the activity to be performed outside the training program, or ensure that the employing facility provides adequate insurance coverage to protect the professional activities; and
3. A resident must obtain his/her personal DEA number; and
4. A resident must obtain appropriate hospital credentialing (house staff credentialing is not acceptable); and
5. A resident must submit to his/her Program Director a written request for moonlighting using the Moonlighting Request Form at the end of this policy and copies of the above four items. The Program Director will keep these items in the resident's file.
6. The Program Director or his/her designee must complete the Moonlighting Request Form and obtain approval signatures of the Department Business Administrator and the Department Chair.
7. The Program Director must submit the completed Moonlighting Request Form and the Moonlighting Activities Yearly Participation Form with the necessary signatures to the Associate Dean for GME.
 - a) The GME office prefers, that if possible, multiple individuals for a single moonlighting activity/location be submitted as one request.
8. After review of the Moonlighting Request, the Associate Dean for GME must submit the request to the Executive Associate Dean for Education for signature.
9. Written documentation of approval for the requested moonlighting activity is then provided by the GME office to the Program Director. This written permission must be contained in the resident's file and state the following: "the resident's

performance will be monitored for the effect of moonlighting activities upon performance and that adverse effects may lead to withdrawal of permission.”

10. The Residency Program must keep an active list of all residents participating in moonlighting activities.

References:

1. 42 CFR 425.208
2. ACGME Institutional Requirement IV.J.1
3. ACGME Common Requirement VI.G.2
4. Medicare Benefit Policy Manual, Chapter 6, Section 90

Moonlighting Activity Request Form

Date of Request: _____

Residency Program: _____

Is resident/fellow participation in this activity ongoing from year to year? Yes or No

If not ongoing, list the date range of the activity. _____

Name of activity: _____

Location of activity: _____

*List the average number of hours/week resident(s) will participate in this activity _____

*List the average number of times/week resident(s) will participate in this activity _____

How many residents will participate in this activity? _____

Description of Activity:

Responsibilities of Resident:

Sources of additional financial compensation to the resident(s):

Program Director:

Name _____ Signature _____ Date _____

Department Business Administrator:

Name _____ Signature _____ Date _____

Department Chair:

Name _____ Signature _____ Date _____

GME Office will obtain signatures below

Associate Dean for GME:

Name _____ Signature _____ Date _____

Associate Executive Dean for Education:

Name _____ Signature _____ Date _____

*If more than one person participates in this supplemental clinical activity, the time commitment reflects all residents combined.

Moonlighting Activities Yearly Participant Form

Program name: _____

Date range of activity: _____

Activity: _____

List below the name of each resident in the program who has participated in the above named IMA during the time frame listed.

Resident names and PGY year:

_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

If anything regarding this activity has changed since initial approval (i.e., who supervises, resident responsibilities, etc) please describe below.

Program Director _____

Date _____