

## MOONLIGHTING

### PURPOSE

The purpose of this policy is to set forth the University of Tennessee College of Medicine (“UT College of Medicine” or “Sponsoring Institution”) policies and procedures governing Moonlighting (defined below) by residents or fellows (individually a “resident” or collectively “residents”) enrolled in an ACGME-accredited graduate medical education program sponsored by UT College of Medicine (each a “Program” or “GME Program”).

### REFERENCE

In accordance with Section IV.K.1. of the ACGME Institutional Requirements, the Sponsoring Institution must have a policy on Moonlighting. Residents must not be required to engage in Moonlighting and residents must have written permission from their Program Director to Moonlight. Programs are required to monitor the effect of Moonlighting activities on a resident’s performance in the Program, including that adverse effects may lead to withdrawal of permission to Moonlight. The Sponsoring Institution or individual Programs may prohibit Moonlighting by residents.

### DEFINITIONS

**Clinical and Educational Work Hours or Work Hours:** has the meaning set forth in the UT College of Medicine GME *Resident Clinical and Educational Work Hours Policy*.

**Moonlighting or Moonlight:** means voluntary, compensated, medically related work, performed beyond a resident’s clinical experience and education hours, additional to the work required for successful completion of a Program.

**External Moonlighting:** means voluntary, compensated, medically related work performed outside the site where the resident is in training, or at any of its related participating sites.

**Internal Moonlighting:** means voluntary, compensated, medically related work within the site where the resident is in training or at any of its related participating sites.

### POLICY

#### I. General

UT College of Medicine discourages resident Moonlighting due to the potential negative impact Moonlighting may have on a resident’s educational growth as well as the challenges Moonlighting can present in ensuring compliance with ACGME requirements governing Clinical and Educational Work Hours, fatigue mitigation, and fitness for duty.

Residents must not participate in Moonlighting if it violates the GME Work Hour scheduling and reporting requirements described below. PGY-1 residents are not allowed to Moonlight and Programs are prohibited from requiring residents to Moonlight.

Residents with J-1 or J-2 visas are not permitted to Moonlight. Residents with H-1B visas cannot Moonlight under a UT College of Medicine sponsorship.

Any resident requesting to Moonlight must be in good academic standing. Residents on active Performance Improvement Plans are not eligible for moonlighting experiences.

## **II. Work Hour Considerations**

All time spent by residents in Moonlighting activities, whether Internal or External, must be counted toward the 80-hour weekly maximum for Clinical and Educational Work Hours, as detailed in the UT College of Medicine GME Resident Clinical and Educational Work Hours Policy (310). Residents who Moonlights are required to accurately log their Moonlighting hours and site location in New Innovations. Residents must meet their professional responsibility to report to work and training appropriately rested and fit to provide safe, effective patient care. Violations of this Moonlighting Policy may result in disciplinary action, up to and including dismissal.

## **III. Licensing and Professional Liability Coverage**

Each resident approved to Moonlight is responsible for maintaining the appropriate state medical licensure for the location of his/her Moonlighting services (*see* the UT College of Medicine GME *Licensure Exemption Policy*) and is also responsible for maintaining separate professional liability insurance for all Moonlighting activities. The Tennessee Claims Commission Act does not cover Moonlighting, whether Internal or External, by residents. Residents are not permitted to supervise other residents while Moonlighting.

## **IV. Request and Approval**

To ensure that professional activities outside the Program do not interfere with the ability of the resident to achieve the goals and objectives of the resident's Program, the Program Director must annually approve all extramural professional activities, including Moonlighting.

To receive permission to Moonlight, residents must submit a written request to his/her Program Director. The request shall identify the location and schedule for the proposed Moonlighting, who will provide professional liability coverage, and whether the resident will participate in Internal or External Moonlighting.

If approved, the Program Director will include a written statement of permission in the resident's file and will monitor the effect of the resident's Moonlighting activities. Adverse effects on the resident's performance may lead to withdrawal of permission to Moonlight.

Individual Programs may have additional Moonlighting restrictions and will distribute their Program policy and procedures to residents and faculty. Moonlighting must not interfere with a resident's ability to achieve the goals and objectives of his/her Program, must not interfere with the resident's fitness for work nor compromise safety. (ACGME Common Program Requirement - Core requirement).