

## VI. POLICY ON MOONLIGHTING

Revised 9/13/2023

---

### I. References

In accordance with Section IV.K.1 of the ACGME Institutional Requirements, the Sponsoring Institution must have a policy on moonlighting. Residents shall not be required to engage in moonlighting and residents must have written permission from their Program Director to moonlight. All ACGME-accredited 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 any of its ACGME-accredited programs may prohibit moonlighting by residents.

### II. Definitions

1. Moonlighting: voluntary, compensated, medically related work, performed beyond a resident or fellow's clinical experience and education requirements, including education hours, and additional to the work required for successful completion of a residency program. Moonlighting includes:
  - a. Expanded Clinical Activity (ECA): additional voluntary clinical work beyond the hours usually assigned as part of a residency or fellowship training program which is within the scope of the current training program for which the resident/fellow ("trainee") is compensated beyond the regular annual salary specified in the Tulane residency employment contract. The ECA complies with training requirements established by the ACGME, including but not limited to requirements for faculty supervision and work hour limitations; occurs under the direction of a faculty member associated with the training program; and is provided only at a participating institution at which the trainee's residency or fellowship program has established rotations.
  - b. Internal Moonlighting: professional activity that is outside the course and scope of a trainee's educational program and that takes place at a participating institution at which the trainee's residency or fellowship program has established rotations. Trainees are not covered by Tulane professional liability insurance for internal moonlighting activity and are not supervised by an attending physician.
  - c. External Moonlighting: professional activity that is outside the course and scope of a trainee's educational program, and that takes place at a hospital/clinic that is not a participating institution at which the trainee's residency or fellowship program has established rotations. Trainees are not supervised by an attending physician while providing external moonlighting services. The trainee must have professional liability insurance coverage either purchased by the trainee or the entity hiring the trainee for moonlighting service. A trainee is not covered by Tulane's professional liability insurance for external moonlighting activity.
2. Resident: an individual enrolled in a graduate medical education residency program

sponsored by Tulane University School of Medicine. For purposes of this Policy and the School of Medicine's additional GME Policies, "resident" includes "fellows", individuals enrolled in a fellowship (subspecialty) program sponsored by the School of Medicine who has completed a residency program in a related specialty.

### **III. Moonlighting Requirements**

1. All residency programs must have a written policy regarding Moonlighting that identifies whether or not the residency program allows residents to Moonlight and, if a residency program permits Moonlighting, eligibility for Moonlighting and applicable parameters (including maintenance of acceptable performance). Each residency program policy must be in compliance with this Policy, relevant state and federal laws and regulations and any applicable ACGME Institutional, Common Program, Specialty/Subspecialty and Residency Review Committee Requirements. A residency program's Moonlighting policy may be more restrictive, but not less restrictive, than this Policy.
2. No PGY-1 resident may be permitted to Moonlight.
3. A resident may not Moonlight if the resident holds a J-1 visa or if Moonlighting is otherwise restricted under the terms of the resident's visa, as applicable.
4. Residents are not permitted to wear any article of clothing that could connect the resident to the Sponsoring Institution while participating in External Moonlighting, including but not limited to, white coats or scrubs that have "Tulane University School of Medicine" or a residency program name, logo, or emblem on them.
5. Programs may not require residents to engage in Moonlighting. Tulane University School of Medicine and/or any of its residency programs may prohibit Moonlighting at any time.
6. A resident who wishes to engage in Moonlighting, whether **Expanded Clinical Activity**, Internal Moonlighting, or External Moonlighting, must be in good standing and receive written approval from his/her Program Director (See Approval for Resident Moonlighting Form). **The Program Director's written permission must be included in the resident's training record maintained by the residency program with a copy to the GME Office.** A resident seeking to Moonlight must obtain approval at least each academic year from the resident's Program Director, or more frequently as set by program policy.
7. Moonlighting must be conducted in compliance with relevant state and federal laws and regulations. All residents who engage in Moonlighting must have all licenses and registrations necessary to engage in Moonlighting, including Drug Enforcement Agency (DEA) licenses or registrations. Residents may only engage in approved Moonlighting activities in the State of Louisiana.
8. Residents must also have or carry professional liability coverage extending to the resident's Moonlighting activities. Professional liability insurance coverage (including any self-insurance coverage) provided to residents by Tulane University School of Medicine or by

its participating sites cannot be used by residents for the purpose of Internal or External Moonlighting and such policies do not provide coverage for claims or alleged malpractice arising out of resident Moonlighting activities, whether Internal or External. It is further the responsibility of the resident and the employer for which a resident is Moonlighting, to determine whether the resident has the appropriate licensure, training, and skills to carry out Moonlighting duties.

9. Moonlighting must be conducted in accordance with the established institutional principles in the *Policy on Clinical and Educational Work Hours*. Program Directors are responsible for monitoring the effect of Moonlighting on a resident's performance in the educational program. Hours devoted to Moonlighting must be counted toward the 80-hour weekly work hour limit as outlined in the *Policy on Clinical and Educational Work Hours*. Residents are responsible for maintaining and logging accurate works hours and time spent Moonlighting.
10. Moonlighting is a privilege, and it must not interfere with the ability of a resident to achieve the goals and objectives of his/her residency program and must not interfere with the resident's fitness for work nor compromise patient safety. The Moonlighting privilege may be revoked by the Program Director or by the DIO at any time, including if the Program Director or DIO believes that Moonlighting is adversely affecting the resident's ability to provide effective patient care, adversely affecting the resident's participation in the residency program, is putting the resident at risk of a work hours violation, is causing excessive fatigue or if the resident fails to accurately report Moonlighting hours.
11. A violation of this Policy may result in immediate suspension or dismissal in compliance with the *Policy on Remediation, Suspension, Dismissal and Grievance*.

#### **IV. References/Associated Policies**

- Tulane University School of Medicine, Graduate Medical Education *VIII. Policy on Clinical and Educational Work Hours*
- Tulane University School of Medicine, Graduate Medical Education *XV. Policy on Remediation, Suspension, Dismissal and Grievance*
- Approval for Resident Moonlighting Form *Appendix I*

## **APPROVAL FOR RESIDENT MOONLIGHTING**

*(addendum to Moonlighting Policy approved 9/13/2023)*

Individual specialties may have specific restrictions for moonlighting that supersede the GME Policy. Residents/Fellows should consult with their Program Directors prior to accepting moonlighting assignments of any kind to ensure they are in compliance with their program's requirements.

Please check type of activity you will be performing:

**Expanded Clinical Activity (ECA):** additional voluntary clinical work beyond the hours usually assigned as part of a residency or fellowship training program which is within the scope of the current training program for which the resident/fellow ("trainee") is compensated beyond the regular annual salary specified in the Tulane residency employment contract. The ECA complies with training requirements established by the ACGME, including but not limited to requirements for faculty supervision and work hour limitations; occurs under the direction of a faculty member associated with the training program; and is provided only at a participating institution at which the trainee's residency or fellowship program has established rotations.

### **ECA Requirements:**

- PGY-1 residents are not allowed to moonlight under this scenario.
- The trainee must be in good academic standing.
- The trainee is supervised by an attending physician.
- The Expanded Clinical Activity can be done with a physician in training permit.
- Tulane's professional liability insurance covers the Expanded Clinical Activity.
- Hours worked COUNT towards ACGME Work-Hour requirements and limits and must be logged in MedHub by the trainee.
- ECAs can only be done on off hours or evening hours and cannot be done during night float or Tulane rotations.
- If, in the opinion of the Program Director or the trainee's Clinical Competency Committee, an ECA adversely affects the trainee's performance, these privileges may be revoked.

**Internal Moonlighting:** professional activity that is outside the course and scope of a trainee's educational program and that takes place at a participating institution at which the trainee's residency or fellowship program has established rotations. Trainees are not covered by Tulane professional liability insurance for internal moonlighting activity and are not supervised by an attending physician

### **Internal Moonlighting Requirements:**

- PGY-1 residents are not allowed to moonlight under this scenario.
- The trainee must be in good academic standing.
- The trainee must have professional liability insurance coverage which either the trainee or the hiring entity has purchased.

- The trainee must have a full Louisiana medical license.
- Hours worked COUNT towards ACGME Work-Hour requirements and limits and must be logged in MedHub by the trainee.
- If, in the opinion of the Program Director or the trainee’s Clinical Competency Committee, an ECA adversely affects the trainee’s performance, these privileges may be revoked.

**External Moonlighting:** professional activity that is outside the course and scope of a trainee’s educational program, and that takes place at a hospital/clinic that is not a participating institution at which the trainee’s residency or fellowship program has established rotations. Trainees are not supervised by an attending physician while providing external moonlighting services.

**External Moonlighting Requirements:**

- The trainee must be in good academic standing.
- The trainee must have professional liability insurance coverage either purchased by the trainee or the entity hiring the trainee for moonlighting service. Trainee is NOT covered by Tulane’s professional liability insurance for external moonlighting activity.
- The trainee must have a full Louisiana medical license.
- The trainee must have Drug Enforcement Agency (DEA) licenses.
- Trainees are not permitted to wear any article of clothing that could connect the resident to the Sponsoring Institution
- Residents may only engage in approved Moonlighting activities in the State of Louisiana.
- A resident may not Moonlight if the resident holds a J-1 visa or if Moonlighting is otherwise restricted under the terms of the resident’s visa, as applicable.
- Moonlighting can only be done on off-hours or evening hours and cannot be done during night float.
- If, in the opinion of the program director or the clinical competency committee, moonlighting activities are adversely affecting the resident’s performance, moonlighting privilege may be revoked by the program director.

**Name of Resident:** \_\_\_\_\_ **PGY Level:** \_\_\_\_\_

**Moonlighting Facility & Service:** \_\_\_\_\_  
 (A new form must be completed for each facility)

**Description of Moonlighting Activity:**

**Dates and Hours of Proposed Moonlighting:**

**Maximum Number of Hours of Moonlighting:** \_\_\_\_\_/week or \_\_\_\_\_/month

**In addition** (please check each statement below),

I understand that the aforementioned activities are a privilege and an aspect of my professional activity that is separate and apart from my residency training.

I understand that I will not let these activities conflict with my attendance of or assigned clinical duties in my training program, and that they can only be done on off-hours or evening hours outside of scheduled residency shifts.

I understand that these activities are subject to the established institutional principles in the [GME Policy on Clinical and Educational Work Hours](#) and that these hours must be counted toward the 80-hour weekly work hour limit as outlined in the Policy on Clinical and Educational Work Hours, and that I am responsible for maintaining and logging these hours in MedHub.

I have read the Tulane [GME Policy on Moonlighting](#) and my training program's Policy on Moonlighting, and understand that a violation of either of these policies may result in immediate suspension or dismissal in compliance with the GME [Policy on Remediation, Suspension, Dismissal and Grievance](#).

\_\_\_\_\_  
Signature of Resident

\_\_\_\_\_  
Date

**For Internal and External Moonlighting:**

Resident Name (please print):

Medical License #

**Required Attachments:**

1. Professional Liability Insurance in the resident's own name
2. Federal Drug Enforcement Agency (DEA) Certificate

**TO BE COMPLETED BY THE PROGRAM DIRECTOR (please check):**

I approve the above request for:

Expanded Clinical Activity                      Maximum number of hours:                      /month

Internal Moonlighting                              Maximum number of hours:                      /month

External Moonlighting                              Maximum number of hours:                      /month

This resident is in good standing.

Signature of Program Director

Date

**A signed copy of this form must be retained in the trainee's department file.**