

<b>Policy Name:</b>	<b>Moonlighting Policy</b>				
<b>Approval Authority:</b>	GMEC	<b>Adopted &amp; Approved</b>	October 13, 2020	<b>Reviewed:</b>	
<b>Responsible Office:</b>	GME Office	<b>Contact:</b>	<a href="mailto:gmeadmin@vcuhealth.org">gmeadmin@vcuhealth.org</a> , 828-9783		

**1. Policy Statement:**

The moonlighting policy for residents and fellows in all Graduate Medical Education (GME) training programs of the Virginia Commonwealth University Health System (VCUHS) follows requirements established by the Accreditation Council of Graduate Medical Education (ACGME), including maximum allowable work hours. Each program should have their own program specific moonlighting policies that take into account the specific ACGME Residency Review Committee (RRC) requirements for that specialty and can be more restrictive but not less restrictive than this policy. Moonlighting activities are voluntary and cannot be a mandated part of a training program.

**2. Reason for Policy**

Moonlighting is the trainee’s participation in any clinical activity that occurs outside of the normal residency/fellowship training program requirements. This policy defines the minimal components required for effective oversight of trainee moonlighting and extra clinical duties.

**3. Who Should Read This Policy**

Residents, fellows, program directors, and program coordinators.

**4. Resources**

<https://www.cms.gov/>

**5. Definitions**

*Moonlighting:* Any professional or clinical activities for which a trainee receives pay or compensation in excess of their VCU Health employment contract.

*Internal moonlighting:* Additional clinical services provided within the VCU Health System and its affiliates in a capacity as an attending, outside of the normal training requirements.

*External moonlighting:* Additional clinical services provided outside of the VCU Health System and its affiliates in a capacity as an attending, outside of the normal training requirements.

*Extra clinical duties:* Additional clinical services provided within the VCU Health System and its affiliates in a capacity as a trainee, outside of the normal training requirements.

*VCUHS:* Virginia Commonwealth University Health System

*GME:* Graduate Medical Education

*ACGME:* Accreditation Council of Graduate Medical Education

*RRC:* Residency review committee

*DEA:* Drug Enforcement Agency

**6. The Policy**

Moonlighting can occur at VCU Health (internal and extra clinical duties) or at a location outside of the VCU Health System (External) provided that the trainee is in good standing in their current training program. Residents on J-1 Visas are prohibited from moonlighting. All moonlighting, regardless of type, requires pre-approval from the trainee’s program director and the graduate medical education (GME) office. Applications should be completed and submitted to the GME office at least 30 days prior to the expected start date of the moonlighting, which should not begin until approval from the GME office is received. Applications will be reviewed by GME compliance for evaluation of continued eligibility every 6 months.

### **Requirements by type of Moonlighting**

1. **External moonlighting activities:** Professional and/or clinical activities occurring outside of the auspices of VCU Health System for which the trainee receives pay or compensation in excess of their VCU Health contract. The trainee is typically functioning as an attending physician and does not require supervision. This type of moonlighting requires the trainee to acquire malpractice coverage and DEA licensing outside of that provided to trainees by VCU Health. Additionally, the trainee must have a full unrestricted license and is responsible for credentialing at the outside institution.
2. **Internal moonlighting activities:** Professional and/or clinical activities occurring within the VCU Health System and its satellite locations, including Central Virginia VA Healthcare System, Richmond (as a Licensed Independent Practitioner), for which the trainee receives pay or compensation in excess of their VCU Health contract. The trainee is typically functioning as an attending physician in their core specialty and does not require supervision. For example, a pediatric critical care fellow moonlighting as a pediatric emergency department attending. This type of moonlighting requires the trainee to acquire a personal DEA license as well as a full unrestricted medical license. Additionally, the trainee is responsible for appropriate credentialing and malpractice acquisition.
3. **Extra Clinical Duties:** Optional clinical activities occurring within the VCU Health System and its satellite locations, including Central Virginia VA Healthcare System, Richmond (as a Physician Resident Provider), for which the trainee receives pay or compensation in excess of their VCU Health contract. For this type of moonlighting, the trainee continues to function as a trainee in a capacity consistent with their PGY level with supervision consistent with that level of training. The department/training program in which the extra clinical duties are being performed is responsible for cost of extra clinical duties. No additional malpractice, medical licensure or credentialing is required if performed at the VCU Health System; however, extra clinical duties performed at the Central Virginia VA Healthcare System, Richmond does require a full unrestricted medical license.

**Departmental Policies:** Each residency training program must have a specific departmental policy regarding moonlighting. The departmental policy should be consistent with this general institutional policy, and should include the relevant general and special requirements of its ACGME Residency Review Committee (RRC). These policies cannot be less restrictive than the GME policy; however, they may be more restrictive. Program directors have the authority and discretion to prohibit or limit moonlighting and extra clinical duty for any program or trainee in the event they find that the activity is not in the best interest of the program and/or the trainee. **Moonlighting activities are voluntary and cannot be a mandated part of a training program.**

*Departmental policies must specifically state:*

- If moonlighting is permitted.
- During which training years the resident/fellow are permitted to moonlight.
- During which rotations the trainee can moonlight.
- The maximum number of hours a trainee can moonlight in a 2-week period (24 hours maximum).
- The process and consequences followed should the trainee be found to be in violation of the departmental or institutional policy, or if moonlighting is thought to be interfering with the performance of the resident/fellows training program responsibilities.

By ACGME policy, PGY-1 residents are not permitted to moonlight. All other trainees cannot engage in moonlighting activities until at least 3 months of satisfactory training at VCU Health has been completed, unless granted an exception by the DIO.

### **Process for approval of moonlighting activities**

1. Trainee completes the moonlighting application and acquires the appropriate additional licensing and malpractice coverage, if necessary, for the type of moonlighting in which they will be participating.
2. The application is first submitted to the trainees' program director and program coordinator for approval.
3. Once departmental approval is received, the application is then submitted to the GME office with the appropriate documentation (see requirements by type of moonlighting) for the moonlighting type at least 30 days prior to the start of the moonlighting activities
4. Once approval from the GME office is received the trainee may participate in the moonlighting activities applied for.
5. 6 months from the start of the moonlighting activity, the trainee's application will be reviewed, and re-approval documented in the resident management software (New Innovations).

The trainee is responsible for maintaining a current up to date moonlighting/extra clinical duties application as well as maintenance of appropriate professional liability insurance, licensure and certification. It is also the trainee's responsibility to maintain an accurate log of clinical work hours including these moonlighting hours. A separate application is required for each site at which moonlighting is going to occur. If there is a change to the original site at which the trainee is moonlighting or if there is a change in the level of responsibility of the moonlighting activities a new application must be submitted to the GME office for approval.

### **Billing Considerations**

Moonlighting must not violate Centers for Medicare and Medicaid Services (CMS) rules that govern federal government support for positions that receive CMS funding. Individuals who may appear on a hospital's Medicare Cost Report may not bill third-party payers such as Medicare for professional services. This means under most circumstances trainees, regardless of licensure (limited or full), cannot moonlight as an attending physician at any of their residency or fellowship training sites. Exceptions may be permitted for subspecialty fellows in non-ACGME accredited programs or those whose scope of work for the moonlighting activities is restricted to their primary specialty.

### **Oversight of moonlighting and extra clinical duties**

- The program director must ensure that moonlighting does not interfere with the ability of the trainee to achieve the goals and objectives of their educational program.
- If moonlighting is permitted, the trainee's performance must be monitored for the effect of these activities upon daily performance.
- The Program Director may prohibit or rescind approval of any moonlighting activity at any time if he/she believes that the trainee's performance or learning is suffering, patient care is in jeopardy, undue fatigue has resulted, or other substantive issues have arisen.
- Time spent by trainees in Internal and External Moonlighting as well as extra clinical duties must be documented and considered within the ACGME clinical work hour regulations.
- If there is a change in the site of moonlighting or the scope of clinical duties, the GME office should be contacted and a new application submitted for approval.

### **Revocation of Moonlighting/Extra Clinical Duty Privileges**

Permission for moonlighting/extra clinical duties can be revoked or suspended at any time by the Program Director or the GME office. The duration of the suspension is at the discretion of the Program Director.

Reasons to revoke or suspend permission for moonlighting or extra clinical duties (include but are not limited to the following):

- Underperformance in the training program.
- Failure to comply with the GME policy on moonlighting and extra clinical duties.
- During periods of FMLA or LOA.
- Recurrent failure to accurately document clinical work hours associated with moonlighting.