

# **VCU Health System**

## **Graduate Medical Education Policy**

### Resident Moonlighting

#### **Policy**

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). It is the Program Director's responsibility to develop program-specific moonlighting policies and criteria for participation. These program-specific policies may be more restrictive than the GME policy but not less restrictive. Program Directors may prohibit moonlighting for all residents in his/her program but cannot require it. If moonlighting is allowed, the procedures specified below must be followed.

#### **Background**

Moonlighting is the resident's participation in any clinical activity that occurs outside of the residency training program.

Two types of moonlighting are recognized:

1. **External moonlighting activities:** These are clinical activities occurring outside of the auspices of VCU Health System. VCU Health System does not provide malpractice coverage for such activities, nor are such activities covered by the resident's training license. The resident is responsible for obtaining appropriate and necessary licenses and malpractice coverage.
2. **Internal moonlighting activities:** Internal moonlighting activities are optional clinical activities based at VCUHS and its affiliates (e.g., Richmond Veterans Administration Medical Center) beyond the minimum requirements established by an RRC providing additional learning opportunities for a resident or fellow. Residents participating in these activities must have a full Virginia license and must work under the supervision of a faculty member at all times. A resident may not bill for any services provided, and, similar to required residency rotations, his/her scope of practice is based upon level of training and experience as defined in departmental policies.

Residency and fellowship programs normally require the full time efforts of participating residents. Moonlighting activities, whether internal or external, may be inconsistent with sufficient time for rest and restoration to promote the residents' educational experience and safe patient care. Therefore, institutions and program directors must consider all moonlighting requests carefully and closely monitor all moonlighting activities.

#### **Departmental Policies**

Each residency training program must have a specific departmental policy on moonlighting. Each department's policy must be consistent with this general institutional policy, and with the relevant general and special requirements of its ACGME Residency Review Committee (RRC).

Departmental policies must specifically state whether their residents may moonlight. If residents

are allowed to moonlight, the policy must also specify those levels of training (e.g., PG1, PG2, etc.) for which moonlighting is permitted, whether there is a defined upper limit of duty hours for regular duty and moonlighting combined, and whether internal or external moonlighting is allowed. The departmental policy should also address the process and consequences should the resident or fellow be found to be in violation of the departmental or institutions moonlighting policies or if moonlighting is thought to be interfering with the performance of residency or fellowship responsibilities.

### **Approval of moonlighting activities**

1. Residents must request approval from the program director before engaging in moonlighting activities. Moonlighting must not occur before specific approval is granted. Approval for moonlighting is time-limited, and is granted for 6 months at a time. The resident who wishes to moonlight must provide the Program Director with a separate, written request form (see Attachment 1) for each moonlighting activity. This request must contain the following items: place, statement of duties and estimated number of hours per week for each moonlighting activity. In applying for approval for moonlighting activities, the resident understands and agrees that outside employment will not be considered an excuse for poor job performance, absenteeism, tardiness, early departure, refusal to travel, refusal to work overtime or different hours, or refusal to accept additional assignments.
2. Professional liability insurance (malpractice) provided as a benefit to each resident covers only the performance of his/her duties in the training program and includes approved internal moonlighting but does not cover external moonlighting activities. VCUHS is not responsible for the cost of additional professional liability insurance or any other costs related to external moonlighting. The resident should attach to the request form written evidence of insurance coverage (malpractice) for moonlighting activities. (Note: Moonlighting at the Richmond VA Medical Center does not require malpractice insurance.)
3. The resident must provide evidence of full and unrestricted licensure with their written request to participate in moonlighting activities. The training license (limited license) is not adequate.
4. The Program Director should consider the moonlighting request and take into account the following questions when making a decision:
  - a. Is the resident in good standing in the program?
  - b. Does the resident have a record of poor job performance, attendance problems, or excessive use of leave?
  - c. Will the proposed moonlighting activity interfere with the clinical or educational activities of the residency or fellowship?
  - d. Does the proposed moonlighting activity have the potential to cause undue fatigue?

- e. Will the proposed moonlighting activity cause the resident to violate ACGME standards on duty hours, including total duty hours, time off between work periods, or one day off in seven?
  - f. Is the proposed moonlighting activity commensurate with the level of training, experience and competence of the requesting resident?
5. If the Program Director approves the resident's request, he or she should concur by signing the statement of permission on the request form. The request form with approval signature is made a part of the resident's permanent file.
6. The resident must inform the outside employer that the residency or fellowship is of top priority. The outside employer must agree to accommodate the residency or fellowship schedule and avoid schedule conflicts; in addition, the outside employer should have no expectation that the resident will be available to work during his or her scheduled duty hours at MCVH and its affiliated institutions.
7. It is the resident's responsibility to notify his or her Program Director of any changes in moonlighting (place, hours, duties) and to obtain approval for such changes.

### **Oversight of moonlighting**

1. Because residency education is a full-time endeavor, the program director must ensure that moonlighting does not interfere with the ability of the resident to achieve the goals and objectives of the educational program. If moonlighting is permitted, the residents' performance must be monitored for the effect of these activities upon performance. The Program Director may prohibit or rescind approval of any moonlighting activity if he/she believes that the resident's performance or learning is suffering, patient care is in jeopardy, undue fatigue has resulted, or other substantive issues have arisen.
2. Moonlighting that occurs within the residency program and/or the sponsoring institution or the non-hospital sponsor's primary clinical site(s), i.e., internal moonlighting, must always be counted toward the limits on duty hours. External moonlighting (i.e., outside the sponsoring institution and major affiliates) may also be counted toward the limits on duty hours as per departmental and program policies. The resident has primary responsibility for ensuring that he/she maintains compliance with work hour rules at all times.
3. If moonlighting activities create resident fatigue sufficient to jeopardize patient care, the resident should be sent home to rest. Back-up support systems must be provided by the training program in these circumstances.

This revised policy was approved by the VCUHS Graduate Medical Education Committee on June 13, 2006. The last revision of this policy was approved January 2000.

**VCU Health System Resident Moonlighting Policy**  
**Attachment 1: Request to engage in moonlighting activity**

Resident Name: \_\_\_\_\_

Training Program: \_\_\_\_\_

Current PGY Level: \_\_\_\_\_

Requested Moonlighting Site: \_\_\_\_\_

Is this moonlighting activity (check one):

- Internal (to be performed within VCUHS or the McGuire VA Hospital)  
 External (outside of VCU Health System and McGuire VA Hospital)

Estimated Hours per shift : \_\_\_\_\_ Estimated Hours per week : \_\_\_\_\_

Description of duties: \_\_\_\_\_  
\_\_\_\_\_

I have attached the following:

- Copy of full, unrestricted and current medical license
- Copy of insurance (malpractice) certificate showing coverage in force for outside employment

I certify that I understand and agree to the following:

- Outside employment will not be considered an excuse for poor job performance, absenteeism, tardiness, early departure, refusal to travel, refusal to work overtime or different hours, or refusal to accept additional assignments.
- I have informed my outside employer that the residency or fellowship is of top priority. The outside employer has agreed to accommodate the residency or fellowship schedule and avoid conflicts with my educational program.
- I will inform the program director of any changes, corrections or additions to moonlighting place, schedule, duties or total work hours. Additional moonlighting sites require an additional form.
- I understand that internal moonlighting hours (VCUHS or McGuire VA Hospital) count toward the duty hour limit, and I will not moonlight in excess of my program's limits.
- My approval to moonlight may be revoked if difficulties with learning, performance, patient care, fatigue or other issues arise.
- This approval is time-limited and applies for six (6) months from date of signing only.

**Signed:** \_\_\_\_\_ **Date:** \_\_\_\_\_  
(Resident Signature)

**Approved:** \_\_\_\_\_ **Date:** \_\_\_\_\_  
(Program Director Signature)

**For all internal moonlighting activity:**

**Approved:** \_\_\_\_\_ **Date:** \_\_\_\_\_  
(Director, Graduate Medical Education)