

SUNY DOWNSTATE MEDICAL CENTER
GME POLICIES AND PROCEDURES



Office of Graduate Medical Education

University Hospital of Brooklyn
College of Medicine
School of Graduate Studies
College of Nursing
School of Health Related Professions
School of Public Health

SUBJECT: POLICY ON MOONLIGHTING

Originating Department: Graduate Medical Education
Date Approved by GMEC: 12/18/2019
Original Date: 5/13/2011
Revisions: 9/16/2015, 12/18/2019

In accordance with section IV.J.1, IV.J.1.a-d) of the ACGME Institutional Requirements, the Sponsoring Institution must have a policy on moonlighting that includes the following: residents/fellows must not be required to engage in moonlighting; residents/fellows must have written permission from their program director to moonlight; an ACGME-accredited program will monitor the effect of moonlighting activities on a resident's/fellow's performance in the program, including that adverse effects may lead to withdrawal of permission to moonlight; and, the Sponsoring Institution or individual ACGME-accredited programs may prohibit moonlighting by residents/fellows.

Purpose:

To comply with ACGME Common Program and Institutional Requirements, Part 405 of the Regulations of the New York State Department of Health (the "Part 405 Regulations") and to establish a work environment with physicians fit for duty, conducive to resident/fellow education and the provision of safe and effective patient care. The following Policy is established for restricting or approving and monitoring medically related work which is not related to training program requirements or expectations performed by residents or fellows from any GME program sponsored by SUNY Downstate (each a "Program"). Duty hours compliance and moonlighting rules conform to the Part 405 Regulations and ACGME Requirements.

Scope:

This Policy applies to all Programs, Program participating sites, faculty, residents and fellows of graduate medical education programs sponsored by SUNY Downstate Medical Center and the educational, clinical or patient care activities of residents and fellows at any clinical facility.

Definitions:

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

Internal Moonlighting: voluntary, compensated, medically-related work (not related to training requirements) performed within the institution in which the resident is in training or at any of its related participating sites.

Program Director: the one faculty member appointed as program director with authority and accountability for the overall program, including compliance with all applicable program requirements.

SUNY DOWNSTATE MEDICAL CENTER
GME POLICIES AND PROCEDURES

Residents: also referred to collectively as “house staff”, or “trainees” – all enrolled doctors in an ACGME-accredited program of graduate medical education, including “fellows”.

Policy:

“Moonlighting” is prohibited unless (1) explicitly authorized in writing by the Program Director (2) the moonlighting is consistent with the Part 405 Regulations and with ACGME Duty Hours restrictions. (See SUNY Downstate GME Policy on Duty Hours), and (3) the moonlighting is conducted in compliance with this Policy. In no event shall residents be required to engage in any form of moonlighting. PGY1 residents are not permitted to moonlight.

Residents must devote themselves to the performance of Program requirements. Any permitted moonlighting must not interfere with the ability of the resident/fellow to achieve the goals and objectives of his or her Program.

Programs must have a written policy regarding moonlighting that identifies whether or not the Program allows residents to moonlight and, if a Program allows moonlighting; eligibility for moonlighting and applicable parameters (including maintenance of acceptable performance, hours and locations). Residents shall not moonlight while on call for a Program.

All residents engaged in External Moonlighting must be licensed or possess a permit for medical practice in the state where the moonlighting occurs. Internal Moonlighting does not require an independent license or permit provided the resident is under the supervision of program faculty or appropriately privileged and qualified physicians. It is the responsibility of the facility hiring the resident to verify that the physician is appropriately licensed or otherwise legally permitted to practice medicine. The resident and hiring facility must further assure that adequate professional liability coverage is provided for the moonlighting resident's services and shall independently determine whether the resident has the appropriate training and skills to carry out assigned duties. Professional liability coverage for external moonlighting activities is NOT provided through SUNY Downstate graduate medical education programs.

Permission to moonlight as a physician must be granted in writing by the Program Director following a written request from the resident. As part of the request, the resident shall provide the Program Director:

- (1) Proposed location of employment.
- (2) Responsibilities.
- (3) Schedule (number of hours per session, number of sessions per week, and times scheduled to work), including a statement and acknowledgement by the resident that the total of all hours spent in training and in moonlighting activities must be reported, will be counted and must comply with all duty hours rules and limitations and policies, including required duty-free rest periods between shifts and per week.
- (4) Acknowledgement that the trainee's performance in the training program will be monitored and that permission for moonlighting will be withdrawn if any adverse effect on trainee performance, the program or on patient care is noted.
- (5) An acknowledgement that liability coverage for moonlighting activities is not provided through SUNY Downstate's graduate medical education programs and that it is the responsibility of the resident to ensure that appropriate professional liability coverage is in place for his/her moonlighting activities,
- (6) Such additional information as may be requested or required by the Program or Program Director to evaluate the resident's request to moonlight.

A resident's request to moonlight and written approval by the Program Director should be submitted to the GME Office by the Program Director. A copy of the record of outside employment and permission will be included in the trainee's personnel folder and resident file. The Program Director may withhold or withdraw a moonlighting approval at any time, as the Program Director deems appropriate. The GME Office must be notified in writing of any withdrawal of approval of moonlighting.

Residents/fellows must report and record their moonlighting hours. Each Program Director shall maintain accurate records of all moonlighting hours and hours in approved outside employment by his/her postgraduate trainees (as reported by the trainees) so that he/she will have a record of their moonlighting activities.

**SUNY DOWNSTATE MEDICAL CENTER
GME POLICIES AND PROCEDURES**

All time spent by residents/fellows in Internal or External Moonlighting must be counted toward the ACGME work hour limit and comply with all other duty hour rules of the ACGME, the Part 405 Regulations and SUNY Downstate policies. In the event that violations of the work hours limitations are revealed, including failure of notification of moonlighting activities, appropriate disciplinary action may be taken against the resident according to the SUNY Downstate GME Grievance and Due Process Policy.

Performance of residents/fellows engaging in Internal or External Moonlighting must be monitored for any effect of these activities on performance in the training program or clinical environment, such as increased fatigue, which may lead to withdrawal of permission for moonlighting.

This Policy supersedes all prior, similar and/or related versions and revisions.

Approved by the GMEC and DIO, effective 12/18/ 2019



Chairman of the GMEC



DIO