

**SUNY DOWNSTATE MEDICAL CENTER  
HEALTH SCIENCE CENTER AT BROOKLYN  
GRADUATE MEDICAL EDUCATION  
POLICIES AND PROCEDURES**

**Title:**

**POLICY ON MOONLIGHTING**

**Purpose:**

To comply with New York State DOH Health Code Section 405 Regulations, ACGME Common Program and Institutional Requirements 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 GME Committee 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. Duty hours compliance and moonlighting rules conform to NYSDOH Section 405 regulations and ACGME Common Program Requirements revisions which are currently in effect.

**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 with 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 physician designated with authority and accountability for the operation of the residency/fellowship program.

*Residents or Fellows:* Also referred to collectively as “house staff”, doctors engaged in a program of graduate medical education under the tutelage and supervision of appropriately qualified faculty and attending staff.

**Policy:**

"Moonlighting" is prohibited unless explicitly authorized by the respective Chairperson or Program Director and is consistent with the New York State Health Code Section 405.4 requirements and ACGME Duty Hours Restrictions.

Moonlighting must not interfere with the ability of the resident/fellow to achieve the goals and objectives of the educational program. PGY1 residents are not permitted to moonlight. Residents must not be required to engage in any form of “moonlighting”. 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 while under the supervision of program faculty or appropriately privileged and qualified physicians. It is the responsibility of the facility hiring the resident to moonlight to determine whether such licensure is necessary and in place, assure adequate liability coverage is provided if needed, and establish whether the resident has the appropriate training and skills to carry out assigned duties.

Permission to moonlight as a physician must be granted in writing by the Chairperson or Program Director and should be submitted to the GME Office. This information will be included in the resident’s file. The information provided to the Chairperson shall consist of:

- (1) Proposed location of employment

- (2) Responsibilities
- (3) Schedule (number of hours per session, number of sessions per week, and times scheduled to work) and statement that total of all hours spent in training and in moonlighting activities will be counted and comply with all duty hours rules and limitations including required duty-free rest periods between shifts and per week.
- (4) Statement that postgraduate trainee 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.

Each Program Director/Chairperson shall maintain a record of all time spent 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. Each Program Director/Chairperson shall ensure that a copy of the record of outside employment and permission is provided to the GME Office for inclusion in the trainees' personnel folders. All time spent by residents/fellows in internal or external moonlighting must be counted towards the 80-hour maximum weekly hour limit and comply with all other duty hour rules of the ACGME and of NYS DOH Section 405.4 regulations. In the event that violations of the work hours limitations are revealed, to include failure of notification of moonlighting activities, appropriate disciplinary action may be taken against the postgraduate trainee concerned according to the GME Committee 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.

***Policy revised and updated on 5/13/2011. This Policy supersedes all prior, similar and/or related versions and revisions. Revisions approved by GMEC 5/18/11. Effective immediately upon approval. Revised and updated 08/19/2015.***

**Revision reviewed and approved by GMEC: September 16, 2015.**