

MOONLIGHTING

The University of Tennessee College of Medicine Chattanooga has established an institutional GME Moonlighting Policy in accordance with ACGME Requirements. Residents* are not required by the institution, the hospital, or the programs to participate in moonlighting activities. Each program must also maintain an individual program moonlighting policy that must be made available to its trainees.

Moonlighting is defined as any professional activity outside the course and scope of a Resident's approved training program. Practice activities permitted outside the educational program vary with each program and the academic performance level of each Resident. To ensure that professional activities outside the program do not interfere with a Resident's performance, permission to participate in extramural professional activities must be approved in advance by the appropriate Program Director. If approved, the Program Director must include a written statement of permission in the Resident's file and must continue to monitor the effect of these outside activities. Adverse effect on performance may lead to withdrawal of permission.

Moonlighting must not interfere with the ability of the Resident to achieve the goals and objectives of the educational program, and must not interfere with the Resident's fitness for work nor compromise patient safety.

Time spent by Residents in internal and external moonlighting (as defined in the ACGME Glossary of Terms) must be counted toward the 80-hour maximum weekly limit.

PGY-1 Residents are not permitted to moonlight.

Residents on J-1 visas cannot moonlight, nor can Residents on H-1B visas moonlight under their University of Tennessee sponsorship. Individual programs may have additional moonlighting restrictions and will distribute their program policy and procedures to Residents and Faculty.

Moonlighting is strongly discouraged and must be approved in advance by the Program Director. Before seeking permission to moonlight, Residents should closely review and understand this GME Policy on Moonlighting.

Residents should not participate in moonlighting if it will violate the GME policy that Residents should have eight hours of time off from duty before participating in moonlighting activities and before returning to duty after moonlighting.

If written approval for a moonlighting activity is received from the Program Director, the Resident must enter in New Innovations all time spent in Internal and External Moonlighting including any voluntary, compensated, medically-related work performed inside (not related with training requirements) or outside the institution where the Resident is in training or at any of its related participating sites.

Per CMS Guidelines for Teaching Physicians, Interns, and Residents, moonlighting services furnished by a Resident must be physician services that are not related to your training program. If the moonlighting occurs outside your regular training facility, the services are considered as physician services when the first two bullets listed below are met. Medical services provided as moonlighting that occur within the facility in which your regular training occurs are covered as physician services when the requirements in all three bullets listed below are met. When these criteria are met, the services are considered furnished in your capacity as a physician, not in your capacity as an Intern or Resident: the medical and surgical services you furnish must meet the criteria below:

- The services are identifiable physician services, the nature of which require performance by a physician in person and contribute to the diagnosis or treatment of the patient's or treatment of the patient's condition;
- You are fully licensed to practice medicine or osteopathy by the State in which the services are performed; and
- The services furnished can be separately identified from those services that are required as part of the training program.

Internal moonlighting should be limited to advanced Fellows and may only occur if the three conditions above have been met and approval has been granted by the Program Director.

Given permission from the Program Director for a Resident to moonlight, the Resident is responsible for maintaining the appropriate state medical license where moonlighting occurs and separate malpractice insurance. The Tennessee Claims Commission Act does not provide Residents immunity from professional liability when they are moonlighting. Violation of this Moonlighting Policy could result in disciplinary actions up to and including dismissal from the University of Tennessee GME Programs.

A trainee interested in moonlighting must request permission from the Program Director and have the Program Director approve moonlighting via the form described in GME Policy #355. The Program Director must have the form acknowledged by the Associate Dean/DIO. All moonlighting must be approved in advance and must be monitored by the program and documented in New Innovations as Clinical Experience and Educational Work Hours (formerly called Duty Hours). If a program permits moonlighting, the Program Director is responsible for monitoring the moonlighting activities in regard to stress and fatigue. Moonlighting must not impair performance in the residency program. Some departments do not allow moonlighting under any circumstances. Other departments allow Residents to moonlight under special procedures. Residents interested in moonlighting should discuss thoroughly with the Program Director and Chair and must follow the program's policies and procedures for approval and reporting.

Moonlighting activities, whether in external facilities or within the Erlanger Health System, must be logged as Clinical Experience and Educational Work Hours and counted in the total hours worked, and would be subject to the GME Clinical Experience and Educational Work Hours Policy and restrictions.

*The term "Resident" references both Resident and Fellow trainees.

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