Moonlighting and Other Professional Activities Outside the Scope of Residency and Fellowship Training
IUSM-GME-PÓ-0013

Scope
This policy applies to all Indiana University School of Medicine (IUSM) Graduate Medical Education (GME) resident physicians.

Reason for Policy
The purpose of this policy is to define moonlighting and policies governing moonlighting and other professional activities during a residency training program.

Policy Statement
Moonlighting is defined as any professional activity conducted or arranged by an individual resident which is outside the course and scope of the approved residency or fellowship program, whether or not the resident receives additional compensation. Historically, the use of the descriptors “internal” and “external” would not alter the fact
that both are moonlighting and both are beyond the course and scope of the approved residency or fellowship program.

Per the ACGME Common Program Requirements, “Moonlighting must not interfere with the ability of the resident to achieve the goals and objectives of the educational program.” IUSM believes that all moonlighting by residents and fellows is inconsistent with the educational objectives of residency and fellowship training. Further, moonlighting could interfere with consistently safe patient care and prevent sufficient rest and preparation for the residency and fellowship educational requirements. This includes any moonlighting done during paid time off, which is intended to provide residents and fellows with a necessary break from workplace activity. All moonlighting requests and disclosures will be closely monitored by the program directors and the GME Office. Residents must not be required to engage in moonlighting for the program or the department.

All professional fee billing by residents and fellows must comply with the CMS requirements regarding Services for Moonlighting Residents. Residents are permitted to moonlight in the following settings:

- In an outpatient department or emergency room of a hospital where the resident is in a training program;
- Outside the institution where the resident has the training program.

Under CMS requirements, residents may not moonlight on inpatient services.

Procedures

Clinical and Educational Work Hours
When monitoring the moonlighting activities, the program directors will consider the ACGME work hour regulations which limit the residents to 80 hours per week. All moonlighting must be reported and counts toward the 80-hour average. PGY-1 residents are not permitted to moonlight (see Work Hours and the Work Environment on the Policies and Procedures page in the online GME House Staff Handbook). All time spent moonlighting must be entered in MedHub with the other work hours.

Program Policy Required

All residency and fellowship training programs must have a written policy that addresses professional activities outside the educational program to include moonlighting. The policy must specify that residents will not be required to engage in moonlighting.

State Licensure Requirements

All residents engaged in moonlighting must be licensed for unsupervised medical practice in the State of Indiana, and must have their own DEA registration number and Indiana CSR. It is the responsibility of the hiring institution and the program director to determine whether the resident has the appropriate training and skills to carry out the proposed duties. It is the shared responsibility of the hiring institution, the program director, and the Office of GME to verify that the resident is complying with the expectations of the moonlighting policy.
Medical Malpractice Coverage

It is the responsibility of the resident to demonstrate with documentation by individual name the appropriate medical malpractice coverage. Proof of coverage must accompany the MedHub Moonlighting Request.

The requirement for specific certification of malpractice coverage in the name of the resident must be obtained for ALL moonlighting. This requirement also pertains to all moonlighting taking place at IUSM affiliated hospitals including Indiana University Health Methodist, IU, and Riley Children’s Hospitals, Eskenazi Health, Roudebush VAMC, Indiana University Health West Hospital, and Indiana University Health North Hospital.

Indemnification

Indiana University Residency/Fellowship Insurers will have no responsibility for acts or omissions occurring outside the jurisdiction of the hospitals or the training program assignments. This includes resident engagement in employment outside the training program, Indiana University, the Schools of Medicine or Dentistry, any of the affiliated hospitals.

Documentation

The program director must be fully informed about any moonlighting activity by the resident. This includes any moonlighting activity planned for time considered paid time off from duties. Moonlighting activities and schedules must be submitted in writing, in advance, to the program director. The MedHub Moonlighting Request must be used. Program-specific forms may supplement yet not replace the Moonlighting Request. The program director must acknowledge awareness that the resident is moonlighting by reviewing and approving the Moonlighting Request in MedHub. The program director may at any time determine whether or not the activity is detrimental to the resident’s progress or standing in the training program. These procedures apply to all moonlighting activities regardless of whether or not the trainee is being paid for the activity.

GME Office

If a resident is planning on engaging in moonlighting activity, a Moonlighting Request in MedHub must be submitted to the GME Office, in advance of moonlighting. Proof of medical malpractice coverage must be submitted with the form.

Repercussions for Noncompliance

Residents engaging in moonlighting activities that have not been approved by the program director risk dismissal from the program. If it comes to the program director’s attention that a resident’s moonlighting schedule coincides with the training program assignments, the resident may be subject to disciplinary action, up to, and including termination. If it is determined that the moonlighting activity is interfering with the training of the resident, the program director may require the resident to reduce or terminate the moonlighting activity.
**Resident Responsibilities**

A. Complete the Moonlighting Request in MedHub for each moonlighting location and submit the form(s) annually to the program director.

B. Complete a new Moonlighting Request prior to any change in moonlighting status.

C. Provide documentation of an unrestricted Indiana permanent license, DEA registration number and Indiana CSR.

D. Provide documentation of specific medical malpractice coverage in the name of the resident to all of the following: the hiring institution, the program director, and Office of GME. All moonlighting requires this documentation.

E. All moonlighting hours must also be documented in MedHub on a daily, every-other-day, or weekly basis, by the resident.

**Visa Issues**

H-1B Visas:
Residents on H-1B visas may accept moonlighting employment, if approved by the program director, and only if the employer of the moonlighting employment obtains approval for the concurrent employment from the INS by filing a new H-1B petition for concurrent employment for the resident. The Moonlighting Request in MedHub and documentation are required as above.

J-1 Visas:
Residents on J-1 visas may not engage in moonlighting in the United States. The J-1 visa only grants permission for the residents to undergo medical training, not moonlighting, in the United States.

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**Definitions**

*ACGME* is the Accreditation Council for Graduate Medical Education.

A *resident* is an IUSM resident or fellow, or a non-IUSM resident or fellow electively rotating through IUSM and provides clinical care as part of a GME program.

*CMS* is the Centers for Medicare and Medicaid Services.

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**Implementation**

The Designated Institutional Official (DIO) for GME is responsible for implementation of this policy.

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**Oversight**
Policy authority for this document resides with the Graduate Medical Education Committee. The DIO and the Graduate Medical Education Committee are responsible for oversight. This policy will be reviewed every three years or more often if deemed necessary.

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**Related Information**

**ACGME Common Program Requirements**

The ACGME Common Program Requirements can be found at:


**CMS Guidelines**


**GME House Staff Handbook Policies and Procedures Page on Work Hours**

The Policies and Procedures page in the online GME House Staff Handbook can be found at:


**Automated Moonlighting Requests-MedHub**

**Non Reappointment and Termination of Appointment (formerly IUSM Grievance, Discipline and Termination Policy)**

The IUSM Non Reappointment and Termination of Appointment Policy can be found at:

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**History**

1. Policy IUSM-GME-PO-0013 approved by GMEC and published on 13 July 2016.
2. Policy reviewed, updated, and approved by GMEC on 13 July 2016.