

Moonlighting (Internal and External)

Purpose

Define and explain the process for internal and external Moonlighting while serving as a resident/fellow.

General

All moonlighting activities, both internal and external, are voluntary and cannot be mandated as part of the training program. Each program should have their own specific moonlighting policies that are consistent with their ACGME Residency Review Committee (RRC) specialty specific program requirements. These policies must address: which PGY level are trainees permitted to moonlight; which rotations the trainee can moonlight; and the maximum number of hours each month a trainee is allowed to moonlight. By ACGME policy, PGY-1s are not permitted to moonlight. Program policies can be more restrictive, but not less restrictive, than this policy.

Fellows are allowed to moonlight as an attending physician in their core specialty, but not the subspecialty for which they are a fellow. For example, an MFM fellow can moonlight as an attending physician in general OB/GYN. This type of moonlighting requires the trainee to have their own personal state medical license and DEA license. For administrative purposes, this is considered external moonlighting.

Moonlighting must not violate Centers for Medicare and Medicaid Services (CMS) rules that govern federal government support for positions that receive CMS funding. Individuals who may appear on a hospital's Medicare Cost Report may not bill third-party payers such as Medicare for professional services. This means that under most circumstances, trainees cannot moonlight as an attending physician at any of their residency or fellowship training sites. Exceptions may be permitted for subspecialty fellows in non-ACGME accredited programs, or those whose scope of work for the moonlighting activity is restricted to their primary specialty (see example above).

Internal Moonlighting

Internal Moonlighting (formerly known as Elective Rotation with Added Stipend) is defined as anytime a resident/fellow is provided an additional stipend for engaging in program related clinical activity that is outside of the normal training requirements. These experiences are elective in nature and require the same supervision/evaluation as other educational activities. For this type of moonlighting, the trainee is not required to have their own personal state medical license.

GME programs cannot financially incentivize clinical rotations or clinical responsibilities that are part of the program's normal curriculum. This includes when trainee-staffed clinical responsibilities are compromised by illness, pandemic, natural disaster, etc.

It should be the expectation of all stakeholders (Program Directors, faculty, residents, fellows) that these core operations are staffed by available trainees without incentivization beyond their standard stipend rate, insofar as they do not violate ACGME duty hour requirements or any other EVMS GME policies. It is recommended that each program develop backup systems to cover for unexpected trainee staffing shortages.

GME programs can financially incentivize clinical responsibilities (through moonlighting opportunities) that are outside of the regular rotations that are part of the program's core curriculum. These opportunities should be unique and easily distinguishable from required clinical rotations by all invested parties. These incentivized responsibilities must not violate ACGME duty hour requirements or any other EVMS GME policies and must be completely voluntary. The program/faculty cannot pressure or encourage residents/fellows to moonlight.

Program Directors must submit the Internal Moonlighting Approval Form prior to allowing the Internal Moonlighting activity. All Internal Moonlighting must be approved by the Program Director, EVMS Graduate Medical Education and the Director of Risk Management.

Procedures for Internal Moonlighting

The Program Director must:

1. Complete a Request for Internal Moonlighting Application (see attached).
2. Monitor duty hours and ensure the combined hours of educational activity in the training program and in the internal moonlighting activity are in compliance with the ACGME requirements.
3. Only approve residents/fellows in good academic standing within the training program for participation. Placement on Early Intervention, Remediation or Probationary status automatically disqualifies a trainee from participation in any moonlighting activity.

External Moonlighting

External Moonlighting is defined as anytime an agent other than Eastern Virginia Medical School pays a trainee in cash or kind for services. All moonlighting activities must have the approval of the Program Director, the Vice-Dean for GME, and the Director of Risk Management. Approval for moonlighting activities requires the completion of a Request for Approval of Moonlighting Application. Eastern Virginia Medical School has no moral, legal, and/or ethical obligation to the trainee who participates in moonlighting activities. Below are important factors to consider when externally moonlighting:

- Trainee must be in good academic standing within the training program. Early Intervention, Remediation, or Probationary status automatically disqualifies a trainee from participation in moonlighting activities.
- Malpractice and worker's compensation insurance and/or any other fringe benefits ordinarily afforded trainees by Eastern Virginia Medical School will not be in effect during the moonlighting activity.
- The combined hours of educational activity in the training program and the moonlighting activity must not exceed work hour limits set by the program or the national accrediting entity (i.e., ACGME).
- The moonlighting activity must not interfere with the trainee's education program or fitness for duty.
- Trainees on J-1 visas are not eligible for moonlighting activities.
- H-1 visa holders are eligible for moonlighting only when joint sponsorship of the H-1 visa is obtained.
- Fellows may moonlight in an institution affiliated with their training program as supervising faculty for core program residents.
- The fellows must have appropriate back-up in case patient care activities required skills for which the fellow is in training. Fellows must have a set schedule for the moonlighting activities.

Procedures for External Moonlighting:

The trainee must:

1. Complete a Request for Approval of External Moonlighting Application (Application)
2. Obtain approval from the Program Director prior to engaging in any moonlighting activity. Permission to moonlight is at the discretion of the Program Director.
3. Be in possession of a full Virginia medical license and a copy of the license must be attached to the Application. The training license provided for the educational program is not valid for moonlighting activities. As first year physician trainees are not eligible for full state licensure, they are not eligible for moonlighting. Expenses related to the acquisition of the full Virginia license are the responsibility of the trainee.
4. Acquire malpractice insurance to cover the activities of the moonlighting experience and a certificate of insurance must accompany the application form. The insurance provided by Eastern Virginia Medical School for the training program does not provide coverage for external moonlighting activities.
5. Not display or communicate to clients or patients, their educational affiliation with Eastern Virginia Medical School.
6. Not moonlight during regular duty hours of the educational program

Procedures for Registration of Moonlighting Activities

1. Trainee submits a completed Application along with a certificate of insurance and a copy of a full Virginia license to practice medicine to the Program Director prior to the start of the moonlighting activity. If the Program Director approves, he/she signs the Application and forwards the Application to the EVMS Vice-Dean for GME.
2. Within two weeks of submission of the Application along with the required documentation, the Trainee will receive notification of approval or denial of the moonlighting.
3. If, after approval by the Program Director, the request is approved by the Vice-Dean for GME and the Director of Risk Management, a fully executed copy of the Application will be returned to the Program Director who will inform the trainee.

4. If the request to moonlight is denied by the Program Director, Vice-Dean for GME, or the Director of Risk Management, a written explanation will be provided. This documentation will be housed in the Program Director's office.

Revised & Approved by GMEC November 2023

Approved by GMEC May 2023

Revised March 2023

Reviewed: January 2022

Approved: November 2022

**Eastern Virginia Medical School
Internal Moonlighting Application**

This form must be typed, all sections completed, and received by the Vice-Dean of GME 30-days prior to anticipated start date.

Date Submitted: _____

Trainee Program: _____

Trainee Name & PGY: _____

Trainee's Cellphone #: _____

Beginning/End Dates: _____

Hours per Month: _____

Additional Stipend (\$/hr): _____

Site of the Moonlighting: _____

EVMS must have an affiliation agreement for education with the site & a Letter of Agreement must be executed between the program and the site

*Site Educational Supervisor: _____

***Must have an active EVMS faculty appointment.**

Required Attachments:

1. Description of the clinical activity
2. Letter of Agreement with Site:
 - Objectives of the rotation **(must relate to ACGME Program Requirements for Specialty)**
 - List of supervising faculty members **(must have EVMS faculty appointments)**
 - Description of supervisory activities **(must be in compliance with Program & Institutional policies)**
3. Evaluation process for elective experiences
4. Copy Virginia Medical License

As Program Director, I certify that the above elective is offered through the residency/fellowship program and represents an educational experience not available through the standard residency curriculum. The hours spent in this elective count towards any ACGME work hour limitations and will not exceed any limitations including required hours between work assignments. Supervision of the residents will be provided in accordance with the Program specific and Institutional supervision policies and will be in accordance with supervision provided for other educational experiences within the program.

Program Director Signature and Date

Approved:

Site Education Supervisor/Date

Department Chair/Date

Vice Dean for GME/Date

Revised and Approved by GMEC November 2023

Approved by GMEC May 2023

Revised: March 2023

Approved: January 2022

**Eastern Virginia Medical School
External Moonlighting Application**

This form must be typed, all sections completed, and received by the Vice-Dean of GME 30-days prior to anticipated start date.

Date Submitted: _____

Training Program: _____

Trainee Name/PGY: _____

Trainee Cellphone #: _____

Commonwealth of Virginia Medical License Number: _____

(copy of medical license must be attached)

Malpractice Insurance Carrier _____

Tail Coverage Provided: ☐ Yes ☐ No

Moonlighting Employer: _____

Address: _____

Supervisor Name: _____

Supervisor Phone #: _____

Anticipated Number of Work Hours Month: _____

Anticipated Start Date of Employment: _____

Anticipated Termination Date of Employment: _____

I attest that I have read the following and understand that:

1. Eastern Virginia Medical School has no moral, legal, and/or ethical obligation to moonlighting trainees;
2. Moonlighting hours must be reported to my Program Director and are included in my program duty hours;
3. Malpractice and/or any other fringe benefits provided by Eastern Virginia Medical School will not be in effect during moonlighting experiences; and
4. Moonlighting activities may not include clinical services for which I am in training.

I attest that the information provided on this form is correct and reflects the actual moonlighting activities.

Trainee Signature/Date

I approved of this Moonlighting activity and will monitor the hours worked to ensure compliance with ACGME or other accrediting body requirements.

Program Director Signature/Date

Approve:

Vice Dean for Graduate Medical Education
Signature/Date

Director, EVMS Risk Management
Signature/Date

Revised & Approved by GMEC November 2023
Approved GMEC May 2023

