

POLICY ON MOONLIGHTING AND OTHER PROFESSIONAL ACTIVITIES OUTSIDE THE SCOPE OF RESIDENCY AND FELLOWSHIP TRAINING

Introduction

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

IU School of Medicine believes that all moonlighting, either internal or external, 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. Therefore, an annual status disclosure is required. All moonlighting requests and disclosures, including internal and external ones, will be closely monitored by the program directors and the Office of Graduate Medical Education.

Resident and Fellow Responsibilities

- Complete an individual Disclosure of Moonlighting Activity Form for each moonlighting location and submit the form(s) annually to the program director.
- Complete a new Disclosure of Moonlighting Activity Form prior to any change in moonlighting status.
- Provide documentation of an unrestricted Indiana permanent license.
- Provide documentation of specific medical malpractice coverage in the name of the fellow or resident to all of the following: the hiring institution, the program director, and Office of GME. All moonlighting, internal and external, requires this documentation.

Duty Hours

When monitoring the moonlighting activities, the program directors will consider the ACGME duty hour regulations which limit the residents and fellows to 80 hours per week. Internal moonlighting must be counted toward the 80-hour average (See IUSM Policy on Resident Duty Hours and the Working Environment).

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 and fellows will not be required to engage in moonlighting.

State Licensure Requirements

All residents and fellows engaged in moonlighting must be licensed for unsupervised medical practice in the State of Indiana. It is the responsibility of the hiring institution and the program director to determine whether the resident or fellow 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 or fellow is complying with the expectations of the moonlighting policy.

Medical Malpractice Coverage

It is the responsibility of the resident or fellow to demonstrate with documentation by individual name the appropriate medical malpractice coverage. It is the shared responsibility of the hiring institution, program director, and the GME Office to determine whether the resident or fellow has provided adequate proof of liability coverage. Proof of coverage must accompany the Disclosure of Moonlighting Activity Form.

The requirement for specific certification of malpractice coverage in the name of the resident or fellow must be obtained for all moonlighting, internal and external. This requirement also pertains to all internal moonlighting taking place at IUSM affiliated hospitals including Clarian Methodist, IU, and Riley Hospitals, Wishard Memorial Hospital, Clarian West Hospital, and Clarian North Hospital.

Indemnification

If a resident or fellow engages in employment outside the training program, Indiana University, the Schools of Medicine or Dentistry, any of the affiliated hospitals, or their insurers will have no responsibility for acts or omissions occurring outside the jurisdiction of the hospitals or the training program assignments.

Procedures

The program director must be fully informed about any moonlighting activity by the resident or fellow. Moonlighting activities and schedules must be submitted in writing, in advance, to the program director. The IUSM Disclosure of Moonlighting Activity Form must be used. Program-specific forms may supplement yet not replace the Disclosure of Moonlighting Activity Form. The program director must confirm the existence of medical malpractice coverage and acknowledge awareness that the resident or fellow is moonlighting by signing the moonlighting form and placing this form and proof of malpractice in the resident or fellow's file. The program director may at any time determine whether or not the activity is detrimental to the resident or fellow's progress or standing in the training program.

GME Office

If a resident or fellow is engaging in moonlighting activity, a copy of the Disclosure of Moonlighting Activity Form must be submitted to the GME Office promptly, in advance of moonlighting. Proof of medical malpractice coverage must accompany the form.

Repercussions for Noncompliance

Residents and fellows 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 or fellow's moonlighting schedule coincides with the training program assignments, the resident or fellow may be subject to disciplinary action, up to, and including termination (See *Procedures for Grievance, Discipline and Termination* in the *Personal Information for House Staff* handbook). If it is determined that the moonlighting activity is interfering with the training of the resident or fellow, the program director may require the resident or fellow to reduce or terminate the moonlighting activity.

Visa Issues

H-1B Visas:

Residents and fellows 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 or fellow. The Disclosure of Moonlighting Activity Form and documentation are required as above.

J-1 Visas:

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

Office of Graduate Medical Education
8/2/07

APPROVE _____

DISAPPROVE _____

Date

Signature of Program Director

Print Name of Program Director

If the resident or fellow is moonlighting, submit this form and certificate of malpractice insurance coverage, in the specific name of the resident or fellow, to the Office of GME. Thank you.

THIS SECTION FOR OFFICE OF GME USE ONLY

Date Received

Office of GME, IUSM

Moonlighting Activity Form
8/2/07