

## MOONLIGHTING POLICY

### STATEMENT OF POLICY

Residency training is a full time educational experience. Extramural paid activities (moonlighting) must not interfere with the resident's educational performance; nor must those activities interfere with the resident's opportunities for rest, relaxation, and independent study. As a result, residents are not required to engage in moonlighting activities as a condition for appointment to an UHC residency program.

### PROCEDURE

#### 1. Definition of Moonlighting:

Moonlighting is defined as any activity, outside the requirements of the residency program, in which an individual performs duties as a fully-licensed physician and receives direct financial remuneration. This includes, but is not limited to:

- a. Providing direct patient care
- b. Conducting "wellness" physical examinations
- c. Reviewing medical charts, EKGs, or other information for a company or an agency
- d. Clinical teaching in a medical school or other educational programs involving clinical skills
- e. Providing medical opinions or testimony in court or to other agencies
- f. Serving as a sports team physician or medical official for an event

"Internal" moonlighting must be reported as part of the ACGME 80-hour weekly duty-hours limit.

Any moonlighting by a resident who is employed by any of the following organizations is considered to be engaged in "internal" moonlighting:

- a. UHC hospital and its clinics/Offices
- b. WVUHS UPC Clinics/Offices
- c. United Summit Center and its locations
- d. Any physician's office, clinic or medical facility which has an affiliation agreement with the resident's program

If a resident is employed by any other organization other than those listed above, it is considered "external" moonlighting" and is to be reported as such.

2. Moonlighting privileges may be curtailed or prohibited by the Residency Program Director on any of the following grounds:

a. If it is determined that moonlighting activities interfere with the resident's patient care responsibilities and educational performance (Residents are expected to be rested and alert during all duty hour responsibilities); or

b. If such activity adversely impacts the professional reputation of the resident and/or UHC; or

c. If such limitation is required by the appropriate organization(s) responsible for the accreditation/certification of graduate medical education programs; or

d. If the resident fails to abide by the procedures outlined herein.

3. It is the responsibility of the resident to obtain and provide professional liability insurance (malpractice) coverage for all "external" moonlighting. United Hospital Center bears no legal or professional responsibility for a resident while s/he is moonlighting at an outside facility (i.e. non-UHC).

4. It is the responsibility of the resident to obtain a permanent West Virginia medical license.

5. It is the resident's responsibility to obtain a "fee-paid" DEA registration if moonlighting at a non-UHC site. The "fee-exempt" DEA registration issued to residents at UHC is only to be used within their residency programs or at UHC sites.

6. Resident moonlighting requires the following conditions be met:

a) It must be clear that such activity does not violate the rules and regulations of any federal (e.g. CMS) or state agency, or patient care regulations (e.g. HIPAA) or accrediting (e.g. Joint Commission for the Accreditation of Healthcare Organizations) organizations and/or the facility's credentialing policies and procedures;

b) The resident must obtain prospective, written approval of his/her Residency Director. This written statement of permission must be kept in the resident's file in the department. The Resident's performance in the program will be monitored for any adverse effects from moonlighting. In such instances, the Program Director may withdraw his/her permission to moonlight.

c) Moonlighting that occurs within the residency program, the sponsoring institution, the non-hospital sponsor's primary clinical site(s) and/or any sites affiliated with the residency program (i.e. internal moonlighting) must be counted toward the 80-hour weekly limit for duty hours.

d) The Resident is responsible for reporting all moonlighting hours (i.e. internal and external moonlighting) using the New Innovations system. Failure to report moonlighting hours will result in suspension and/or dismissal from the residency program.

e) All moonlighting activities must be monitored by the residency program director and the documentation of this activity (i.e. hours per week) must be kept in the resident's file. **NOTE: THE RESIDENT MUST HAVE APPROVAL, IN WRITING, FROM HIS/HER PROGRAM DIRECTOR TO ENGAGE IN ANY MOONLIGHTING ACTIVITIES. (See Program Director for form.)**

7. Residents working under J-1 sponsorship or an H-1B are prohibited from engaging in outside remunerative work of any kind or nature whatsoever in accordance with ECFMG and INS regulations. Both J-1 sponsorships and H-1B petitions are employer-specific, Residents in violation are immediately considered in violation of status and are subject to disciplinary action up to and including termination from their program and deportation.
8. Any resident who fails to follow the moonlighting policy of UHC and his/her program will be sanctioned for such actions including suspension and/or dismissal from the residency program.
9. A resident who is on formal academic remediation is prohibited from engaging in any moonlighting activities during the period of remediation.
10. All moonlighting must occur after 5:00 PM on weekdays. The resident may utilize time off (vacation, etc) for moonlighting that occurs during the normal workweek.

