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|  | <p>Policy Number: 04.07HR Department: Clinical Affairs Policy Owner: Associate Dean, GME Category: Human Resources Effective Date: 3/7/17 Last Review/Revision Date: 1/30/20 Page 1 of 3</p> |
| <p>Title: Resident Moonlighting</p> | |
| <p>Regulatory Compliance:</p> | |
| <p><i>Replaces Policy: 4.007 Resident Moonlighting – UTRGV SOM</i></p> | |

PURPOSE

To provide a framework for approval and conditions for continued participation of moonlighting activities for residents and fellows (“residents”).

Scope

This policy applies to University of Texas Rio Grande Valley School of Medicine (UTRGV) sponsored Graduate Medical Education (GME) programs/University of Texas Health Rio Grande Valley (UT Health RGV) residents.

Definitions

Moonlighting – defined as compensated clinical work performed by a resident during the time that s/he is a member of a UTRGV GME residency program.

POLICY

It is the policy of UT Health RGV to permit Residents to undertake moonlighting activities only in accordance with UTRGV/ UT Health RGV policies.

Residents not allowed to moonlight include:

- Postgraduate year (PGY) 1 residents (interns)
- Residents on ECFMG-sponsored J-1 Visas
- Residents whose programs prohibit moonlighting

PROCEDURE

1. The Graduate Medical Education Committee and the UTRGV GME programs are responsible for ensuring a high-quality learning environment for the residents, notably by ensuring a proper balance between education and patient care activities within duty hour limitations as prescribed by the ACGME Institutional and Program Requirements. Because of these concerns, moonlighting is, in general, discouraged for residents in

ACGME-accredited programs sponsored by UTRGV. **During residency training, the resident's primary responsibility is the acquisition of competencies associated with their specialty.**

2. Moonlighting is a privilege, not a right. In addition, residents/fellows cannot be compelled to engage in moonlighting for any reason.
3. All programs should have a program-specific moonlighting policy, which may be more restrictive than this institutional policy. Programs may prohibit moonlighting.
4. Under special circumstances, a resident may be given permission by his/her program director to engage in moonlighting consistent with that program's moonlighting policy. In such cases, the moonlighting workload must not interfere with the ability of the resident to achieve the goals and objectives of his or her GME program.
5. Except in very limited circumstances, UTRGV does not provide professional liability coverage for moonlighting.
6. Without compromising the goals of resident training and education, a program director may allow a resident to moonlight if all of the following conditions are met:
 - A. The responsibilities in the moonlighting circumstance are delineated clearly in writing (using an approved documentation form) and are **prospectively** approved in writing by the resident's program director. Approval may be withdrawn at any time by the program director with prior written notice.
 - B. The resident is in good academic standing and not on probation or other administrative/remediation status.
 - C. The written documentation of the moonlighting activity is filed with resident records and is available for GME Committee and program director monitoring.
 - D. The moonlighting workload is such that it does not interfere with the ability of the resident to achieve the goals and objectives of the GME Program.
 - E. The moonlighting does not place the resident in jeopardy of violating any current ACGME requirements.
 - F. The moonlighting opportunity does not replace any part of the clinical experience that is integral to the resident's training program; conversely, activities performed in the course of moonlighting cannot be used to satisfy program requirements.
 - G. The resident is fully licensed for unsupervised, independent medical practice in the state where the moonlighting will occur.
 - H. The resident's performance in the training program will be monitored for the effect of moonlighting on the resident's ability to participate in program activities, on the resident's level of fatigue, and on the ability of the resident to provide safe patient care. Adverse effects will lead to withdrawal of permission to engage in moonlighting. Monitoring is based on review of completed evaluations, faculty feedback, and Clinical Competency Committee assessments.
 - I. Moonlighting activities must adhere to all clinical and educational work hour requirements and must be logged and tracked by the program.

- J. Immediate cessation of moonlighting will be required if the program director determines it is unsafe for the residents, patients, or UTRGV.
- 7. The resident considering moonlighting must procure professional liability (including "tail" coverage), his/her own DEA and DPS certificates, and workers' comp coverage. Professional liability coverage is provided by the U.T. System Medical Liability Self-Insurance Plan ("Plan") typically only for those activities that are an approved component of the training program. The lone exception for coverage outside the residency program is if the resident is participating in an activity approved by the department chair and the clinical revenues generated, if any, are assigned to UTRGV. If coverage is desired, the department must apply for it in advance of the activity and approval must be received from the Plan administrator.

APPROVAL AUTHORITY:

The UT Health RGV Associate Dean of GME shall recommend this policy for approval to the Dean, School of Medicine and the Clinical Affairs Policy Workgroup. The Clinical Affairs Policy Workgroup may recommend this policy for approval to the Medical Executive and Professional Affairs Committee.

RESPONSIBILITY AND REVISIONS:

It is the responsibility of the UT Health RGV Associate Dean of GME to initiate, review, and revise based on collaboration and input from the Dean, School of Medicine, the Clinical Affairs Policy Workgroup, and the Office of Institutional Compliance.

RIGHT TO CHANGE POLICY:

The University of Texas Rio Grande Valley reserves the right to interpret, change, modify, amend, or rescind this policy in whole or in part at any time to reflect changes in policy and/or law.