

<b>UNIVERSITY OF MARYLAND MEDICAL CENTER</b>  <b>GRADUATE MEDICAL EDUCATION POLICY AND PROCEDURE MANUAL</b>	<b>PAGE:</b> 1 of 4	<b>PROCEDURE NO:</b> <b>GMS-I</b>
	<b>EFFECTIVE DATE: 7/27/2023</b>	
<b>SUBJECT:</b> <b>EXTRACURRICULAR EMPLOYMENT/MOONLIGHTING</b>		
<b>APPROVALS:</b> Graduate Medical Education Committee Approval: 9/22/11, 7/27/2023		

## 1. Purpose

The University of Maryland Medical Center (UMMC) is committed to facilitating the resident’s professional and personal development while ensuring safe and appropriate care for patients and a strong commitment to the resident’s educational program. This policy outlines the circumstances under and the procedure by which a resident may practice medicine after completing regular contractual patient care duties and educational activities.

## 2. Scope

This policy applies to all residents participating in training programs sponsored by UMMC. Both extra sessions and external moonlighting are included in this policy. Moonlighting must not interfere with the ability of the resident to achieve the goals and objectives of the educational program, and must not interfere with the resident’s fitness for work nor compromise patient safety. Time spent by residents in extra sessions (internal moonlighting) and external moonlighting must be counted toward the 80-hour maximum weekly limit. PGY-1 residents, PGY-1 Post-doctoral fellows and Residents/Fellows with J1 visa sponsorship are not permitted to engage in moonlighting or extra session activities.

### **Definition**

**Resident: An unlicensed or licensed intern, resident, or fellow enrolled in an UMMC sponsored post-graduate education program, including subspecialty programs, and which are accredited by the Accreditation Council for Graduate Medical Education (ACGME) or an equivalent accreditation process approved by the University of Maryland Medical Center Graduate Medical Education Committee**

### 2.1 Extra Sessions

Extra sessions allow residents to perform extra amounts of work in the same venues and with the same activity as found in their regular curriculum. For all extra session activities, the resident must obtain prior written approval from the Program Director, and copies of this written approval must be placed in the resident’s file. The Extracurricular Employment Request Form must be completed to document this approval process. The residents are supervised by faculty, have prescribed duties and their performance is formally evaluated by faculty of their training program. The faculty is responsible for the residents' actions just as in the regular curriculum. Though there is extra compensation for this extra activity, the activity is considered supplementary to their formal training though not a substitute for their formal curriculum and is voluntary. The residency program keeps records of activity, supervision and evaluations. This type of supplemental duty is approved, indeed arranged, by the Program Director, and in this function the resident is not required to obtain supplemental malpractice insurance.

### 2.2. External Moonlighting

External Moonlighting allows residents to voluntarily perform extra amounts of work in and receive pay through venues unsupervised by UMMC faculty. For all moonlighting activities, the resident must obtain prior written approval from the Program Director, and copies of this written approval must be placed in the resident’s file. The

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Extracurricular Employment Request Form must be completed to document this approval process. This activity is not considered adjunctive to the resident curriculum and the resident is, in fact, acting as an “independent contractor.” All residents engaged in moonlighting activities must be licensed for unsupervised medical practice, possess the appropriate training and skills for the moonlighting activity, and must obtain proper malpractice insurance with a minimum of \$1M per incident.

### 3. Responsibility

**The resident complies with the procedures for requesting and receiving approval for extra sessions and/or external moonlighting assignments as described in this policy. If the resident engages in external moonlighting, the resident’s professional liability insurance is NOT covered by Maryland Medicine Comprehensive Insurance Program (MMCIP). For moonlighting activities, the resident must obtain, and provide proof of professional liability insurance coverage of \$1M per incident to MMCIP.** Any extracurricular employment without knowledge and prior written approval of the Program Director is grounds for dismissal from the training program.

- 3.2. The Program Director ensures that neither extra session nor external moonlighting activities exceed applicable Residency Review Committee (RRC) regulations or interfere with the resident’s educational activities and patient care duties. The Program Director obtains the signature of the MMCIP representative confirming adequacy of professional liability coverage, and for moonlighting activities, the signature of the Graduate Medical Education Department representative confirming appropriate licensure, training, and skills to perform the moonlighting activity. The Program Director monitors resident performance to ensure that the policies relating to extra sessions and external moonlighting are enforced and that resident performance is not diminished because of these activities. On a quarterly basis, the Program Directors \ attests to its duty hours to the Graduate Medical Education Committee (GMEC) through the Duty Hour Attestation statement, and provides any action plan for non-compliance. The hours reported must count extra sessions and external moonlighting hours toward the sum total of working hours.
- 3.3. It is not the responsibility of UMMC to provide outside employment for residents.
- 3.4. UMMC accepts no responsibility for the financial consequences to residents who engage in extra sessions if permission for that employment is withdrawn as a consequence of poor performance in the training program or for other cause.

### 4. Procedures

- 4.1 If the resident wishes to engage in extra sessions or external moonlighting activities after completing regular contractual duties and educational activities, the resident seeks the prior written approval of the resident’s Program Director. A properly completed and executed Extracurricular Employment Request Form will serve as evidence of the Program Director’s written authorization and will be maintained with the resident’s file. Request Forms are available in the office of the Program Director and in the UMMC Graduate Medical Education office.

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- 4.2 In situations in which the department permits extra sessions and/or external moonlighting and the RRC limits working hours (on a weekly, bi-weekly or monthly basis), then the resident and Program Director must count extra sessions and external moonlighting hours toward the sum total of clinical education and work hours.
- 4.3. The Program Director may restrict extra sessions and external moonlighting activities if he/she believes they are interfering with the resident’s ability to complete educational activities and to appropriately care for patients.
- 4.4. Departmental policies regarding extra sessions and external moonlighting must comply with the UMMC institutional policy and may contain additional restrictions or requirements.
- 4.5. The specifics of off-duty and extracurricular employment of external moonlighting will be negotiated between residents and their employers.
- 4.6. A resident may not provide coverage for individual physicians or groups of physicians by engaging in the private practice of medicine. A resident may not open a private practice office while in training.
- 4.7. Malpractice Insurance Coverage
- 4.7.1. Professional liability coverage for a professional activity outside of the resident’s training program is provided by the MMCIP only if the following criteria are met:
- 4.7.1.1. the service is an “extra session” assignment at an institution where the program has an affiliation agreement in place for a specific educational rotation which has been approved by the Program Director; and
- 4.7.1.2. the request for professional liability coverage has been submitted in advance in writing to MMCIP using the Extracurricular Employment Request Form.
- 4.7.2. If the resident engages in external moonlighting, the resident’s professional liability insurance is NOT covered by MMCIP and the resident obtains professional liability coverage either on his/her own or from the contracting employer of a minimum of \$1M per incident. The resident provides proof of coverage to MMCIP prior to the start of extracurricular employment. If coverage is provided on a “claims made” basis, the resident is obligated to obtain “tail coverage” upon completion of the extracurricular employment. Residents should require a 30-day cancellation notice of an individual policy.

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4.8. Withdrawal of Extracurricular Employment Privileges

- 4.8.1. Consent to perform extra sessions or external moonlighting will be withdrawn if extracurricular employment interferes with the resident's performance academically or the meeting of patient care obligations.
- 4.8.2. Any extracurricular employment activity by a resident which appears to be detrimental to the reputation or well being of UMMC may be halted by the respective Program Director.
- 4.8.3. If the Program Director determines a resident's performance is below departmental standards, the resident will be immediately counseled to this effect. A warning will be given that failure to correct deficiencies noted will result in withdrawal of permission for extracurricular employment.
  - 4.8.3.1. If improvement is not noted within a designated period of time, the Program Director will inform the resident and withdraw approval to perform extra sessions or external moonlighting. This action will be taken after a personal interview between the Program Director and the resident and will be documented in writing with a letter to the resident from the Program Director. A copy of this letter will be sent to the UMMC Graduate Medical Education office.
- 4.8.4. Should the resident not concur in the decision to withdraw approval to moonlight, an appeal may be made according to the GMS-Z Grievance Procedure.
- 4.8.5. UMMC is not encouraging and does not require its residents to engage in extracurricular employment, including moonlighting.

## EXTRACURRICULAR EMPLOYMENT REQUEST FORM

Resident/Fellow must answer the following questions legibly on this form.

1. Name: \_\_\_\_\_
  2. Clinical PGY training level currently in your current program: \_\_\_\_\_
  3. Visa type (if applicable): \_\_\_\_\_
  4. Program Name \_\_\_\_\_ Department \_\_\_\_\_
  5. Is this considered moonlighting or extra sessions? (check one) \_\_\_\_\_ EXTRA SESSIONS \_\_\_\_\_ MOONLIGHTING
- Note: Moonlighting requires expertise in the field/service and an independent Maryland license; Extra Sessions require supervisory oversight (direct or indirect) and does not require independent license, but should be related to the current program training.
6. Institution where you will be working: \_\_\_\_\_ Start date \_\_\_\_\_ End Date \_\_\_\_\_
  7. Anticipated number of hours each week you plan to work on this activity: \_\_\_\_\_ hrs/week
  8. Field/or Service for this activity: \_\_\_\_\_
  9. Your clinical training-years in this Field/or Service: \_\_\_\_\_
- Note: this answer may differ from your response to #2.

For **Moonlighting** please respond to these questions

10. What entity is providing your malpractice coverage?

\_\_\_\_\_

11. What is the policy # \_\_\_\_\_

12. Does the policy include tail coverage? \_\_\_\_\_

**Attach insurance rider as proof of coverage.**

For **Extra Sessions**, please respond to these questions

10. Who will be providing direct/indirect supervision of you?

Note: please provide supervising physician name(s)

\_\_\_\_\_

**Graduate Medical Education** must confirm the following for Moonlighting only:

13. The resident(s) has(ve) licensure/training/skills for described activity: \_\_\_\_\_ yes \_\_\_\_\_ no

\_\_\_\_\_ Graduate Medical Education signature \_\_\_\_\_ date

**MMCIP (self-insurance trust)** must confirm the following for Moonlighting and Extra Sessions:

14. Malpractice certificate has (have) been received by UMMC \_\_\_\_ Yes \_\_\_\_ No \_\_\_\_ N/A

MMCIP confirms insurance coverage meets required minimum of 1M per incident? \_\_\_\_ Yes \_\_\_\_ No

\_\_\_\_\_ MMCIP signature \_\_\_\_\_ date

**My signature acknowledges the above information as true and my intent to follow UMMC Procedure No. GMS I**

Resident/Fellow signature \_\_\_\_\_ date \_\_\_\_\_ (print name) \_\_\_\_\_

Program Director signature \_\_\_\_\_ date \_\_\_\_\_ (print name) \_\_\_\_\_