

Mass General Brigham

Graduate Medical Education Trainee Moonlighting Policy

Introduction

Graduate Medical Education Trainees' program responsibilities and learning experience must be given the highest professional priority at all times. *When approved by the Program Director, GME trainees may engage in moonlighting, unless prohibited based on visa status*.* Moonlighting activities may occur within or outside of the training institution. These opportunities must not interfere with the ability of the Trainee to achieve the goals and objectives of the educational program.

(Note: a separate policy addresses the subject of extra shifts within a training program, since these do not represent moonlighting.)

Definitions

In this document,

- "Trainee" refers to interns, specialty residents and subspecialty clinical fellows enrolled in any GME program.
- "Moonlighting" refers to optional, extra-paid work that is not part of the training program.

Key aspects of moonlighting include:

- ***Given the clear priority of training, the Program Director and/or Chief of Service have the option to prohibit all types of moonlighting for their trainees. Some may prohibit clinical moonlighting but allow other types of moonlighting.***
- **Moonlighting cannot be required of a Trainee.**
- **Clinical moonlighting requires a full Massachusetts medical license and, based on this, is restricted to PGY-3 and above.**
- Moonlighting must be included in work hours logs and must not cause the trainee to exceed the work hour limits established by ACGME, whether or not the program is ACGME-accredited.

Requirements

If a Trainee wishes to engage in moonlighting activities and the Program allows such participation, the following steps must be accomplished:

1. For *clinical* moonlighting, the Trainee must obtain a full Massachusetts medical license.
2. Prior to accepting any moonlighting responsibilities, the Trainee must submit to the Program Director and/or Chief/Chair a letter listing the institutions or organizations where he/she proposes to moonlight, a description of the proposed activities and the maximum number of hours (per week and per month) of proposed moonlighting (template provided below).
3. Trainees must receive from the Program Director and/or the Chief/Chair a signed copy of the letter, indicating permission to proceed.
 - **It is the responsibility of the Trainee to update this letter** (and have it signed again by the Program Director and/or Chief/Chair) when necessary to reflect any proposed changes to the nature of moonlighting responsibilities, the number of hours, and/or the sites where moonlighting occurs.
 - **It is the responsibility of the Program Director to ensure that a copy of this letter is kept in the Trainee's file.**

- No outside professional activities may be undertaken during the weekday hours of 8:00 a.m. to 6:00 p.m. (except during vacation periods) without the express written permission of the Chief/Chair and/or program director.

Note: Individual Program Directors may choose to exempt non-clinical moonlighting from requirements #2 and #3 above in applying this policy to their programs.

4. For clinical moonlighting activities, Trainees must arrange for malpractice insurance to cover professional activities outside the educational program through: (a) the institution where they are moonlighting; (b) Promutual; or (c) extension of their CRICO insurance, which may be approved in specific circumstances, as described below**.

Additional Provisions:

- The effect of moonlighting activities on Trainee performance in the training program will be monitored; any adverse effects may lead to withdrawal of permission to moonlight by the Program Director or Chief of Service.
- Under Massachusetts Board of Registration in Medicine regulations, Trainees will be required to list on the Hospital re-appointment application form all health care facilities at which they have provided any patient care over the previous three years.
- Most Trainees employed on a J-1, H-1B or O-1 visa are ineligible to moonlight or have further restrictions imposed by the Immigration and Naturalization Service (INS) and must abide by their policies. See last section below for details*.

*Moonlighting information for holders of F-1, J-1, H-1B or O-1 Visas – applies to clinical or non-clinical moonlighting:

- F-1—Practical Training: Eligible to moonlight.
- J-1—Exchange visitor: Activity and/or compensation outside the defined parameters of the approved residency or fellowship training program is not permitted. As noted on the ECFMG website [<https://www.ecfm.org/evsp/evspemot.pdf>]: "If the proposed activity...is not a required component of the training program, then it is deemed to be "work outside of the approved training program" and not permitted for J-1 physicians."
- H-1B: Employer-specific and limited to the position and duties included in the employer's application to the U.S. Citizenship and Immigration Services (USCIS). The H-1B visa application may include services provided at multiple locations, provided that the application includes mention of said multiple locations. Employment with a separate employer (i.e., most moonlighting) exceeds a typical H-1B application. An outside employer who wishes to employ a "moonlighter" must file an application with USCIS to employ the resident or fellow.
- O-1—Alien of Extraordinary Ability: See restrictions described for the H-1B visa.

**Authorized Use of CRICO Malpractice Insurance

A Trainee is generally covered for malpractice through the Controlled Risk Insurance Company (CRICO) only for activities performed within the scope or course of his/her professional employment with Mass General Brigham or within the scope of a program of approved medical instruction by Mass General Brigham. CRICO will extend coverage in some specified circumstances. Trainees must refer to the CRICO Underwriting Manual for details and must comply with the required procedures for extending coverage.

PGY-1 and -2 Residents: CRICO will not extend malpractice insurance for PGY-1 or PGY-2 interns/residents.

PGY-3 Residents and above: If the Program Director/Chief authorizes the Trainee to moonlight, the Trainee may request that the CRICO malpractice insurance cover such professional activities outside the scope of the educational program.

Moonlighting within the Harvard medical system: CRICO coverage requires there be an exchange of letters between the Chief of Service at the resident's sponsoring institution and the Chief of Service at the moonlighting institution.

Moonlighting outside the Harvard medical system: The following criteria, as determined by CRICO, must be met:

1. There must be an exchange of permission letters between the Chiefs of Service at the training institution and the moonlighting site(s);
2. A moonlighting waiver form and checklist must be signed by the Chief "for each rotation during which extended coverage is requested";
3. Trainees "may not moonlight in an emergency room outside the Harvard medical system unless enrolled in the Harvard Affiliated Emergency Medicine Residency Program. If a Trainee is enrolled in this program, they must have a signed waiver and PALS or ACLS and ATLS certifications.
4. **Trainees/Residents will not be insured for exceeding/may not exceed the maximum number of hours per week that his/her hospital has approved for residents to work;**
5. Trainees must fully complete and sign the Moonlighting waiver form and submit to CRICO for approval as defined in the CRICO Underwriting Manual.

Fellows: CRICO insurance coverage may be extended to Fellows for services outside the scope of their hospital training, within or outside of the Harvard medical system, with the express written approval of the Chief of Service as evidenced on the appropriate waiver form. A signed moonlighting waiver form must be completed and sent to CRICO for approval.

Note: The above requirements apply only to moonlighting at Massachusetts hospitals. CRICO may cover moonlighting outside of Massachusetts in some circumstances; please check the CRICO Underwriting Manual for details. Insured residents/fellows must have a license to practice out-of-state if the Board of Registration in that state requires it.

Note: Policies approved by the Mass General Brigham Graduate Medical Education Committee apply to GME trainees in programs sponsored by the Brigham and Women's/Faulkner Hospital, Massachusetts General Hospital, Mass Eye and Ear, McLean Hospital, Newton Wellesley Hospital, Salem Hospital, and Spaulding Rehabilitation Hospital

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Template Letter between Graduate Trainee Requesting Moonlighting Privileges and the Program Director or Chief

(please edit this for your use and delete highlighted areas)

Dear Dr. _____ (Chief) and Dr. _____ (Program Director):

Date: _____

I hereby request permission to engage in moonlighting activities outside the scope of my residency/fellowship training program. Specifically, I request permission to engage in the following moonlighting activities:

(Note: include moonlighting within or outside of the "home" institution/s, if applicable)

1) _____

2) _____

3) _____

4) _____

I will limit the hours of moonlighting to a maximum of ___ per month, and I will not allow my work hours (i.e., the sum of time spent in training program activities plus time moonlighting) to exceed limits set by the program director, the ACGME's common program requirements, and (where relevant) any program-specific ACGME requirements.

I recognize that the residency/fellowship program is my highest professional priority and I will not let additional professional activities interfere with this. I have read and understand the Mass General Brigham Graduate Trainee Moonlighting Policy and will abide by it.

Sincerely,

(Signed by Graduate Trainee)

(Date)

Approved by:

(Chief and/or Program Director)

(Date)

The program director must ensure that a copy of this letter is kept in the trainee's file.