

**Policy of the Graduate Medical Education Committee**  
**Section: Resident Supervision/Work Environment**  
**Subject: Moonlighting and Malpractice Insurance Coverage While Moonlighting**  
**Number: 3.300**  
**Date Developed: 3/94**  
**Last Review/Revision: 4/05, 10/07, 7/10, 7/2011, 5/2014**  
**Replaces: previous policy of same name, dated 10/2007**  
**ACGME Requirements: Institutional IV.B.2.1); IV.J.1.; Common VI G.2.**

### **Purpose**

To define moonlighting, the procedures for approval of moonlighting, and the resident's responsibility regarding malpractice insurance coverage while moonlighting.

### **Definition**

**Moonlighting** is defined as any voluntary, compensated professional activity arranged by an individual resident, which is outside the course and scope of the approved training program. For purposes of accreditation, 'moonlighting' covered by this policy is 'external moonlighting', which is outside the University of Arkansas for Medical Sciences (UAMS) system. (UAMS system includes the participating teaching hospitals.)

### **Policy**

Residents must not be required to moonlight, and PGY-1s are not allowed to moonlight. Because residency education is a full-time endeavor, moonlighting by residents in clinical activities is discouraged. The Program Director and the individual resident must closely monitor moonlighting to ensure compliance with the 80-hour rule and to ensure it does not interfere with the resident's ability to achieve the goals and objectives of the educational program. While a resident is actively moonlighting all duty hours should be entered in New Innovations.

If a resident is no longer performing satisfactorily in the program, the Program Director may withdraw the permission to "moonlight". In the event permission to "moonlight" is withdrawn by the Program Director, the obligation to notify an outside employer is the responsibility of the resident who established that employment relationship and not the responsibility of the Program Director or the College of Medicine.

Professional liability coverage (malpractice insurance) provided through UAMS is provided only when on official duty and does not cover "moonlighting" activities.

The practice of medicine without a valid medical license is a direct violation of the State of Arkansas Medical Practice Act and could result in criminal charges. The exception to this licensure requirement is outlined in Arkansas Code Annotated Section 17-95-203, which states:

*Nothing herein shall be construed to prohibit or to require a license with respect to any of the following acts:*

*(7) The rendering of services by students, interns, or residents in a licensed and approved hospital having an internship or residency training program approved by the American Medical Association or the State Board of Health or the United States Government;*

It is the responsibility of the clinical facility hiring the resident to moonlight to determine whether such license is in place, adequate liability coverage is provided, and whether the resident has appropriate training and skills to carry out assigned duties.

**Residents who 1) moonlight without written approval of the Program Director, or 2) continue to “moonlight” after the permission to do so is withdrawn, or 3) use the UAMS Medical Center’s or Arkansas Children’s Hospital’s DEA number while moonlighting will be subject to dismissal from the program.**

### **Procedure**

In order to be eligible for moonlighting activities, the resident must:

1. Submit a request to moonlight to his/her Program Director;
2. Obtain prospective, written permission from the Program Director. This written permission must be contained in the resident’s file and state the following: “the resident’s performance will be monitored for the effect of moonlighting activities upon performance and that adverse effects may lead to withdrawal of permission”;
3. Obtain a valid Arkansas Medical License;
4. Obtain a malpractice insurance policy that will cover the activity to be performed outside the training program, or ensure that the employing facility provides adequate insurance coverage to protect the outside professional activities; and
5. Obtain his/her personal DEA number in the event Schedule II drugs are prescribed.