

**NewYork-Presbyterian/Queens
Flushing, NY 11355**

Department/Unit: GRADUATE MEDICAL EDUCATION

POLICY/PROCEDURE

Effective Date: December 15, 2000

TITLE

Number: 9200-207

**Reviewed/Revised: 11/1/07, 1/14/13,
2/20/15, 9/1/15, 3/23/16**

Moonlighting

New Review Date: Biennially

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Moonlighting is defined as any participation in a medical practice or employment of any kind other than pursuant to that stated in the “Graduate Staff Agreement of Appointment/Employment”. Residents may not moonlight during the time they are scheduled to work as a resident.

As mandated by the ACGME, residents and fellows ***must not be required*** to engage in “moonlighting”.

Residents and fellows who elect to participate in such activity, must obtain prior written permission from the program director (see attached request form) indicating that he/she is aware of where, and during which hours, the resident is moonlighting. The program director must also be notified in writing of any proposed change in the number of hours and the resident must receive written permission prior to this change. The “Moonlighting Request Form” must be submitted to the Office of Medical Education for approval by the Designated Institutional Official (D.I.O.), prior to commencement of moonlighting activities. This information must be made part of the resident’s folder and a copy kept on file.

All residents/fellows moonlighting privileges must be reviewed and signed off annually by the Program Director and/or Chair of the Department. Therefore, all moonlighting requests can only be granted for a one year period.

During the course of the year, the Program Director and/or Chair have the right to withdraw their permission for moonlighting at any time. They can also withdraw permission for moonlighting if they see signs of fatigue which may jeopardize patient care or the resident’s/fellow’s safety or well-being.

J-1 Visa: A J-1 Visa sponsorship authorizes a specific training activity and associated financial compensation. As specifically stated by ECFMG, “Federal Regulations prohibit work, training,

and/or financial compensation for activities that are outside of the approved Exchange Visitor Program”, therefore, a J-1 visa holder is ***expressly prohibited*** from moonlighting.

H-1B Visa: An H-1B Visa holder will be eligible for moonlighting privileges ***only*** if the prospective Hiring Entity files an H-1B petition for concurrent employment. An H-1B visa holder is eligible to request a concurrent H-1B petition only if the Program Director and D.I.O. approves moonlighting privileges. Upon notification from the Immigration Service of the H-1B concurrent submission to USCIS, the resident may commence moonlighting after approval of the program director and the D.I.O.

All residents/fellows engaged in moonlighting ***must*** obtain a ***valid limited permit*** or ***NYS license*** to practice in the institution in which they will be moonlighting.

If moonlighting activities are outside of NewYork-Presbyterian/Queens, residents/fellows must provide proof that they are licensed for unsupervised medical practice and obtain adequate liability coverage before commencement of moonlighting activities.

It is the responsibility of the institution hiring the resident to moonlight to confirm whether such licensure is in place, and whether the resident or fellow has adequate liability coverage and whether the resident/fellow has appropriate training and skills to carry out his/her assigned duties.

It is the responsibility of the program director to enforce this policy.

Moonlighting hours must be logged into the work-hour tracking system and will be counted toward work hour limits set forth in the "Resident Work Hours" policy and procedure #9200-206.

Failure to comply with this policy can result in dismissal from the program.

Anthony Somogyi, M.D.

Director of Graduate Medical Education and DIO

NewYork-Presbyterian/Queens
Office of Graduate Medical Education

REQUEST TO MOONLIGHT

I, _____ am requesting permission to moonlight for the period _____, at _____.

I acknowledge that:

My moonlighting activities cannot interfere with my regular training program responsibilities.
My total work hours must be in accordance with the New York State Health Care Code, Section 405:
I cannot concurrently moonlight and work as a resident.
I cannot work more than eighty (80) hours per week (averaged over a one month period).
I cannot work longer than 24 consecutive hours.
I must have at least eight (8) hours of non-work time between shifts.
I must have one 24 hour period free from clinical duties each week.
I will inform my Program Director of how my moonlighting shifts will fit into the 405 regulations.
Malpractice insurance provided to me for my residency/fellowship program duties does not apply to these outside activities.
I possess a current limited permit or unrestricted New York State medical or dental license.
I am not a J-1 visa holder.
If I am an H-1B visa holder, my visa grants permission for concurrent employment.

Failure to comply with the above may result in withdrawal of permission to moonlight or other disciplinary actions.

I understand that I must enter my work hours while moonlighting into the contemporaneously computer work hours and that these hours will be added to the hours that I worked as a resident. Hence, I will not knowingly violate work hour violations and put my program and myself in violation of the New York State Health Care Code, Section 405 or the Graduate Medical Education Policy, Resident Work Hours #9200-206.

Signature of Resident/Fellow

Date

I have reviewed with the resident his/her plans to moonlight. The planned activities will not violate the New York State Health Code Section 405 and I approve of this resident's request.

Signature of Program Director

Date

I have reviewed the resident's/fellows' file and verified that the resident/fellow has a current limited permit/valid New York State license and not prohibited from working by visa status.

Signature of Designated Institutional Official or designee

Date