

## *Policies and Procedures*

<i>Section:</i> <b>School of Medicine</b>		<i>NO.</i>				
<i>Chapter:</i> <b>Graduate Medical Education</b>	<i>Issued:</i> <i>DATE</i> 06/2011	<i>REV. A</i> <i>GMEC</i> <i>Approved</i> 03/2015	<i>REV. B</i> <i>GMEC</i> <i>Approved</i> 6/2017	<i>REV. C</i> <i>GMEC</i> <i>Approved</i> 5/2017	<i>REV. D</i> <i>GMEC</i> <i>Approved</i> 10/2019	<i>REV. E</i> <i>GMEC</i> <i>Approved</i> 1/27/2021
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### **PURPOSE**

The resident physician shall remain free to utilize his/her off-duty time as he/she deems appropriate, so long as such activity does 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. All moonlighting and volunteering hours must be counted towards the 80-hour maximum weekly work hour limit.

### **DEFINITIONS**

- **Resident:** Any physician in an accredited graduate medical education program, including interns, residents, and fellows.
- **Moonlighting:** Moonlighting refers to a service performed by a resident in the capacity of an independent physician.
- **Internal:** Voluntary, compensated, medically-related work consistent with the duties that are appropriate for a resident's level of training performed at the home institution under the supervision of a faculty member.
- **External:** Voluntary, compensated, medically-related work performed outside the institution where the resident is in training or at any of its related participating sites.
- **Volunteering:** An activity when a resident works in a medical professional capacity off duty for no compensation.
- **Off Duty Hours:** Hours when a resident is not scheduled for residency work, scheduled educational times or assigned to call.

### **POLICY**

Should the resident voluntarily choose to accept employment or volunteer in a medical professional capacity during their off-duty hours they should follow these procedures:

- Notify their Program Director, Chair and the Graduate Medical Education Office by completing a Moonlighting/Volunteering Activity Report (MAR).
  - a. The MAR is to be completed on an annual academic year basis listing all locations and time frame.
  - b. A supplemental MAR is required for each additional moonlighting/volunteering position acquired during the academic year that is not included as part of the initial annual MAR.
  - c. Failure to file a MAR before moonlighting will prohibit a resident from moonlighting during the rest of their training.
  - d. The Program Director shall monitor the resident's performance to assure that factors such as resident fatigue are not contributing to diminished learning or performance or detracting from patient safety.

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- Obtain malpractice for moonlighting or volunteer activity.
  - a. Residents employed by Creighton’s partners in Phoenix are not covered by the partner’s malpractice insurance for any activities outside of those required by their training program or included in approved internal moonlighting. Residents must obtain their own liability insurance for any external moonlighting or volunteer activities. Proof of insurance must be attached to the MAR.

### **Restrictions**

- Residents with J1 visas are prohibited from moonlighting.
- Residents may not moonlight while on sick leave or while on FMLA.
- First year residents may not moonlight per ACGME rules.

### **Volunteering for Medical Work**

Residents performing medical care as a volunteer must meet the following requirements.

- Volunteer hours must be counted towards the 80-hour work week. The ACGME looks at volunteering as non-paid moonlighting.
- The nature of the volunteer activity must be consistent with the scope of the training program and level of training of the trainee.
- A moonlighting/volunteering activity report must be on file with the GME office to ensure malpractice coverage for the volunteer activity.
- Experiences outside U.S. must be approved by Creighton Risk Management. For residents employed by Creighton’s Phoenix partners, international volunteer activity must be registered through the Creighton University Global Engagement Office (<https://www.creighton.edu/geo/>).
- For residents employed by Creighton’s Phoenix partners, only residents with unrestricted licenses will be approved for external moonlighting.

**AMENDMENTS OR TERMINATION OF THIS POLICY** Creighton University reserves the right to modify, amend or terminate this policy at any time. This policy supersedes all program level policies regarding this area/topic. In the event of any discrepancies between program policies and this GME policy, this GME policy shall govern.

### **Reviewed and Approved By:**

**Phx P&P Committee:** 8/5/19: Phoenix residents must register internal volunteer activities with Creighton University Global Engagement Office; 10/5/2020-changed all references to house staff officer to resident.

**Phx GEC:** Approved 10/7/19, no changes requested; 1/4/21 – Phx GEC reviewed again as a Phoenix only policy.

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**Exec GMEC:** 09/2020-removal of item under Volunteer for Medical Work regarding volunteer activities for residents must be in U.S.; addition of statement that experiences outside U.S. must be approved by Creighton Risk Management (suggested by legal); removal of all references to “Creighton employed”. 1/4/21-now ready for Exec GMEC Review. 1/27/21 – approved.