

University of Minnesota Medical School (UMMS)
Graduate Medical Education Administration (GME)

Moonlighting Q&A

Q1: How do Medicare regulations define moonlighting?

A1: In section 415.208 of the federal regulations called “services of moonlighting residents”:

The term “services of moonlighting residents” refers to services that licensed residents perform that are outside the scope of an approved GME program.

Q2: Does the UMMS allow residents to moonlight?

A2: Yes. The R/F’s ability to moonlight is based on the policies set forth in the University of Minnesota Medical School, Graduate Medical Education manual (part A) and their GME program’s internal manual (part B). It is important to note that approval of moonlighting is always at the program director’s discretion.

Q3: What if I am required to moonlight?

A3: Moonlighting is never required and it is not within the educational scope of an R/F program.

Q4: Can I moonlight during the weekday?

A4: Yes, but moonlighting cannot conflict with scheduled and unscheduled time demands of the educational program and its faculty. You may moonlight during your vacation or your day off if you choose.

Q5: What steps at the program level does an R/F need to take prior to moonlighting?

A5: The R/F needs to receive prior approval in writing from their program director. The program director’s written approval of the R/F’s moonlighting request must be placed in their training file.

Q6: What steps does a program need to take before approving an R/F for moonlighting?

A6: The program needs to determine if they allow moonlighting.

- If they do not allow moonlighting, then the R/F's request is denied.
- If they do allow moonlighting, then they need to determine if the R/F has a J1 Visa.
- If the R/F does have a J1 Visa, then the R/F cannot moonlight and the request is denied.
 - Please refer to the J-1 Visa Sponsorship Fact Sheet located on the ECFMG web-site at www.ecfm.org/evsp/j1fact.html for the complete federal regulation. The specific information on this topic is located in the Fact Sheet section called "Training Authorization/Employment."
- If the R/F does not have a J1 Visa, then the program needs to determine if the R/F is in good standing.
- If the R/F is not in good standing, then the request is denied.
- If the R/F is in good standing then the request is approved, the proper form is completed and placed in the R/F's file. Please note, as stated in the answer to question #2, approval to moonlight is always at the program director's discretion.

Q7: If an R/F is on an H-1B visa can they moonlight?

A7: R/F's on an H-1B visa must obtain a separate H-1B visa at each moonlighting site prior to moonlighting at the site.

Q8: Does my malpractice insurance (a.k.a. professional liability) as an R/F at the University of Minnesota (through RUMINCO) cover me when I am moonlighting?

A8: No, RUMINCO does not cover moonlighting activities. The moonlighting site must provide malpractice insurance for you. This type of insurance is also called professional liability insurance.

Q9: Do I need a medical license to moonlight?

A9: Yes, you must be properly licensed in the state in which the services are performed.

Q10: Do I need to be credentialed to moonlight?

A10: Yes, the site where you are planning to moonlight will need to work with you on the credentialing paperwork. This process may take six months or more. Plan ahead.

Q11: Can I moonlight at a major training location for my program?

A11: Technically, yes, but only in limited circumstances as discussed in the following questions/answers. The site generally may not bill for your services and this fact usually eliminates opportunities for moonlighting. These arrangements should be carefully discussed with your program director and/or GME office. Violation of the applicable billing rules could subject you to personal liability under Federal law. In addition, moonlighting at a major training location for your program is considered internal moonlighting. Internal moonlighting is subject to the limit of 80 total work hours per week, averaged over a four-week period. This must be reported on the duty hour's survey.

Q12: Can my program director require me to stop moonlighting, even after I receive approval?

A12: Yes. The program director must monitor moonlighting to ensure that the R/F remains in good standing. If problems with the R/F's educational training occur related to moonlighting the program director may require the R/F to stop moonlighting.

The program director is also responsible for monitoring resident fatigue. If there is a problem, the program director may require the R/F to discontinue moonlighting activities.

Q13: Can I moonlight in the area of specialty for which I am being trained? For example, if I am a fellow in the Internal Medicine Infectious Disease Sub-Specialty program, can I moonlight as an Infectious Disease physician?

A13: Yes, consistent with your qualifications, licensure, and the credentialing process of the site at which you are moonlighting.

Q14: If I moonlight at a location that IS a part of my training program can that location bill for my services?

A14: Only in very limited circumstances. If you are moonlighting on an inpatient service where your program has rotations, the site CANNOT bill for your services.

If you are moonlighting in the ER or outpatient clinic the site may bill for your services if you are properly licensed and credentialed for that

location and have malpractice insurance coverage, AND if you have a separate contract which identifies how the moonlighting duties are separate from regular resident duties and NOT part of the training program.

Q15: If I moonlight at a site that is NOT a part of my training program can that location bill for my services?

A15: Yes. If the site is not part of your training program; AND you are properly licensed, credentialed and carry the appropriate malpractice insurance coverage, the site may bill for your services.
