

TO: All Clinical Fellows and Subspecialty Residents in
Internal Medicine for the Academic Year 2014-2015

FROM: Richard Hamill, M.D.
Associate Chair of Medical Education
Director, Residency Programs in Internal Medicine
Department of Medicine

DATE: June 5, 2014

The purpose of this memorandum is to review the policy of Baylor College of Medicine concerning extracurricular professional employment. The Baylor policy applies to all clinical fellows and subspecialty residents training at Baylor College of Medicine.

The specific rules for the Department of Medicine for the academic year 2014-2015 for clinical fellows and subspecialty residents are:

1. As stated in the Baylor Policy Handbook, "Employment not related to the training program is permitted only with the written approval of the Associate Dean for Graduate Medical Education" upon recommendation of the subspecialty program director and the Chairman of the Department of Medicine.
2. Clinical fellows and subspecialty residents may be approved for extracurricular employment in six positions within the Baylor affiliated hospitals. For these positions, approval is required by both the subspecialty program director and the internal medicine residency program director. This employment is considered to be related to the training program of Baylor College of Medicine. These positions are:
 - a) the critical care units at St. Luke's Hospital
 - b) the Emergency Center at the Michael E. DeBakey VA Medical Center
 - c) the Hospital for Specialized Surgery
 - d) the hospitalist moonlighting rotation at Ben Taub Hospital
 - e) the Menninger Clinic
 - f) the Gene & Stem Cell Therapy Unit at Houston Methodist Hospital (Hematology/Oncology fellows only)
3. The number of hours per month in which a trainee may undertake extracurricular employment will be specified by the subspecialty program director. The number of hours must be indicated at the time the subspecialty program director signs approval for the extracurricular employment. Extracurricular employment must not compromise the trainee's ability to perform his or her usual responsibilities. Regular duty hours plus extracurricular employment must not total more than 80 hours per week. The maximum allowable amount of time for extracurricular employment is **48 hours per month.**
4. In order to accept extracurricular employment at the Ben Taub Hospital, the St. Luke's Hospital, the Michael E. DeBakey VA Medical Center, the Hospital for Specialized Surgery, The Menninger Clinic or the Gene & Stem Cell Therapy Unit at Houston Methodist Hospital, the trainee must hold a regular Texas medical license (not just the Texas resident institutional permit for training), a DEA certificate and a Texas Controlled Substance License. At such time that you obtain a full Texas medical license, your training permit becomes null and void. Consequently, you are subsequently responsible for the continuing maintenance of your Texas medical license at all times.
5. A foreign medical graduate cannot undertake extracurricular employment if his or her visa status is J-1 or H-1.

6. No clinical fellow or subspecialty resident who is on probationary status, on general warning, experiencing academic difficulties or on leave of absence may undertake the above defined positions for extracurricular employment.
7. The approval for extracurricular employment may be rescinded by the subspecialty program director or by the internal medicine residency program director if the trainee's performance of his or her usual duties is compromised because of the extracurricular employment.
8. Unauthorized extracurricular professional employment by trainees will lead to probation, suspension, or dismissal from the subspecialty training program.

If you desire approval to undertake extracurricular professional activities during the academic year 2013-2014 as defined above at the Ben Taub Hospital, the St. Luke's Hospital, the Michael E. DeBakey VA Medical Center, the Hospital for Specialized Surgery or the Menninger Clinic, please complete the enclosed form, seek approval and signature of your subspecialty training program director, and then return the form to:

Richard Hamill, M.D.
Mail Station BCM-620
Baylor Clinic – Medicine Department
6620 Main Street, Suite 1100-D
Houston, Texas 77030

In addition to the completed form you must include a photocopy of the current annual registration of your license to practice in Texas, a copy of your DEA certificate and a copy of your Texas Controlled Substance License.

Once approval has been indicated by signature of your subspecialty training program director and the internal medicine residency program director, a copy of the approval form will be returned to you and a copy will be filed with the Office of Graduate Medical Education of Baylor College of Medicine.

When completing the form, please note:

1. GME Training Program means the name of your subspecialty program.
2. Requested work dates; the "end date" must be no later than the current ending date of your registration of your medical practice license.
3. Place of work, salary source and malpractice insurance source are the hospitals in which you may work, i.e., SLH, BTH or MEDVAMC.

RH:jjm

cc: Stephen Greenberg, M.D.
Herbert I. DuPont, M.D.
Barry Zeluff, M.D.
Biykem Bozkurt, M.D., PhD
Directors of Subspecialty Training Programs

MEMORANDUM

To: Graduate Medical Education
From: Department of Medicine
Re: Employment relating to the residency program

Permission has been granted to the following resident for employment within Baylor-affiliated or related institution that is not part of the normal residency rotation.

Resident's Name: _____

Visa Status: _____

Phone number: _____

Pager: _____

GME Training Program: _____

Requested Work Time: _____ Maximum of 48 hours a month

Requested Work Date: Start Date: _____ End Date: _____

Place of Work: _____

Salary Source: _____

Malpractice Insurance Charge Source: _____

End of Training Date: _____

Are you planning to continue moonlighting as a fellow, in a Baylor fellowship program, after graduation from Residency? _____

If yes, which fellowship program? _____

This approval has been given with the understanding that the resident holds a current, unrestricted Texas Medical License because the Post-graduate resident permit does not cover these activities. Also, a separate billing for malpractice coverage will be made to the involved hospital(s) or Baylor department, as indicated above, to cover these activities.

Requested by: _____ Date: _____
(Resident Signature)

Approved by: _____ Date: _____
(Fellowship, Program Director)

Approved by: _____ Date: _____
(Associate Dean for Graduate Medical Education)

Approved by: _____ Date: _____
(Director, Residency Training Programs)

Approved by: _____ Date: _____
(Risk Management)

**Request for Permission to Work Within the Baylor College of Medicine
Internal Moonlighting Reporting Form
Graduate Medical Education Program
(All information MUST be completed)**

Dates of Work: _____

Current PGY Level: _____

Resident's/Fellow's Name: _____

Phone #: _____

Pager# _____

GME Dept/Program: _____

Requested Work Time: _____ hours per week

Note: Non-residents of the United States in J-1 or H-1B status are not eligible for additional employment. Contact the International Services Office with questions regarding the employment eligibility of your visa.

Place of Work: _____ Salary Source: _____

Description of Duties:

Name of BCM Supervising Faculty: _____

Program Director's Signature

Department Administrator's Signature

Department Chairperson's Signature

Assistant Dean, Graduate Medical Education

OGME Approved

OGME Denied

One Baylor Plaza
Texas Medical Center
Houston, Texas 77030

Department of Medicine
713-798-0190

Address Correspondence to:
Faculty Center, BCM 620
1709 Dryden Road, Suite 5.70
Houston, Texas 77030

Date

I, _____ acknowledge that I have read and I understand the following Baylor College of Medicine and Department of Medicine moonlighting policies. I understand that all moonlighting must be approved by Dr. Richard Hamill, your Subspecialty Program Director, if applicable, the GME office and Risk Management. I also understand that I can only moonlight at the approved BCM affiliated locations listed in my particular moonlighting packet. I am also acknowledging that I have received copies of both policies listed below.

1. **Baylor College of Medicine, Policy and Procedure Manual. Please note this policy is only a guideline for the college. The Department of Medicine policy is more specific and should be followed.**

http://intranet.bcm.edu/index.cfm?fuseaction=Policies.Display_Policy&Plicy_Number=25.1.03.4

2. **The Department of Medicine Moonlighting Policy. The Department of Medicine Moonlighting Policy is outlined in the letter from Dr. Hamill and is based on your level of training. This policy will supersede the BCM policy.**

I also acknowledge that any violation of either policy is potential grounds for immediate dismissal from my program and from Baylor College of Medicine.

Print Name

Date

Signature

Date

May 27, 2010

RICHARD J. HAMILL, M.D.
Associate Chair of Medical Education
Director, Residency Programs in
Internal Medicine
Department of Medicine
713-798-0206

Address correspondence to:
FACULTY CENTER, BCM620
1709 DRYDEN RD., SUITE 5.70
HOUSTON, TEXAS 77030
rhamill@bcm.edu

Memorandum

To: Internal Medicine Residents & Subspecialty Fellows

Recently, several instances have arisen with regards to violation of moonlighting policies. You were all provided with specific information regarding the BCM and Department of Medicine moonlighting policy during your orientation; however, there seems to be confusion regarding this, as exhibited by these recent incidents. I want to emphasize the following:

1. My office, your Program Director and the Associate Dean of Graduate Medical Education (Linda Andrews, M.D.) must approve ALL moonlighting. **NO EXCEPTIONS!**
2. **Moonlighting is restricted to Baylor-affiliated institutions. Depending on your qualifications** you may be eligible to moonlight at SLEH, MEDVAMC ER, BTGH ER, Hospital for Specialized Surgery, Menninger Clinic, & some long-term care facilities, and also varies according to your training level. **You are not allowed to moonlight elsewhere**, even if you have your own license and controlled substance certificate. If you are working elsewhere without our permission, please cease IMMEDIATELY. Violation of this policy is grounds for dismissal from the program.
3. Your moonlighting activities (e.g., location, number of hours/month) are supposed to be provided to this office monthly, and should be faxed to 713-798-0207. You are not permitted to moonlight more than 48 hours/month, nor are you allowed to exceed an 80 hour work week, including moonlighting.
4. If you are having academic difficulties (low in-service examination scores, probation, etc.), you are not allowed to moonlight.



Richard J. Hamill, M.D.
Associate Chair of Medical Education
Department of Medicine

BCM Policies and Procedures

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25.3.12 - Graduate Medical Education: Responsibilities and Policies: House Staff Physicians

Date: 04/17/1998

Moonlighting Policy

Last Update: 07/01/2011

Applies to: Residents & Clinical Postdoctoral Fellows

Moonlighting is defined as additional professional duties for extra pay or benefits, beyond those required to successfully complete one's training program. *Working as a physician* shall be defined as engaging in any activity, whether compensated or not, that involves direct patient care, or that might affect the future care of a specific patient, or that might affect a specific patient's ability to obtain care or insurance. It may also be described as doing extra work for extra pay.

Examples of activities that **would be** considered *working as a physician* include, but are not limited to:

- Working in an emergency room, medical or health facility caring for patients
- Working as a physician for a non-profit organization, such as a Little League team
- Interpreting laboratory tests or X-rays
- Working for an insurance carrier determining which patients should be covered or which procedures are necessary
- Reviewing charts or cases for lawyers

Examples of activities that **would not** be considered *working as a physician* include, but are not limited to:

- Tutoring medical students
- Writing a chapter in a medical text
- Giving violin lessons

Moonlighting activities of any kind are not permitted for anyone in the United States on a visa. Those housestaff physicians on a visa may not participate in any kind of extra work for extra pay, or be required to participate in extra work without pay, outside of the boundaries of the training program. As an example, if a residency program is short-staffed for a particular month due to maternity leaves, and all residents are picking up one additional call, then it is expected and within the boundaries of the training program for all trainees to do this work, including those on a J-1 or H-1B visa. However, if a program offers extra call for pay to its residents to decrease the reliance on physician extenders, those on visas cannot participate for extra pay. Nor can they be forced to participate without receiving extra pay, as this type of work is not required for their training.

Moonlighting activities are broken down into three types:

- Those which are internal to the institution (BCM or a BCM-affiliated institution) and the residency/fellowship program,
- Those which are internal to the institution, but not the residency/fellowship program,
- Those which are external to both.

An example of an activity which is **internal to the institution and the residency program** would be psychiatry residents taking extra call at Menninger Clinic. Because Menninger Clinic is part of the BCM affiliated hospital list, it is internal to the institution. And since psychiatry residents rotate through Menninger Clinic as part of their required residency training, it is internal to the program.

For these types of activities, the Program Director needs to complete an Internal Moonlighting Reporting Form (see addendum A). It is required that BCM faculty supervise the housestaff physician. Baylor Professional Liability Insurance (PLI) will be in effect, and a Texas Medical Board Physician-in-Training Permit is sufficient licensure. Housestaff physicians will need to report these activities through the duty hours' portion of E*Value, and they must be counted within the ACGME 80-hour limit. The department will need to make contractual arrangements with the affiliate for pay to be funneled through the resident's BCM paycheck.

An example of an activity which is **internal to the institution yet external to the program** would be ob/gyn residents taking call at the Menninger Clinic. The Menninger Clinic is part of the BCM affiliated hospital list; however, the ob/gyn residents do not rotate there as part of their training program. Thus, while BCM PLI will cover the ob/gyn resident who does this moonlighting at Menninger and is supervised by a BCM faculty member, these residents must hold a full Texas Medical License (TML) to participate in such activities. The Program Director is required to complete an Internal Moonlighting Reporting Form (see Addendum A). Housestaff physicians must still report these activities through the duty hours portion of E*Value, and they must be counted within the AGCME 80-hour limit. The department will need to make contractual arrangements with the affiliate for pay to be funneled through the resident's BCM paycheck.

An example of an activity which is **external to both the institution and the program** would be medicine residents working as Case de Esperanza, since it is not affiliated with BCM, nor do the medicine residents train there for any required elements of their residency training. In this case the housestaff physician would be functioning as an independent contractor, without any BCM PLI. He/she would be required to hold a full TML and complete the standard moonlighting request form that requires GME Office approval (see Addendum B). The external moonlighting is not required to be a part of the E*value duty hours documentation, as it does not fall within the course and scope of the AGCME duty hours requirements. However, program directors are still expected to develop a system to monitor such work for effects on fatigue.

Another example of an activity which is external to both the institution and the program would be activities for a voluntary faculty member outside the course and scope of the training program. For example, the most common of these would be chart dictation. On face value, this would not appear to be external since the physician does have a faculty appointment. But since the voluntary faculty member is not covered by BCM PLI and the activities usually involve private patients seen in a private office, a full license, and external malpractice insurance is required.

Since it is impossible to produce a complete list of examples, if a program director is approached about an activity which does not clearly fit into the above categories, please contact the Senior Associate Dean for GME, to ensure that the trainee is adequately protected.

Evidence of poor performance by a house staff physician should be reviewed by the Program Director with specific attention paid to the possibility of moonlighting being the cause. If the Program Director believes that a house staff physician is performing poorly secondary to *working outside of the training program as a physician*, the Program Director must require the house staff physician to cease all such activity in order to perform required work to an acceptable level of satisfaction as stipulated by the residency program.

Licensure

Internal Moonlighting can be performed while under the auspices of either a TMB PIT Permit, or a full Texas Medical License (TML). **External Moonlighting** can only be performed under a full TML. In either circumstance, once a full TML has been obtained by the house staff physician, the resident/fellow must also obtain and maintain current DPS and DEA registration. No approval will be given until these documents are provided, and approval will be considered to be revoked if these expire.

Once a TML license is obtained, it is the house staff physician's responsibility to ensure that all licensure documents are current at all times. Failure to do so can result in termination of moonlighting privileges and may interfere with the house staff physician's completion of the training program.

Reporting Requirements

Through June 30, 2011, **external moonlighting** hours do not have to be logged into E*Value. It is the house staff physician and program director's responsibility to monitor this work and ensure it does not cause the resident or fellow fatigue. *Beginning July 1, 2011, to be compliant with changes in the AGCME Common Program Requirements, external moonlighting hours will need to be logged in E*Value.*

Internal moonlighting hours must be logged into E*Value by the 15th of a given month. For example, on August 15th, the duty hours for training plus the internal moonlighting hours for July must be entered into E*Value. This reporting is vital for each program and the sponsoring institution to assure compliance with ACGME requirements. Failure to report internal moonlighting as required will result in:

- First offense: Written warning and notation in house staff physician's file
- Second offense: Suspension of moonlighting privileges for 30 days
- Third offense: Suspension of moonlighting privileges for 90 days

- Fourth offense: Termination of moonlighting privileges