

Policy Name:	Moonlighting		
Section #:	3.4	Section Title:	Clinical Learning Environment
Approval Authority:	GMEC	GMEC Approved:	1/16/26
Responsible Executive:	DIO	Revised:	
Responsible Office:	Office of Clinical and Health Affairs, Rutgers Health	Contact:	Institutional Coordinator

1. Reason for Policy

The purpose of this policy is to establish a unified Rutgers Health standard governing moonlighting and other compensated professional work performed by residents and fellows (“trainees”) outside the scope of their GME training programs. This policy is intended to:

- Ensure compliance with ACGME Institutional and Common Program Requirements regarding moonlighting, work hours, and supervision.
- Ensure compliance with Centers for Medicare & Medicaid Services (CMS) regulations governing services furnished by residents, including moonlighting services.
- Promote patient safety, trainee wellness, and preservation of the educational mission of Rutgers Health and its clinical partners.

2. Applicable ACGME Institutional Requirements

Section 4: Institutional GME Policies and Procedures

3. Resources

- Accreditation Council for Graduate Medical Education Institutional Requirements
- Accreditation Council for Graduate Medical Education Common Program Requirements
- Committee of Interns and Residents (CIR) Collective Bargaining Agreement
- Rutgers University Policies
- New Jersey Board of Medical Examiners
- CMS Regulations

4. Scope

This policy applies to all residents and fellows enrolled in Rutgers Health-sponsored graduate medical education programs.

5. Definitions

- Trainee: any resident or fellow enrolled in a Rutgers Health-sponsored post-graduate training program
- Extra Duty: additional duty within the training program’s scope of responsibilities, assigned by a program. This is not considered moonlighting and is outside the scope of this policy.
- Moonlighting: voluntary, compensated clinical work performed by a trainee that is outside the scope of the duties and responsibilities of the training program and does not count toward program completion.
- Internal Moonlighting: moonlighting that occurs within the same hospital or health system in

which the trainee's program is based, but outside the rotational structure of the program (eg., an RWJBarnabas Health hospital).

- a. Secondary "Class 8" Appointment: a secondary Rutgers employment appointment used when a department assigns clinical work on behalf of Rutgers that is separate from, and in addition to, the trainee's educational role. A Class 8 appointment applies to internal moonlighting arrangements for Rutgers employed trainees.
- b. J-1 Supplemental Clinical Activity: internal moonlighting performed by a J-1 physician within their training institution and approved by Intealth as supplemental clinical activity under current guidance.
- v. External Moonlighting: moonlighting that occurs at a site that is not part of the trainee's regularly assigned training sites or within the Rutgers Health or RWJBarnabas Health clinical network
- vi. Outside Professional Activity (Non-Clinical): compensated professional work performed by a trainee that is not clinical care as a physician, but that occurs outside the scope of the trainee's GME program and may reasonably interfere with the trainee's educational responsibilities, work-hour compliance, fitness for duty, or patient safety. Examples include, but are not limited to, consulting services, educational advising, content review, professional reviewing activities, or work performed in a prior licensed profession.
- vii. Good Standing: satisfactory academic and professional performance as determined by the Program Director (PD), with no current remediation, probation, or formal disciplinary action.

6. General Principles

- i. The primary professional obligation of trainees is the development of the knowledge, skills, and professional competencies required for independent practice in their specialty through participation in their Rutgers Health GME program.
- ii. Trainees must be in good standing to be eligible to apply for moonlighting privileges.
- iii. Moonlighting is strictly voluntary. Trainees must not be required or pressured to moonlight as a condition of appointment, promotion, or graduation.
- iv. PGY-1 residents are prohibited from moonlighting.
- v. All moonlighting activities must be approved by the Program Director and the local Associate Dean/Chief Academic Officer.
- vi. Moonlighting must not interfere with:
 - a) Achievement of educational goals and milestones;
 - b) Compliance with the ACGME's 80-hour weekly limit (averaged over four weeks);
 - c) Scheduling obligations in the trainee's GME program;
 - d) Fitness for duty;
 - e) Patient safety.
- vii. Moonlighting activities are not part of the trainee's educational program and do not count toward required training time or case volumes.
- viii. Other compensated outside professional activities (non-clinical) may require review and approval if the activity could interfere with the trainee's educational responsibilities, work-hour compliance, fitness for duty, or patient safety. Such activities are not considered moonlighting for CMS or billing purposes but are subject to program and institutional oversight.
- ix. Residents covered under a Collective Negotiations Agreement (CNA) are not eligible for CNA-negotiated benefits (e.g., meal credits) while performing internal moonlighting activities, as such activities fall outside the scope of the collective bargaining agreement.
- x. Trainees who are in a period of concern (remediation) or probation are not permitted to moonlight.

- xi. Rutgers Health and individual programs reserve the right to prohibit moonlighting entirely or to withdraw previously granted permission at any time if there are concerns regarding performance, professionalism, work hours, or patient safety.

7. Approval Process

- i. The approval process outlined below applies to both clinical moonlighting activities and other compensated outside professional activities that may interfere with training, as determined by the Program Director and the Associate Dean for GME/Chief Academic Officer.
- ii. Before engaging in any moonlighting, the trainee must:
 - a) Complete Form 1 – Trainee Moonlighting Request & Attestation and submit it to the Program Director.
 - b) Obtain Program Director approval (Form 2).
 - c) Obtain Associate Dean for GME / Chief Academic Officer approval (Form 3).
 - d) If in J-1 status, obtain Intealth approval for [supplemental clinical activity](#) after institutional approvals.
- iii. No moonlighting may commence until all required approvals are documented.
- iv. Approvals are time-limited (not beyond the end of the current academic year) and must be renewed annually or sooner if there is a material change in site, responsibilities, schedule, licensure, or visa status.
- v. Approvals are revocable at any time by the Program Director or Associate Dean for GME/CAO.

8. Licensure, Immigration Status, and Malpractice Coverage

- i. Trainees must be appropriately licensed to practice in the state where the moonlighting occurs.
- ii. Trainees holding limited permits or restricted licenses may not engage in moonlighting unless specifically permitted by state law and explicitly approved by the PD and Associate Dean for GME/CAO. Any required supervisory affidavits or verification forms must be completed.
- iii. Trainees in J-1 visa status must comply with all federal immigration regulations and Intealth/USCIS requirements. J-1 physicians:
 - a) May engage in internal supplemental clinical activity only with prior Intealth approval;
 - b) Must obtain PD and Associate Dean for GME/CAO approval *before* submitting a supplemental clinical activity request to Intealth;
 - c) Must comply with all conditions (same institution, educational appropriateness, no extension of training, and work-hour compliance).
- iv. Trainees are responsible for ensuring appropriate professional liability (malpractice) coverage is in place for all moonlighting activities. Such coverage is typically provided by the moonlighting site, obtained directly by the trainee, or, for Rutgers-employed trainees, provided through a separate Rutgers appointment (ie., a “Class 8” appointment) when applicable. Documentation of malpractice coverage must be submitted as part of the application process.
 - a) For Rutgers-employed trainees, approved internal moonlighting activities performed at Robert Wood Johnson University Hospital or University Hospital Newark require a separate secondary Rutgers appointment (e.g., a “Class 8” appointment). This requirement does not apply to internal moonlighting activities performed at other RWJBarnabas Health hospitals or external sites.

- v. Moonlighting activities are not considered part of the trainee's GME responsibilities, and Rutgers Health does not assume responsibility for professional liability or indemnification by virtue of the trainee's GME status. Trainees are responsible for ensuring that appropriate professional liability coverage is in place for all moonlighting activities, consistent with the requirements of the moonlighting arrangement or site.
- vi. Routine privileging and credentialing requirements of the moonlighting site are separate from Rutgers GME approval and must be satisfied in accordance with site policies.

9. CMS Billing Requirements for Internal Moonlighting

- i. Internal moonlighting services may be billed under the Medicare Physician Fee Schedule only if all CMS criteria for "services of moonlighting residents" in 42 CFR 415.208 are met:
 - a) The services are identifiable physician services and meet all conditions for payment under 42 CFR 415.102.
 - b) The trainee is fully licensed in the state in which the services are performed.
 - c) The services can be separately identified from those required as part of the approved GME program.
 - d) These services are not included in the hospital's full-time equivalent resident count for direct or indirect GME payments.
 - e) No additional Medicare payment is made for services of a "teaching physician" associated with these moonlighting services.
- ii. Documentation in the medical record and employment/coverage agreements must clearly reflect that the trainee is functioning as an independently licensed physician, not in the capacity of a resident, during moonlighting shifts.

Application examples:

- A fellow serving as a nocturnist on a general medicine service distinct from their assigned fellowship rotation.
- A resident working in the Emergency Department or on a separate service line in the capacity of an independently licensed physician, not in the role of a resident, and outside the supervision, coverage, and scheduling structure of any residency or fellowship program, with clearly documented separation from GME duties.

10. Work Hours, Wellness, and Monitoring

- ii. All moonlighting hours (internal and external) must be logged in the institution's residency management software and be clearly designated as moonlighting hours.
- iii. Moonlighting hours are counted toward the 80-hour weekly maximum (averaged over four weeks);
- iv. Program Directors and the GME office will monitor the impact of moonlighting on trainee performance, work-hour compliance, and professionalism. Adverse effects may lead to withdrawal of permission to moonlight.
- v. Trainees are expected to report any fatigue, burnout, or wellness concerns related to moonlighting and to seek support as needed.

11. Conflict of Interest and Outside Activity Reporting

- i. Moonlighting must not create a conflict of interest with Rutgers Health responsibilities, consistent with Rutgers Code of Ethics or RWJBH Code of

- Conduct and policies on outside employment.
- ii. Rutgers employed trainees must complete the required Outside Activity Questionnaire (OAQ) at [eCOI+](#) and any other institutional conflict-of-interest or outside activity disclosures.
- iii. RWJBH employed trainees must disclose any potential conflicts in writing. The facility President and CEO or designee shall approve all employee conflicts of interest.
- iv. Failure to complete required disclosures or to obtain required approvals constitutes a violation of this policy and may result in disciplinary action up to and including termination.

12. Prohibited Moonlighting Arrangements

- i. Moonlighting will not be approved when:
 - a. The trainee is a PGY-1 resident.
 - b. The trainee is not in good standing.
 - c. The proposed duties represent additional work within the training program's scope of responsibilities and are more appropriately managed through the program's extra call or similar internal coverage policies.
 - d. The arrangement would result in violation of ACGME work-hour standards.
 - e. The work conflicts with Rutgers, RWJBarnabas Health, or other hospital policies on professionalism, conflict of interest, or clinical privileging.

13. Non-Compliance

- i. Failure to comply with this policy, including undertaking moonlighting without approval, failure to report hours, or misrepresentation of duties, may result in:
 - Immediate withdrawal of moonlighting permission;
 - Notification of the moonlighting site and relevant hospital leadership;
 - Disciplinary action under institutional policies, up to and including suspension or termination from the training program.

Note: The Office of Graduate Medical Education may periodically review moonlighting and outside professional activity approvals to ensure institutional compliance with this policy and applicable regulatory requirements.

FORM 1 - TRAINEE MOONLIGHTING REQUEST & ATTESTATION

A. Trainee Information

Name: _____
Program: _____
PGY Level: _____
Primary Training Site/Hospital: _____
Email / Phone: _____
Visa Status (U.S. citizen, EAD, J-1, other): _____

B. Moonlighting Site & Position

Type of Activity:

☐ Clinical (moonlighting as a physician) ☐ Non-clinical outside professional activity

Name of Employer / Clinical Site: _____
Site Address: _____
Contact Person at Site: _____ Phone: _____
Position/Title (e.g., Hospitalist, ED physician): _____

C. Description of Duties

Briefly describe your duties and how they differ from your current training responsibilities. Please confirm that this work is outside the scope of your ACGME program duties. For non-clinical activities, describe how the work may affect time commitment, work hours, or fitness for duty.

D. Schedule and Hours

Anticipated start date: _____ Anticipated end date: _____
Estimated number of shifts per month: _____
Typical shift length (hours): _____
Average weekly moonlighting hours: _____

Will you moonlight during months when you have on-call responsibilities?

☐ Yes ☐ No

If Yes, will your total weekly hours (training + moonlighting) ever exceed the 80-hour limit (averaged over four weeks)?

☐ Yes ☐ No

E. Licensure & Malpractice

State license type and number (unrestricted): _____

License expiration date: _____

☐ Malpractice Certificate of Insurance (**must be attached to this request**)

F. Billing (Internal Moonlighting Only)

Will billing occur for this internal moonlighting arrangement?

☐ Yes – Services will be billed under the Physician Fee Schedule, and documentation will meet CMS criteria for moonlighting residents (42 CFR 415.208).

☐ No – Services will not be billed.

If Yes, I attest that:

- The services will be identifiable physician services;
- I hold a full and unrestricted license in the state where services are performed;
- The services will be separately identifiable from my GME duties and documented accordingly.

G. Immigration / J-1 Supplemental Clinical Activity

☐ Not in J-1 status

☐ I am in J-1 status and will submit a supplemental clinical activity request to Intealth after PD and GME approval. I understand that I may not begin internal moonlighting until Intealth approval is obtained.

H. Trainee Attestations

By signing below, I attest that:

1. Moonlighting is voluntary and not a requirement of my program or employment.
2. The proposed work is outside the scope of my required GME program duties.
3. I am in good academic and professional standing and am not currently in a period of concern or probation.
4. I will comply with all ACGME duty-hour limits, log all moonlighting hours accurately and on time, and notify my Program Director if total hours approach or exceed duty-hour limits.
5. I will cease moonlighting if I am no longer in good standing or if instructed to do so by my Program Director or the GME office.
6. I will maintain all required licensure and malpractice coverage and will provide documentation upon request.
7. I have completed or will complete required Rutgers and/or RWJBH outside activity/COI disclosures (e.g., OAQ) reflecting this work.

Trainee Signature: _____ **Date:** _____

FORM 2 – PROGRAM DIRECTOR REVIEW AND APPROVAL

Trainee Name: _____
Program: _____

Program Director Assessment

- ☐ The trainee is currently in good academic and professional standing and is not in a period of concern (remediation) or probation.
- ☐ I have reviewed the proposed moonlighting duties and schedule. The work is outside the scope of required program duties and is distinguishable from the trainee's current educational activities.
- ☐ In my judgment, the proposed moonlighting will not interfere with the trainee's ability to meet educational requirements, maintain duty-hour compliance, or provide safe patient care.
- ☐ I will monitor the trainee's performance, work hours, and professionalism for any adverse effects related to moonlighting and will recommend withdrawal of permission if concerns arise.

Additional comments or conditions (optional):

B. Recommendation

☐ Approved ☐ Not Approved

Program Director Name (print): _____

Signature: _____ Date: _____



FORM 3 – ASSOCIATE DEAN FOR GME / CHIEF ACADEMIC OFFICER APPROVAL

Trainee Name: _____

Program: _____

I have reviewed:

- The trainee's request (Form 1); and
- The Program Director's assessment and recommendation (Form 2).

☐ Approved ☐ Not Approved

Conditions or comments (if any):

Associate Dean for GME / Chief Academic Officer (print):

Signature: _____ **Date:** _____