



MOUNT SINAI
SCHOOL OF
MEDICINE



Moonlighting Frequently Asked Questions (FAQs)

In an attempt to clarify the Medicare (federal) regulation, the MSMC Compliance Department has developed a document of most Frequently Asked Question (FAQs) on the topic of “Moonlighting”.

Frequently Asked Questions:

1. Why can't a fellow/resident Moonlight in the inpatient setting of the hospital they work at?

The salary support for fellows and residents in approved training programs are largely funded through payment from Medicare via the graduate medical education (GME) monies. If a resident or fellow bill for their professional services in the institution that they are training in, this would constitute as double billing to the Medicare program.

2. Can a fellow/resident perform inpatient Moonlighting services at an affiliate?

The services performed by fellows and residents that are within the scope of an approved training program are covered under Medicare Part A in payments to the hospital. This includes services furnished in a setting outside of the provider in which the program is located, but in which the hospital has agreed to cover substantially all of the costs of training in the non-provider facility (e.g., a community health program, Elmhurst Hospital). Services provided in affiliated teaching hospitals, as part of the training program, are also covered under the Part A payments. The short answer is **NO**; they can not moonlight in the inpatient setting at an affiliate hospital.

3. When can a fellow/resident bill for his/her professional services (Part B billing)

Fellows or residents may receive Part B Medicare payments for services provided outside of their training program. When the following services criteria is met:

- The services provided must be physician services requiring the personal performance by a physician
- The fellow must be duly licensed by the State, and have hospital privileges consistent with the services performed (this would include admitting privileges if responsible for

- patients being admitted to the hospital). At MSMC a hospital appointment is necessary AND evidence of liability coverage is required.
- The services provided must be clearly discernible from those provided as part of the training program

* The regulation also indicates that those services which are unrelated to the training program and furnished in the outpatient department or emergency room of the hospital in which they have their training program, may be covered as physician services under Part B. Due to the policy being silent on other scenarios, the fact that it identifies only the outpatient department and emergency room services as covered, implies that all other services not included are excluded from coverage.

4. Can an endocrinology fellow moonlight as a general medical physician in the emergency department?

Yes, this would be acceptable. **However, it would not be Medicare-covered if the fellow were “taking call” for an endocrinology attending, as that activity could not be readily distinguished from the duties that are part of the fellowship.**

5. Can a fellow or resident perform over-time, or take call within their fellowship department if there is no Part B billing?

Because there is no Part B bill remitted to the Medicare program, this question does not pose a Part B billing issue. However, there is a Part A issue regarding quality and adequacy of patient care as required under the Part A program. A fellow taking call or performing over-time within their fellowship department requires attending supervision- this is consistent with the bylaws of Mount Sinai Hospital.

6. Can fellows/residents that are not part of an approved training program “moonlight” in the same hospital in which they also participate in their training program?

Fellows or residents who are not part of an approved training program may “moonlight”. Their services would be covered and billable under Medicare Part B. This includes in-patient care as well as services furnished in the out-patient department or emergency room. **However, this is contingent upon the fellow or resident being fully licensed to practice medicine outside of the hospital setting, e.g., their license is neither temporary nor restricted. Fellows or residents authorized to practice only in a hospital setting are subject to the same restrictions as those participating in an approved postgraduate program.**

7. Define an accredited fellowship program and when it is permissible to compliantly bill for professional services (Part B)?

All residents and fellows in programs certified by either the Accreditation Council of Graduate Medical Education (ACGME) or in which a certificate by a member board of the American Board of Medical Specialties (ABMS) is available cannot bill for professional services provided in a hospital setting at Mount Sinai of Manhattan or Mount Sinai of Queens. Fellows not in approved programs may bill for all services they perform in their own name provided they are properly licensed and credentialed to perform such services.

8. Please provide the requisite professional (Part B) billing requirements:

Medicare and other payers may be billed if **ALL** of the following five criteria are met:

- The services are identifiable physician services
- The resident or fellow has a Mount Sinai staff appointment
- The resident or fellow is fully licensed
- The services performed are not part of those required as part of the resident's or fellow's approved GME training program
- The fellow/resident has received written permission of the departmental training director/Division Chief

9. What is the MSSM policy for ascertaining approval to Moonlight?

The resident or fellow must have a written contract for moonlighting that clearly states that the services provided are outside the scope of their training program AND it is the responsibility of both the attending and the fellow to ensure compliance with the Bell Commission regulations.

10. I am a Cardiology fellow who is licensed in primary care medicine. Can I moonlight as a fellow in Medicine and not bill for my professional services?

Yes, as long as you have an active non-restricted license, have a Medical Staff appointment and carry independent malpractice insurance and you do not bill for your professional services to any payer.

11. If I am Moonlighting am I covered under the Mount Sinai malpractice professional liability policy?

No, the Mount Sinai malpractice insurance only covers activities within the scope of your employment (in the capacity as a fellow or resident) and in accordance with the activities for which you are credentialed at Mount Sinai. Separate insurance is required for moonlighting activities.

12. Am I required to provide proof of coverage for my moonlighting activity and to whom do I supply this information

Yes, proof of insurance should be provided. This information should be sent to the designee (or designees) in your department that has the responsibility and authority to approve moonlighting contracts and/or departmental clinical coverage arrangements.

It is the Mount Sinai Medical Center policy that all moonlighting hours, whether billed or not billed, must be included when calculating total work hours weekly and must be in compliance with the rules set forth in the Bell Commission regulation.