

LOUISIANA STATE BOARD OF MEDICAL EXAMINERS

(July 2017)

Guidance — Residents Engaged in Extracurricular Practice (e.g., Moonlighting) Under a Training Permit

Introduction: This guidance addresses the topic of residents engaged in extracurricular practice (e.g., moonlighting) under a post-graduate medical training permit issued by the Louisiana State Board of Medical Examiners.

Background: A post-graduate medical training permit (“permit”) authorizes a physician to participate in an accredited post-graduate medical training program (“program”) in a Louisiana medical school, college or other accredited medical institution approved by the board.¹ However, a permit does not allow residents to practice outside of their program² or render them eligible for a federal or state controlled substance registration or permit.

Over the years, the Board has responded to inquiries from programs in this state, as to the circumstances under which residents possessing a permit may engage in moonlighting activities. We summarize below the Board’s prior advice, which remains a valid expression its views on the topic.

Guidance: In general, the Board has advised that it would be permissible for residents³ to moonlight, conformably with controlling law and the Board’s rules, in the following circumstances: (1) the program is accredited by the Accreditation Council for Graduate Medical Education; (2) the resident has passed Part 3 of the USMLE or COMLEX examination; (3) the resident remains an employee of the medical school or program, with or without outside contract support for their services; (4) the resident is in good standing with the program and is permitted to moonlight; (5) the resident is supervised by physicians designated by the program who remain responsible to patients and the Board for the performance and delivery of medical care; and (6) the moonlighting is conducted in the medical school, facility or institution where the post graduate medical training program is being conducted or at facilities affiliated with the program.⁴

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¹La. Adm. C. 46:XLV.404, 411.

²La. R.S. §37:1271.

³Under no circumstances may a PGY1/intern engage in moonlighting, *See footnote 1* and La. Adm. C. 46:XLV.425.

⁴The Board has also advised that residents practicing under a permit should not issue Physician’s Emergency Certificates, as the law which grants authority to issue a PEC to any “physician,” extends civil and criminal immunity protections only to “licensed physicians.” *See:* La. R.S. §§28:53, 28:63.