I. PURPOSE

To establish guidelines for housestaff adherence to “Maggie’s Law”, which refers to N.J.S.2C:11-5 2C:11-5. “Death by auto or vessel.

A. Criminal homicide constitutes vehicular homicide when it is caused by driving a vehicle or vessel recklessly. (For the purposes of this section, driving a vehicle or vessel while knowingly fatigued shall constitute recklessness. ‘Fatigued’ as used in this section means having been without sleep for a period in excess of 24 consecutive hours.) Proof that the defendant fell asleep while driving or was driving after having been without sleep for a period in excess of 24 consecutive hours (shall) may give rise to an inference that the defendant was driving recklessly.”

B. “vehicular homicide is a crime of the second degree.”

II. SCOPE

This applies to all postgraduate medical education programs and individual housestaff members.

III. DEFINITIONS

Housestaff - refers to all interns, residents and fellows enrolled in a RUTGERS Robert Wood Johnson Medical School postgraduate training program. An individual member of the housestaff may be referred to as a house officer.

IV. RESPONSIBILITIES/REQUIREMENTS

A. Housestaff and residency program directors should be aware of the potential problems that may result from driving a vehicle after having been without sleep for a period in excess of 24 consecutive hours.

B. Housestaff who have been without sleep for a period in excess of 24 consecutive hours must, before driving, take one or more of the following actions.
   1. sleep for a period of time sufficient to feel rested before driving
   2. arrange to be driven to their home/ place of residence, alternative site
   3. take public transportation to their home/ place of residence, alternative site.
C. The responsibility of the clinical site(s) is to ensure that a place conducive to sleep is available to residents at the end of any shift of 24 or more consecutive hours.

D. The program director shall inform all residents of the potential impact of sleep deprivation and fatigue on performance and the provisions of Maggie’s Law. The program director must also ensure that any site at which residents work 24 hours has a space available that is conducive to sleep.

E. Oversight:
   1. Each program must have written policies and procedures consistent with Maggie’s Law. These policies must be distributed to the residents and the faculty and kept on file in the GME office. The program, the program director, and the faculty must monitor compliance with this policy
   2. The GME office will oversee that programs comply with this policy.

Approved by GMEC on June 14, 2005