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Report Highlights

Regulation of the Physical Therapy Profession

Louisiana Physical Therapy Board

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Why We Conducted This Audit

We evaluated whether the Louisiana Board of Physical Therapy (LPTB or Board) effectively regulated the physical therapy profession during fiscal years 2015 through 2019 to ensure compliance with the Louisiana Physical Therapy Practice Act. We conducted this audit to determine whether LPTB is meeting its mission of protecting the public and that its processes ensure that licensees comply with the Physical Therapy Practice Act.

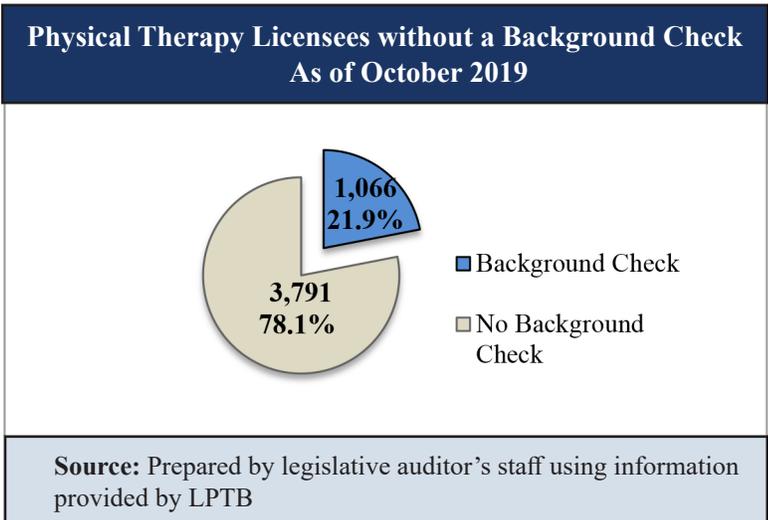
What We Found

Overall, we found that LPTB has established regulatory processes that comply with state law and conform to most best practices. Specifically, LPTB monitors the license application process to ensure that it issues licenses to qualified individuals and that renewing licensees complete continuing education courses. In addition, LPTB has established a process for receiving complaints and has adopted a matrix that helps ensure disciplinary actions are consistent and escalated based on the number and severity of violations. However, we found that LPTB needs to strengthen its licensing, monitoring, and enforcement activities to better protect the public and ensure that licensees comply with the Physical Therapy Practice Act. Specifically, we identified the following issues:

- **In January 2010, state law granted LPTB the authority to conduct background checks on applicants upon initial licensure; however, LPTB did not start conducting background checks until January 2016, six years later. As a result, as of October 2019, 3,791 (78.1%) of 4,857 current licensees who were licensed prior to January 2016 did not receive background checks, as shown in the exhibit.**

In addition, LPTB is not required to query the National Practitioner Data Bank (NPDB) prior to issuing or renewing licenses, so it may be making decisions without important disciplinary information on potential applicants from other states.

- **During fiscal years 2015 through 2019, LPTB received 169 complaints containing 200 allegations that took an average of 120 days to resolve and resulted in 69 enforcement actions. However, LPTB has not established timeframes for investigating complaints and issuing enforcement actions. As a result, the Board cannot ensure that it is investigating and resolving complaints in a timely manner. LPTB has**



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What We Found (Cont.)

adopted a disciplinary matrix that assists the Board in issuing consistent and appropriate disciplinary actions as recommended by best practices. We reviewed 30 (43.5%) of the 69 enforcement actions issued by LPTB during fiscal years 2015 through 2019 and found these 30 actions were issued in accordance with this matrix. The exhibit below categorizes the 169 complaints that included 200 allegations received by LPTB during fiscal years 2015 through 2019.

Allegations Received by LPTB, by Type of Complaint Fiscal Years 2015 through 2019		
Type of Complaint	No. Allegations	Percent
Substance abuse	40	20.0%
Billing, documentation, fraud, overutilization	30	15.0%
Unprofessional conduct	28	14.0%
Malpractice	23	11.5%
Practicing without a license	23	11.5%
Criminal activity (e.g., DUI, arrested, etc.)	16	8.0%
Scope of practice, unauthorized treatment, non-treatment	15	7.5%
Supervision	9	4.5%
Sexual misconduct	7	3.5%
Continuing education	5	2.5%
Other	4	2.0%
Total	200*	100%

*Some complaints contained multiple allegations.
Source: Prepared by legislative auditor's staff using data from LPTB's system.

- **LPTB does not always include monitoring provisions in its Board orders to ensure licensees comply with all restrictions imposed by the Board. In addition, LPTB does not always set timeframes for conducting monitoring visits and does not always conduct monitoring visits in accordance with the timeframes it does set.** We reviewed six (15.8%) of the 38 Board orders issued during fiscal years 2015 through 2019 and found that LPTB did not include any monitoring provisions for one licensee, did not set timeframes for monitoring another licensee, and failed to meet the monitoring timeframes that it did set for two licensees.
- **During fiscal years 2015 through 2019, LPTB did not report all adverse actions to the NPDB as required by federal regulations. We found that LPTB did not report 27 (29.7%) of 91 actions issued for 46 licensees to the NPDB within 30 days.** LPTB took an average of 222 days to report these 27 actions to the NPDB, ranging from 42 days to more than two years. The nature of these cases included sexual misconduct, substance abuse, criminal convictions, and fraud. In addition, as of February 2020, LPTB had not posted disciplinary actions for four licensees on its website within 30 days in accordance with Board goals and best practices. LPTB should consistently post all disciplinary actions on its website so that consumers can make informed decisions when choosing a physical therapist.

LPTB is responsible for licensing all who engage in the practice of physical therapy and taking appropriate actions, such as suspending, revoking or restricting a license, or imposing fines, if it identifies violations. As of October 2019, LPTB regulated a total of 3,273 physical therapists and 1,556 physical therapist assistants.

View the full report, including management's response, at www.la.gov.