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Report Highlights

Louisiana State Board of Medical Examiners

Regulation of the Medical Profession

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Why We Conducted This Audit

We evaluated whether the Louisiana State Board of Medical Examiners (LSBME or Board) effectively regulated the medical profession during fiscal years 2015 through 2017 to ensure compliance with the Louisiana Medical Practice Act and various other healthcare practice acts (Practice Acts). We conducted this audit because even though LSBME was created under the authority of the Louisiana Department of Health (LDH), neither LDH nor any other entity is required to provide oversight of LSBME's operations.

What We Found

Overall, we found that LSBME needs to strengthen its monitoring and enforcement activities to meet its statutory responsibilities, better protect the public, and ensure that medical professionals comply with their applicable Practice Act. Specifically, we identified the following issues:

- **LSBME has not developed formal guidance, such as an enforcement guide, to help ensure it follows a consistent, objective approach when making enforcement decisions and that these decisions are appropriate and properly protect the public from unprofessional, improper, unauthorized, and unqualified licensees as required by law. In addition, unlike other states, LSBME does not require that anyone review the Director of Investigation's recommendations to the Board regarding enforcement cases.** An enforcement guide that establishes a graduated and equitable system of sanctions and specifies the type and number of violations that should trigger each level of sanctions would also help make LSBME's enforcement process more transparent and help ensure the Board does not over or under-discipline licensees. The chart on the following page summarizes actions imposed by LSBME in calendar years 2015 through 2017.

LSBME is responsible for licensing all who engage in the practice of medicine or allied health and taking appropriate actions, such as suspending, revoking, or restricting a license or imposing probation terms or fines, if it identifies violations. During calendar year 2018, LSBME regulated more than 32,000 medical practitioners, including physicians, clinical lab personnel, respiratory therapists, and occupational therapists.

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What We Found (Cont.)

Actions Imposed by LSBME Cases Closed During Calendar Years 2015 through 2017					
Non-Public Actions	2015	2016	2017	Total	% of Total
Licensee Counseled	73	35	28	136	28.8%
Referred to Physician Health Program (PHP) or Allied Health Monitoring Program (AHM)*	31	42	39	112	23.7%
Non-Public Letter of Concern	8	13	25	46	9.7%
Agreements to Let License Lapse	0	2	9	11	2.3%
Non-Public Actions Total	112	92	101	305	64.5%
Public Actions	2015	2016	2017	Total	% of Total
Official Reprimand	62	14	15	91	19.2%
Suspension	12	13	10	35	7.4%
Probation	4	5	14	23	4.9%
Other Public Actions**	6	7	6	19	4.0%
Public Actions Total	84	39	45	168	35.5%
Grand Total	196	131	146	473	100%
<p>*The PHP is an outside entity funded by physician licensing fees and typically used for addiction treatment and mental health counseling. The AHM is maintained by LSBME and used to monitor and treat allied health professionals with addiction problems.</p> <p>**Other public actions include voluntary surrenders, licenses conditioned/limited, and revocations.</p> <p>Source: Prepared by legislative auditor's staff using data contained in LSBME's CAVU system.</p>					

- During calendar years 2015 through 2017, LSBME did not report all licensees who violated their Practice Act to the appropriate parties as required by law.** We identified 10 licensees who LSBME failed to report to the National Practitioners Data Bank as required by federal law when they were suspended, did not renew, or relinquished their licenses as a result of an investigation conducted by the Board. In addition, LSBME did not report all violations substantiated during its investigation process to the prosecuting officer of the state as required by state law.
- LSBME has not effectively monitored all licensees. While LSBME monitors licensees on probation, it does not track and monitor licensees who have verbal agreements or other restrictions such as prohibitions from prescribing controlled substances or requiring supervision or chaperones while treating patients. LSBME also did not ensure that individuals with expired licenses did not continue to practice.** We reviewed Prescription Monitoring Program data from January 2015 through December 2016 and identified 11 licensees who appeared to have prescribed medications in violation of the restrictions imposed by LSBME, as well as 44 licensees with expired licenses who wrote 116 prescriptions for controlled substances during calendar year 2016.
- LSBME has not ensured that licensees comply with all licensing requirements. LSBME does not have a formal process for conducting and tracking Continuing Education (CE) audits and does not retain supporting audit documentation in accordance with its records retention schedule.** As a result, it cannot ensure that licensees complied with CE requirements during calendar years 2015 through 2017.