

REGULATION OF THE PHYSICAL THERAPY PROFESSION

LOUISIANA PHYSICAL THERAPY BOARD



PERFORMANCE AUDIT SERVICES  
ISSUED MAY 21, 2020

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LOUISIANA LEGISLATIVE AUDITOR  
DARYL G. PURPERA, CPA, CFE

May 21, 2020

The Honorable Patrick Page Cortez,  
President of the Senate  
The Honorable Clay Schexnayder  
Speaker of the House of Representatives

Dear Senator Cortez and Representative Schexnayder:

This report provides the results of our evaluation of the Louisiana Physical Therapy Board's (LPTB) regulation of the physical therapy profession. The purpose of this audit was to determine whether LPTB is meeting its mission of protecting the public and whether its processes ensure that licensees comply with the Louisiana Physical Therapy Practice Act.

Overall, we found 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 to help ensure disciplinary actions are consistent and escalated when appropriate.

However, we also found LPTB needs to strengthen some aspects of its licensing, monitoring, and enforcement activities.

For example, 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 percent) of 4,857 current licensees who were licensed prior to January 2016 did not receive background checks.

In addition, 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. We found, though, that LPTB has not established timeframes for how long it should take to investigate complaints and issue enforcement actions.

We found as well that LPTB does not always include monitoring provisions in its Board orders to ensure licensees comply with all restrictions imposed by the Board. LPTB does not

The Honorable Patrick Page Cortez,  
President of the Senate  
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Speaker of the House of Representatives  
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always set timeframes for monitoring visits and does not always conduct monitoring visits in accordance with the timeframes it does set. We reviewed six (15.8 percent) 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.

Also during fiscal years 2015 through 2019, LPTB did not report all adverse actions to the National Practitioner Data Bank as required by federal regulations. We found LPTB did not report 27 (29.7 percent) of 91 actions issued for 46 licensees within 30 days as required. Instead, it took LPTB from 42 days to more than two years to report these 27 actions to the data bank. 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.

The report contains our findings, conclusions, and recommendations. I hope this report will benefit you in your legislative decision-making process.

We would like to express our appreciation to the Louisiana Physical Therapy Board for its assistance during this audit.

Respectfully submitted,



Daryl G. Purpera, CPA, CFE  
Legislative Auditor

DGP/aa

LPTB

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# Louisiana Legislative Auditor

Daryl G. Purpera, CPA, CFE



## Regulation of the Physical Therapy Profession Louisiana Physical Therapy Board

May 2020

Audit Control # 40190020

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### Introduction

We evaluated whether the Louisiana Physical Therapy Board (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.<sup>1</sup> LPTB is legislatively mandated<sup>2</sup> to license and regulate physical therapists and physical therapist assistants who work in Louisiana. As of October 2019, LPTB regulated a total of 3,284 physical therapists and 1,573 physical therapist assistants.

The **purpose of the Physical Therapy Practice Act** is to protect the public health, safety, and welfare, and to provide for state administrative control, supervision, licensing, and regulation of the practice of physical therapy in Louisiana.

Source: R.S. 37:2402

LPTB was established in 1987<sup>3</sup> as a regulatory agency responsible for licensing all individuals who engage in the practice of physical therapy and taking appropriate actions, such as suspending, revoking or restricting a license, if it identifies violations.<sup>4</sup> We conducted this audit to determine whether LPTB is meeting its mission of protecting the public and whether its processes ensure that licensees comply with the Physical Therapy Practice Act.

Act 515 of the 2018 Regular Legislative Session increased the number of LPTB Board members from seven to eight by adding a consumer member to the original five licensed physical therapists, one physical therapist assistant, and one licensed physician specializing in orthopedic surgery or physiatry. In addition, LPTB has five staff members, including one part-time staff member, who perform administrative functions and assist with licensing, monitoring, and enforcement responsibilities. Exhibit 1 summarizes LPTB's regulatory responsibilities and the activities it conducts to accomplish these functions.

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<sup>1</sup> Louisiana Revised Statutes (R.S.) 37:2401, *et seq.*

<sup>2</sup> R.S. 37:2405

<sup>3</sup> Prior to 1987, physical therapists and physical therapist assistants were first licensed and regulated by the Louisiana State Board of Medical Examiners.

<sup>4</sup> R.S. 37:2405, 2420

<b>Exhibit 1 LPTB's Regulatory Functions</b>	
<b>Functions</b>	<b>Examples of Activities to Accomplish Functions</b>
Licensing	<ul style="list-style-type: none"> <li>● Review and approve applications for licensure</li> <li>● Verify applicants received the required 30 hours of Board-approved continuing education (CE) for each biennial renewal period</li> <li>● Provide current licensee information to public on website</li> </ul>
Monitoring	<ul style="list-style-type: none"> <li>● Investigate complaints and other allegations of violations of the Louisiana Physical Therapy Practice Act and Rules</li> <li>● Monitor disciplined licensees for compliance with imposed conditions</li> <li>● Oversee licensees in the Recovering Physical Therapy Program</li> </ul>
Enforcement	<ul style="list-style-type: none"> <li>● Discipline licensees who have been found to violate the Practice Act (probation, license suspension/revocation, etc.)</li> <li>● Report licensees with violations to the National Practitioner Data Bank (NPBD) as required by federal law</li> <li>● Disclose disciplinary actions taken against licensees on website</li> </ul>
<b>Source:</b> Prepared by legislative auditor's staff using information provided by LPTB.	

LPTB is funded solely through self-generated revenues. In fiscal year 2019, LPTB's total revenue of approximately \$947,946 included fees from license applications and renewals, as well as fees assessed to continuing education trainers.<sup>5</sup> The majority of LPTB's total expenses of approximately \$775,217 in fiscal year 2019 were for salaries and related benefits (\$430,042, or 55.5%) and operating expenses (\$178,603, or 23.0%). See Appendix C for a breakdown of LPTB's revenues and expenses for fiscal years 2015 through 2019.

The objective of this audit was:

**To evaluate LPTB's regulation of the physical therapy profession to ensure compliance with the Louisiana Physical Therapy Practice Act.**

The issues we identified are summarized on the next page and discussed in further detail throughout the remainder of the report. Appendix A contains LPTB's response to this report, and Appendix B details our scope and methodology. Appendix C summarizes LPTB's revenues, expenses, and net income for fiscal years 2015 through 2019, and Appendix D contains LPTB's disciplinary matrix that shows how it escalates discipline based on the severity and number of violations.

<sup>5</sup> [Division of Administration's Boards and Commissions website](#)

## **Objective: To evaluate LPTB's regulation of the physical therapy profession to ensure compliance with the Louisiana Physical Therapy Practice Act.**

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 some aspects of 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.** 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 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.
- **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 National Practitioner Data Bank (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.

These issues are explained in more detail throughout the remainder of the report, along with recommendations to assist LPTB to strengthen its regulation of the physical therapy profession.

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**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. 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.**

To qualify for licensure, state law<sup>6</sup> requires physical therapists and physical therapist assistants to be of good moral character.<sup>7</sup> This is important because many physical therapists and physical therapist assistants work outside of supervised hospital settings and with vulnerable populations. According to the American Physical Therapy Association, more than 80% of physical therapists practice outside hospital settings, including home health and hospice agencies, schools, nursing homes, and outpatient clinics.<sup>8</sup> As a result, LPTB should collect all available information to make informed licensing decisions, ensure its licensees are of good moral character, and meet its mission of protecting the public. Reviewing an applicant's history of criminal activity and any disciplinary actions received in other states are two ways that can help LPTB determine whether applicants are of good moral character and suitable for licensing.

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<sup>6</sup> R.S. 37:2409(3) and 37:2411(2)

<sup>7</sup> LAC 46:123 defines "good moral character" as the aggregate of qualities evidenced by past conduct, social relations, or life habits, which actually provide persons acquainted with the applicant a basis to form a favorable opinion regarding his ethics and responsibility to duty.

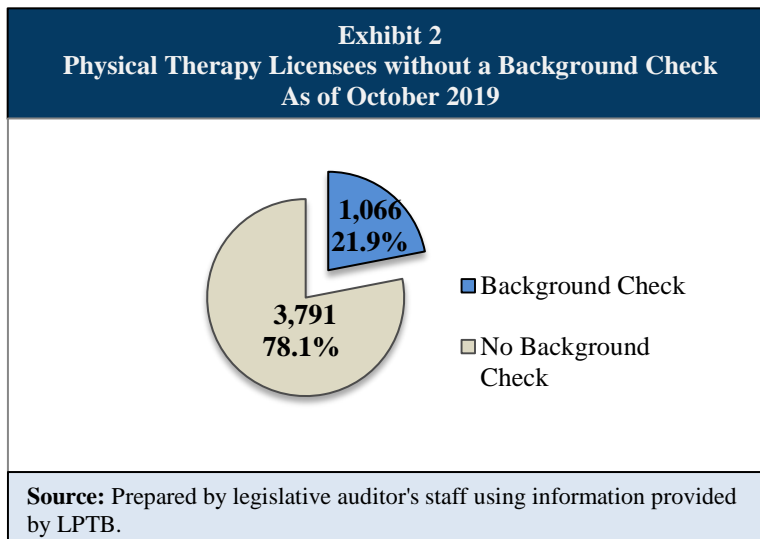
<sup>8</sup> <http://www.apta.org/ptcareers/overview/>



**State law only authorizes LPTB to conduct criminal background checks on applicants when they are initially licensed. As a result, 78.1% of licensees have not received a background check as of October 2019.**

In January 2010, state law<sup>9</sup> granted LPTB the authority to require applicants for initial licensure to provide fingerprints so that the Board could request national criminal history background checks to determine applicants' moral character and suitability for licensing. In January 2016, six years later, LPTB began conducting criminal

background checks on initial applicants after it found that other state physical therapy boards were requiring background checks. However, because current law only permits LPTB to conduct background checks on initial applicants, LPTB cannot conduct background checks on any physical therapist or physical therapist assistant licensed before January 2016. As a result, LPTB does not have background checks on 3,791 (78.1%) of 4,857 current licensees as of October 2019, as shown in Exhibit 2.



One of the benefits of requiring criminal background checks is that LPTB can receive “Rap Back” notifications<sup>10</sup> from Louisiana State Police if any of its licensees are arrested after their initial background check. However, since the law does not authorize LPTB to conduct background checks for 78.1% of licensees, it has to rely on these licensees to self-disclose if they have been arrested, charged, convicted, or pled guilty to any violation of state or federal law. This method is not always reliable, as we found that the Board learned during complaint

#### **Example of Failure of LPTB’s Current Self-Disclosure Process**

In October 2018, LPTB received a complaint that a physical therapist who had been licensed in October 2004 had been arrested for manufacturing and distributing anabolic steroids after another physical therapist heard about it on the news.

- The licensee later pled guilty to these charges.
- In December 2019, the Board unanimously voted to suspend this license for 10 years.

investigations that at least one licensee had not previously self-disclosed their full criminal history, as shown in the text box on the left. If LPTB’s statutory authority to conduct criminal background checks was

not limited to applicants for initial licensure, it could review the criminal history of all licensees, receive “Rap Back” notifications on all licensees, and ensure that it has the information needed to determine if licensees meet moral character requirements and are suitable for practice. This would also make the Board aware of other licensees who failed to self-disclose criminal activity.

<sup>9</sup> R.S. 37:2413(B)

<sup>10</sup> The Rap Back service allows LPTB to receive ongoing status notifications of any criminal activity on licensees with a completed criminal background check, thus eliminating the need for repeated background checks on the same licensee.

At least five other Louisiana healthcare regulatory boards,<sup>11</sup> as well as the Texas Board of Physical Therapy Examiners, have the statutory authority to conduct criminal background checks on existing licensees. For example, the Louisiana State Board of Medical Examiners (LSBME) is required to obtain criminal history information on any applicant during initial licensure, renewal, or reinstatement.<sup>12</sup> In addition, the Texas Board of Physical Therapy Examiners began requiring a criminal background check in January 2019 for both existing licensees and at initial licensure. According to a Texas Board member, by reviewing the criminal history of existing licensees, they found licensees who failed to self-disclose their criminal history.

**In addition, LPTB does not query the National Practitioner Data Bank (NPDB) for enforcement information when making licensure decisions; as a result, it may issue a license to an applicant who was disciplined in another state.** Certain entities, including LPTB, other state healthcare licensing boards, and hospitals, are required by federal law<sup>13</sup> to report adverse actions to the NPDB (see text box at right). These adverse actions include disciplinary actions taken as a result of a formal proceeding including revocation or suspension of a license, probation, limitations on the scope of practice, or rejecting an applicant, and would not show up on criminal background checks. However, LPTB is not required by law to query the NPDB prior to issuing or renewing licenses, so it may be making decisions without important information on potential applicants. The NPDB also offers a “Continuous Query” service that would notify LPDB via email within 24 hours of a report received by the NPDB on LPTB’s enrolled licensees.<sup>14</sup>

The **National Practitioner Data Bank (NPDB)** is a tool that prevents practitioners from moving state to state without disclosure or discovery of previous damaging performance.

**Source:** U.S. Department of Health and Human Services,  
<https://www.npdb.hrsa.gov/resources/whatIsTheNPDB.jsp>

Other Louisiana healthcare regulatory boards use information from the NPDB when making licensing decisions. For example, the Louisiana State Dental Board is required by state regulations<sup>15</sup> to utilize information from the NPDB to determine the professional ability, conduct, and character of all applicants seeking licensure. In addition, LSBME began querying the NPDB for all applicants in June 2019, although it is not required to do so. According to LSBME, the NPDB provides it with additional information that is useful in identifying potential licensing issues.

LPTB’s licensing process does include reviewing the Federation of State Boards of Physical Therapy’s (FSBPT) Exam Licensure and Disciplinary Database (ELDD) for all initial applicants. The ELDD is a national database that contains licenses issued and disciplinary actions that are reported by other state physical therapy boards.<sup>16</sup> However, federal law does not mandate that states report to the ELDD, and according to the FSBPT, some jurisdictions do not

<sup>11</sup> Louisiana Board of Chiropractic Examiners, Louisiana State Board of Dentistry, Louisiana State Board of Nursing, Louisiana State Board of Medical Examiners, and Louisiana Board of Pharmacy

<sup>12</sup> R.S. 37:1277

<sup>13</sup> 42 USC § 1396

<sup>14</sup> As of April 2020, NPDB charges \$2 annually for each enrolled licensee

(<https://www.npdb.hrsa.gov/hcorg/pds.jsp>).

<sup>15</sup> LAC 46:307, 707

<sup>16</sup> <https://www.fsbpt.org/Free-Resources/FSBPT-Forum/Forum-Spring-2019/ELDD-20>

report disciplinary actions to the ELDD. In addition, the data in the ELDD is limited to physical therapy disciplinary actions, whereas the NPDB contains data from additional sources such as other healthcare boards and hospitals. LPTB stated that it also contacts other states directly if an applicant self-discloses that they practiced physical therapy in another state. However, applicants may not disclose every state in which they have practiced. If LPTB verified, on an ongoing basis, that licensees have not been disciplined in other states, it could better protect the public.

**Recommendation 1:** LPTB should request “Continuous Query” reports from the National Practitioner Data Bank for each applicant for initial licensure and each renewal applicant to ensure the Board receives accurate, timely notice of actions taken by other states and healthcare entities.

**Summary of Management’s Response:** LPTB partially agrees with this recommendation and stated that querying the NPDB may provide information related to disciplinary issues that may be absent from the ELDD, and a continuous query would help the Board to fulfill its mission of protecting the public when making licensure decisions at the time of initial license. However, LPTB stated that the feasibility of querying all licensees at the time of renewal is less optimal and much more complicated. The Board has attempted to run a continuous query on all licensees and will continue to do so prior to May 31, 2020, in an effort to have a better understanding of reports to the NPDB and not reported to the Board. See Appendix A for LPTB’s full response.

**Matter for Legislative Consideration:** The legislature may wish to consider amending R.S. 37:2413(B) to require LPTB to conduct criminal background checks on all applicants, including renewing applicants and reinstatements.

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**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 how long it should take to investigate complaints and issue enforcement actions. As a result, the Board cannot ensure that it is investigating and resolving complaints in a timely manner.**

LPTB is authorized by state law<sup>17</sup> to investigate complaints and issue disciplinary actions to licensees who have been found to violate the Physical Therapy Practice Act. According to the Texas Sunset Advisory Commission,<sup>18</sup> investigations that are unreasonably long can prolong

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<sup>17</sup> R.S. 37:2405, 2420

<sup>18</sup> The Texas Sunset Advisory Commission is a 12-member legislative commission tasked with identifying and eliminating waste, duplication, and inefficiency for more than 130 Texas state agencies.

potentially dangerous situations for the public and disrupt a licensee's practice.<sup>19</sup> In addition, the FSBPT states that having a matrix allows for uniform and objective application of discipline; increases trust in the board; and shows that there is fairness to licensees, the public, and consumers.<sup>20</sup> While LPTB has developed a disciplinary matrix that is in line with FSBPT's disciplinary guidelines, it has not established timeframes for how long it should take to investigate complaints and issue disciplinary actions.

**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.<sup>21</sup> However, LPTB has not established timeframes for how long it should take to investigate complaints and issue disciplinary actions.** According to LPTB, one of its key objectives is to timely investigate and resolve complaints regarding violations of the Physical Therapy Practice Act as quickly as possible without jeopardizing the integrity of the investigation and protecting the public. During fiscal years 2015 through 2019, we determined that LPTB received and resolved 169 complaints that included 200 allegations including substance abuse, improper billing or fraud, sexual misconduct, and practicing without a license, as shown in Exhibit 3.<sup>22</sup>

<b>Exhibit 3 Allegations Received by LPTB, by Type of Complaint Fiscal Years 2015 through 2019</b>		
<b>Type of Complaint</b>	<b>No. Allegations</b>	<b>Percent</b>
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%
<b>Total</b>	<b>200*</b>	<b>100%</b>
*Some complaints contained multiple allegations. <b>Source:</b> Prepared by legislative auditor's staff using data from LPTB's system.		

Because LPTB has not established any goals or timeframes for how long it should take to investigate complaints and issue disciplinary actions, the Board cannot determine whether it is accomplishing its objective of investigating and resolving complaints in a timely manner. We determined that it took LPTB an average of 120 days to resolve these 169 complaints, ranging from one day to more than a year, which resulted in 69 enforcement actions. According to LPTB, some complaints take longer to resolve because they have a criminal component and the Board

<sup>19</sup> <https://www.sunset.texas.gov/sunset-review-standards>

<sup>20</sup> [https://www.fsbpt.org/Portals/0/documents/free-resources/Winter2018Forum\\_FederationOfStateBoardsOfPhysicalTherapyModelBoardActionGuidelines.pdf](https://www.fsbpt.org/Portals/0/documents/free-resources/Winter2018Forum_FederationOfStateBoardsOfPhysicalTherapyModelBoardActionGuidelines.pdf)

<sup>21</sup> Enforcement actions include consent orders, Board orders, and letters of concern, as shown in Exhibit 4.

<sup>22</sup> Some complaints contained multiple allegations.

Exhibit 4 Enforcement Action Issued, by Type Fiscal Years 2015 through 2019		
Type of Enforcement Action	Number	Percent
<b>Public Actions (i.e. Board Orders)</b>		
Probation*	9	13.0%
Suspension*	15	21.7%
License denial	1	1.4%
License revocation/voluntary surrender	7	10.1%
Other (i.e. required to reverse patient charges, attend drug treatment)	6	8.7%
<b>Total Public Actions</b>	<b>38</b>	<b>55.14%</b>
<b>Non-Public Actions</b>		
Agreement to abstain**	13	18.8%
Letter of concern	18	26.1%
<b>Total Non-Public Actions</b>	<b>31</b>	<b>44.9%</b>
<b>Total Enforcement Actions</b>	<b>69</b>	<b>100%</b>
* With or without additional requirements or restrictions		
**According to LPTB, it stopped issuing Agreements to Abstain in April 2019.		
<b>Source:</b> Prepared by legislative auditor's staff using information from LPTB.		

We found that other healthcare regulatory boards in Louisiana<sup>23</sup> and other state physical therapy boards<sup>24</sup> have established timeframes for resolving complaints. For example, the Louisiana State Board of Nursing has established a “Priority System” where complaints are prioritized and investigated based on the risk to the public. Timeframes for resolving complaints range from three months for the most serious complaints to 18 months for the least serious.

**LPTB has adopted a disciplinary matrix in line with the FSBPT’s disciplinary guidelines that assists the Board in issuing consistent and appropriate enforcement 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.** According to FSBPT, consistency in the application of remediation and discipline is an issue for regulatory boards, as confusion is created for the board, the public, and the licensee when the same violation has different consequences. FSBPT also warns that appropriate discipline should not be too lenient, which fails to deter potential offenders, or too restrictive, which can decrease the reporting of violations. In calendar year 2016, LPTB began using the Model Board Action Guidelines<sup>25</sup> developed by FSBPT, which is a matrix that provides guidance on what type of discipline is appropriate in certain situations. These guidelines help ensure that LPTB issues consistent and appropriate enforcement actions, which is especially important because LPTB Board members are limited to three-year terms.<sup>26</sup>

<sup>23</sup> Louisiana State Board of Nursing, LSBME, and Louisiana Board of Pharmacy

<sup>24</sup> Texas Board of Physical Therapy Examiners and Florida Board of Physical Therapy

<sup>25</sup> <https://members.fsbpt.org/Portals/0/documents/ModelBoardActionGuidelines201805.pdf>

<sup>26</sup> R.S. 37:2403(C)

As recommended by the National State Auditors Association (NSAA) best practices,<sup>27</sup> LPTB's matrix includes graduated disciplinary action based on the number and/or the severity of the violations. For example, LPTB initially placed a licensee on probation for substance abuse, suspended the license until completion of an inpatient drug rehabilitation program when the licensee failed to comply with the probation conditions, and revoked the license after further noncompliance. We reviewed 30 (43.5%) of the 69 enforcement actions that LPTB issued during fiscal years 2015 through 2019 and found that they were issued in accordance with LPTB's disciplinary matrix. Appendix D contains LPTB's disciplinary matrix that shows how it escalates discipline based on the severity and number of violations.

**Recommendation 2:** LPTB should establish timeframes for how long it should take to investigate complaints and issue enforcement actions.

**Summary of Management's Response:** LPTB agrees with this recommendation and stated that the Board will establish timeframes and will use the recommendation provided regarding a different timeframe for less serious complaints, more serious complaints, and those complaints with pending criminal charges. See Appendix A for LPTB's full response.

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**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.**

State law<sup>28</sup> allows LPTB to place restrictions on licensees when they violate the Practice Act and are issued a disciplinary action. For example, LPTB can suspend or revoke a license, or impose probation or other restrictions such as limiting a licensee's ability to treat certain patients or practice in certain settings, to protect the public from potentially harmful practices. The Board orders may also require licensees to comply with random monitoring visits conducted by Board members. These visits include speaking with the employers about patient complaints or performance evaluations, reviewing patient treatment and billing records, or ensuring that licensees have disclosed their disciplinary actions to their employers. Therefore, it is important that LPTB develop a timeframe for how often Board members are to conduct monitoring visits and a process to ensure that Board members conduct these visits to ensure that licensees are complying with Board restrictions.

As shown in Exhibit 4, LPTB issued 38 Board orders during fiscal years 2015 through 2019. It is important that LPTB routinely monitor these licensees to ensure that they maintain

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<sup>27</sup> [Carrying Out a State Regulatory Program: A NSAA Best Practices Document, 2004](#)

<sup>28</sup> R.S. 37:2420

compliance with any restrictions stipulated in the orders, such as not working with certain patients or in certain settings. However, LPTB does not include monitoring provisions in all appropriate orders, or timeframes for conducting monitoring visits. In addition, LPTB does not always conduct monitoring visits in accordance with the timeframes it does set. We reviewed six<sup>29</sup> (15.8%) of the 38 Board orders and found the following:

- LPTB did not include any monitoring provisions for one of the six Board orders. Specifically, in February 2020 LPTB restricted a licensee from treating female patients under the age of 18 because the licensee was arrested for indecent behavior with a juvenile (not a physical therapy patient), and the licensee had already signed an interim agreement to abstain from practicing on female patients in April 2019. However, LPTB did not conduct any monitoring visits on this licensee between April 2019 and March 2020 to verify that he was not treating female patients under the age of 18. According to LPTB, it did not include monitoring provisions in either the agreement to abstain or the Board order, because it felt that posting this order on its website was sufficient to protect the public. However, rather than relying on the public to view its website to protect themselves, LPTB should conduct monitoring visits and review patient records to ensure that the licensee is not treating female patients under the age of 18 as agreed.
- For one of the three Board orders that included monitoring visits, LPTB did not establish timeframes for how often it would conduct these visits. This licensee was suspended for one year and placed on probation for five years for sexual misconduct involving a nursing home resident who was a former patient that did not want to press charges.<sup>30</sup> As of March 2020, LPTB had only completed one monitoring visit to ensure that the licensee was complying with the Board order to not work in a home health setting or nursing home after the licensee returned to work in May 2019.
- LPTB failed to meet the monitoring timeframes that it did set for the other two orders. In one order, LPTB established that it would perform quarterly visits for a licensee who was disciplined for fraud. However, LPTB only completed one monitoring visit each year during calendar years 2016 through 2018 and did not complete any visits between December 2018 and April 2019.

LPTB should include monitoring provisions in all Board orders and establish timeframes for how often it will conduct monitoring visits so that it can ensure that licensees are complying with all restrictions and patients are protected.

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<sup>29</sup> We selected six Board orders based on the violation type (i.e. fraud, sexual misconduct, failure to renew, etc.) because different violation types have different monitoring requirements.

<sup>30</sup> According to LPTB documentation, the nursing home resident had a friendship with the licensee did not want to press charges.

**Recommendation 3:** LPTB should ensure that all Board orders contain provisions for monitoring when applicable so that it can ensure that disciplined licensees comply with Board restrictions.

**Summary of Management's Response:** LPTB agrees with this recommendation and stated that monitoring provisions should be included in all Board orders. See Appendix A for LPTB's full response.

**Recommendation 4:** LPTB should establish timeframes for how often random monitoring visits are conducted to ensure that disciplined licensees comply with all restrictions included in Board orders.

**Summary of Management's Response:** LPTB agrees with this recommendation and stated that in the past, timeframes established for random monitoring visits were informally established based on the availability of Board members or advisory members to conduct monitoring visits around clinic work schedules. LPTB also stated that in 2019, it decided to work with a contracted group, HUB Enterprises, that was trained by the Board to assist with monitoring visits. HUB reports back to the Board on findings and the Board is able to make a determination of compliance using the monitoring reports. See Appendix A for LPTB's full response.

**Recommendation 5:** LPTB should develop a process to ensure that all monitoring visits are conducted in accordance with established timeframes that ensure that licensees do not violate Board restrictions or recommit offenses they were disciplined for.

**Summary of Management's Response:** LPTB agrees with this recommendation. See Appendix A for LPTB's full response.

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**During fiscal years 2015 through 2019, LPTB did not report all adverse actions to the National Practitioners Data Bank (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.**

As previously discussed, state physical therapy boards are required by federal regulations to report disciplinary actions such as suspensions, restrictions, and reprimands imposed on licensees, as well as application denials to the NPDB within 30 days after of issuing the adverse action. LPTB is also required to report changes to its disciplinary actions within 30 days, which could include reporting additional Board actions because of noncompliance with disciplinary



requirements, the licensee completing a suspension period, etc. According to the U.S. Department of Health and Human Services,<sup>31</sup> timely and consistent disclosure of adverse actions to the NPDB is important to ensure disciplined licensees do not move from state to state without disclosure or discovery of previous damaging performance. This reporting is also important so that other Louisiana healthcare boards have all necessary information when making licensing decision. In addition, the FSBPT recommends that state physical therapy boards publish final disciplinary actions taken against licensees, as the public has the right know about these actions.

**During fiscal years 2015 through 2019, we found that while LPTB did report 64 (70.3%) of 91 adverse actions it issued for 46 licensees to the NPDB within 30 days as required by federal regulations, it did not report 27 (29.7%) 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.

- For 13 (48.1%) of the 27 adverse actions, LPTB allowed licensees to sign agreements stating they would abstain from practicing while the Board completed its investigation and determined whether to issue a formal disciplinary action that would be reported to the NPDB.<sup>32</sup> However, federal regulations require these agreements to be reported to the NPDB within 30 days. According to LPTB, it stopped using agreements to abstain in April 2019. However, as of January 2020, LPTB has not reported two licensees under these agreements to the NPDB because the investigations are still ongoing.
- For the remaining 14 (51.9%) of 27 adverse actions that were not timely reported to the NPDB, LPTB stated that it did not fully understand what was supposed to be reported to the NPDB and that it did not have a dedicated employee trained in reporting to the NPDB prior to August 2015.

**In addition, as of February 2020, LPTB did not post four licensees' disciplinary actions on its website in accordance with Board goals and FSBPT best practices.** According to LPTB, it has an informal goal of disclosing disciplinary actions on its website within 30 days to help accomplish its mission of protecting the public. The four actions it failed to post include practicing without a license, substance abuse, and sexual misconduct. However, we alerted LPTB of the missing actions in February 2020 and it has since updated its website for three of the four licensees. However, the remaining action, which involves and alleged criminal/sexual misconduct, is still not available on LPTB's website as of March 2020. According to LPTB, this is because this licensee signed an agreement to abstain<sup>33</sup> in March 2017 that prevented the Board from publicly disclosing the discipline, and LPTB is currently working to get the licensee to sign a public Board order. LPTB should formalize its 30-day goal in policy and ensure that it consistently posts all disciplinary actions on its website so that consumers can make informed decisions when choosing physical therapists.

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<sup>31</sup> <https://www.npdb.hrsa.gov/topNavigation/aboutUs.jsp>

<sup>32</sup> According to LPTB, these agreements to abstain were primarily used when licensees were also facing criminal charges. Once the courts issued their verdicts, which in some cases can take years, LPTB would decide whether to issue formal disciplinary actions and report to the NPDB.

<sup>33</sup> According to LPTB, it stopped signing Agreements to Abstain in April 2019.

**Recommendation 6:** LPTB should ensure that it reports all adverse actions to the NPDB within 30 days as required by federal law.

**Summary of Management's Response:** LPTB agrees with this recommendation. See Appendix A for LPTB's full response.

**Recommendation 7:** LPTB should formalize its internal goal in policy to post all disciplinary actions on its website within 30 days.

**Summary of Management's Response:** LPTB agrees with this recommendation. See Appendix A for LPTB's full response.

**Recommendation 8:** LPTB should ensure that it issues and posts a public Board order for the disciplinary action that was not posted on its website as of March 2020.

**Summary of Management's Response:** LPTB agrees with this recommendation and stated that Board staff currently does not have the ability to post actions on the website, so the staff member sends the website company the actions to post. LPTB also stated that most of the time the actions are posted in a timely manner, but the staff has requested that the website company design a tool for the staff to be able to upload the orders without having to request this service to be completed by the website company. See Appendix A for LPTB's full response.

## **APPENDIX A: MANAGEMENT'S RESPONSE**





JOHN BEL EDWARDS  
GOVERNOR

State of Louisiana  
DEPARTMENT OF HEALTH AND HOSPITALS

CHARLOTTE F. MARTIN, M.P.A.  
EXECUTIVE DIRECTOR

## Louisiana Physical Therapy Board

May 18, 2020

Daryl G. Purpera, CPA, CFE  
Legislative Auditor  
Louisiana Legislative Auditor  
PO Box 94397  
Baton Rouge, LA 70804

Re: Performance Audit Services Issued by the Louisiana Legislative Auditor

Dear Mr. Purpera

The objective of the performance audit conducted by the Louisiana Legislative Audit was to determine whether the Board is meeting its mission of protecting the public and its processes ensure that licensees comply with the Practice Act. Overall, the Board has established regulatory processes that comply with state law and conform to best practices. The report presented findings and recommendations.

**Finding 1:** In part, this finding states that the Board 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.

**Recommendation 1:** The Board should request continuous query reports from the NPDB for each applicant for initial licensure and each renewal applicant to ensure the Board receives accurate, timely notice of actions taken by other states or healthcare entities.

While the Board does receive information from the Federation of State Boards of Physical Therapy (FSBPT) Enforcement, Licensure and Disciplinary Database (ELDD) when making decisions about licensure, which does include disciplinary information, the Board agrees that querying the NPDB may provide information related to disciplinary issues that may be absent from the ELDD. The Board agrees that a continuous query, which allows the board to receive automatic updates on the same individual for the 365 days following the initial query, would help the board to fulfill its mission of protecting the public when making licensure decisions at the time of initial license. The feasibility of querying all licensees at the time of renewal is less optimal and much more complicated. The Board has attempted to run a continuous query on all licensees, and will continue to do so prior to May 31, 2020, in an effort to have a better understanding of reports to the NPDB and not reported to the Board. The data specifications required by the NPDB for a batch report is cumbersome. To be fiscally responsible, the Board is making every effort to complete the task

prior to May 31, 2020 while the NPDB is waiving the fee for continuous queries due to COVID-19. There will be a cost for formatting the data and this cost will be incurred by the Board every time a batch report is sent to the NPDB (e.g.; at the time of every renewal). The board is also anticipating an increase in resources needed to address findings from the NPDB, but the amount of resources needed is unknown, as the Board does not have a clear understanding of what information is in the NPDB that is new and concerning information.

Finding 2: In part, states the Board has not established timeframes for how long it should take to investigate complaints and issue enforcement actions. As a result, the Board cannot ensure that it is investigating and resolving complaints in a timely manner.

Recommendation 2: The Board should establish timeframes for how long it should take to investigate complaints and issue enforcement actions.

The Board agrees with the best practice for establishing a timeframe for how long it should take to investigate complaints and issue enforcement actions. The example provided in the report provides for a three month timeframe for resolving complaints that are most serious and 18 months for least serious, as an example. The performance audit report reveals that the Board resolved complaints in a 4-month period, on average, in the previous four years. The report also addresses the concern that the Board has with criminal investigations and the timeframe of the court system to issue a verdict. The Board will establish timeframes and will use the recommendation provided regarding a different timeframe for less serious complaints, more serious complaints and those complaints with pending criminal charges.

Finding 3: In part, states that the Board does not always include monitoring provisions in its Board orders to ensure licensees comply with all restrictions imposed by the Board. In addition, the Board does not always set timeframes for when to conduct monitoring visits and does not always conduct monitoring visits in accordance with timeframes it does set.

Recommendation 3: Board should ensure that all Board orders contain provisions for monitoring when applicable so that it can ensure that disciplined licensees comply with Board restrictions.

Recommendation 4: Board should establish timeframes for how often random monitoring visits are conducted to ensure that disciplined licensees comply with all restrictions included in Board orders.

Recommendation 5: Board should develop a process to ensure that monitoring visits are conducted in accordance with established timeframes that ensure that licensees do not violate restrictions or recommit offenses they were disciplined for.

The Board agrees that monitoring provisions should be included in all Board orders. In the past, timeframes established for random monitoring visits were informally established based on the availability of board members or advisory members to conduct monitoring visits around clinic

work schedules. In 2019, the Board decided to work with a contracted group, HUB Enterprises, trained by the Board to assist with monitoring visits. HUB reports back to the Board on findings and the Board is able to make a determination of compliance using the monitoring report. The Board agrees with establishing formal timeframes for how often these visits should occur and developing a process in accordance with the established timeframes to address violations of restrictions or findings of misconduct that needs to be addressed.

Finding 4: In part, states that the Board did not report all adverse actions to the NPDB in the timeframe required by federal regulations.

Recommendation 6: Board should ensure that it reports all adverse actions to the NPDB within 30 days as required by federal law.

Recommendation 7: Board should formalize its policy to post all disciplinary actions on its website within a certain timeframe.

Recommendation 8: Board should ensure that it posts disciplinary action not posted as of March 2020.

The Board agrees that all adverse actions need to be reported to the NPDB within 30 days, at most, and will formalize a policy to establish a timeframe for posting actions on the Board website. Currently the Board staff does not have the ability to post actions on the website, so the staff member sends the website company the action to post. Most of the time it is posted in a timely manner, but the staff has requested that the website company design a tool for the staff to be able to upload the orders without having to request this service to be completed by the website company.

Thank you for the opportunity to reply to the findings and recommendations. We commend you and your staff on your professionalism and attention to detail throughout this process. This review will help us to implement changes that improve our effectiveness in fulfilling our mission.

Sincerely,



Charlotte F. Martin, MPA  
Executive Director

CC: Karl Kleinpeter, PT, Chairman, Louisiana Physical Therapy Board

In compliance with Act 655 of the 2018 Regular Legislative Session, the Board gives notice to its licensees and applicants of their opportunity to file a complaint about board actions or procedures. You may submit such complaints to one or more of the following organizations: La Physical Therapy Board, 2110 W. Pinhook Road, Ste. 202, LA 70508; 337-262-1043; [info@laptboard.org](mailto:info@laptboard.org); Committee on House & Governmental Affairs; La House of Representatives, P.O. Box 44486, Baton Rouge, LA 70804; 225-342-2403; [h&ga@legis.la.gov](mailto:h&ga@legis.la.gov); Committee on Senate & Governmental Affairs; La Senate, P.O. Box 94183, Baton Rouge, LA 70804; 225-342-9845; [s&g@legis.la.gov](mailto:s&g@legis.la.gov)





## APPENDIX B: SCOPE AND METHODOLOGY

This report provides the results of our performance audit of the Louisiana Physical Therapy Board (LPTB). We conducted this performance audit under the provisions of Title 24 of the Louisiana Revised Statutes of 1950, as amended. This audit covered fiscal years 2015 through 2019. Our audit objective was:

**To evaluate LPTB’s regulation of physical therapy profession to ensure compliance with the Louisiana Physical Therapy Practice Act.**

We conducted this performance audit in accordance with generally-accepted *Government Auditing Standards* issued by the Comptroller General of the United States. Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide reasonable basis for our findings and conclusions based on our audit objective. We believe the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objective. To answer our objective, we reviewed internal controls relevant to the audit objective and performed the following audit steps:

- Researched and reviewed applicable federal and state laws and regulations, including the Louisiana Physical Therapy Practice Act and the Social Security Act.
- Obtained and reviewed LPTB’s licensing, continuing education, complaint and investigation policies, and its Self-Evaluation Report submitted to the Governor.
- Researched best practices, including guidance from the Federation of State Boards of Physical Therapy, National State Auditors Association, the Texas Sunset Advisory Commission, other Louisiana healthcare regulatory boards, and other states’ physical therapy boards.
- Obtained and analyzed licensing data from LPTB’s Content Management system to determine the number of current licensees who were licensed before January 2016 and therefore did not have a background check.
- Interviewed agency staff to gain an understanding of the Board’s licensing, monitoring and enforcement processes, including if they query the National Practitioner Databank (NPDB).
- Obtained and analyzed complaint data from LPTB’s Content Management system and internal complaint spreadsheet. We used this data to determine how long LPTB takes to resolve complaints, the number and type of complaints it receives, and the number of enforcement actions LPTB issued.

- Obtained and reviewed Board orders to determine the type of enforcement actions issued by LPTB and whether Board monitoring was required. Then reviewed monitoring reports for a selection of individuals who were disciplined by the Board.
- Reviewed LPTB's website to determine if all enforcement actions were posted.
- Received access to LPTB's system and compared to actions reported to the NPDB. Reviewed online complaint documents and notes, as well as LPTB Board orders to identify adverse actions not reported timely to the NPDB.
- Reviewed 30 (43.5%) of the 69 enforcement actions issued by LPTB during fiscal years 2015 through 2019 to ensure actions were issued and escalated in accordance with this matrix. We reviewed all enforcement actions involving a licensee who received previous enforcement actions, and selected other enforcement actions to review based on the allegation type and severity of discipline taken.

## APPENDIX C: LPTB REVENUES, EXPENSES, AND NET INCOME FISCAL YEARS 2015 THROUGH 2019

Category		FY15	FY16	FY17	FY18	FY19	Total	% of Total
<b>Revenues</b>	License Fees	\$539,551	\$536,590	\$671,980	\$639,690	\$728,595	\$3,116,406	79.0%
	Enforcement Action	4,750	40,525	25,266	19,301	11,181	101,023	2.6%
	Continuing Ed Sponsor Fees	62,340	70,715	112,530	144,530	159,520	559,635	14.2%
	Other Revenue	21,074	35,144	33,205	40,609	48,650	178,682	4.5%
	<b>Total Revenue</b>	<b>\$627,715</b>	<b>\$682,974</b>	<b>\$842,981</b>	<b>\$844,130</b>	<b>\$947,946</b>	<b>\$3,945,746</b>	
<b>Expenses</b>	Salaries and Related Benefits	\$364,682	\$371,336	\$352,385	\$481,530	\$430,042	\$1,999,975	51.7%
	Operating Expenses	188,762	174,695	159,515	149,842	178,603	851,417	22.0%
	Professional Services	180,553	151,166	89,805	119,956	124,539	666,019	17.2%
	Other Charges	0	(6)	0	2,208	0	2,202	0.1%
	Acquisition and Major Repairs	10,387	63,336	201,667	34,013	42,033	351,436	9.1%
	<b>Total Expenditures</b>	<b>\$744,384</b>	<b>\$760,527</b>	<b>\$803,372</b>	<b>\$787,549</b>	<b>\$775,217</b>	<b>\$3,871,049</b>	
<b>Net Income/Loss</b>		<b>\$(116,669)</b>	<b>\$(77,553)</b>	<b>\$39,609</b>	<b>\$56,581</b>	<b>\$172,729</b>	<b>\$74,697</b>	

**Source:** Prepared by legislative auditor's staff using information from the Division of Administration's Boards and Commissions website.



## APPENDIX D: LPTB's DISCIPLINARY MATRIX

LPTB adopted the following disciplinary matrix according to the Federation of State Boards of Physical Therapy's disciplinary guidelines. This matrix assists the Board in issuing consistent and appropriate enforcement actions as recommended by best practices.

### Steps to Use Disciplinary Guidelines

Step 1: Determine Grounds for Disciplinary Action

- Determine the "Color" Category
  - ◆ An offense of failing to act
  - ◆ An offense of action – potential for harm is expected to be primarily financial or ethical
  - ◆ An offense of action- potential for harm is expected to be related to clinical issue
  - ◆ An offense of action – implications or consequences of licensee action potentially extend beyond limits of the clinic

Step 2: Determine if type I, type II, or type III infraction

- Determine what best applies to this case

Step 3: Determine if isolated event or multiple events

- Can be multiple events of same grounds in one investigation
- Can be prior disciplinary actions for same grounds

Step 4: Use matrix to determine the applicable classes of punitive and/or remedial actions

Step 5: Assign punitive and/or remedial actions

Step 6: Identify any mitigating/aggravating factors

Step 7: Modify punitive and/or remedial actions within the class (if applicable)

Step 8: Repeat with any additional ground for disciplinary action

- Repeat Steps 1-7 if additional violations or grounds for action exist.

Step 9: Determine final punitive and/or remedial actions to be taken. Report to NPDB/ELDD

- Use Basis for Action codes suggested

### Infraction Types

Use the factors below to determine where the licensee’s action fit best.

<p><b>Type I</b></p> <p>Factors to Consider- all may not apply</p>	<p><b>Type II</b></p> <p>Factors to Consider- all may not apply</p>	<p><b>Type III</b></p> <p>Factors to Consider- all may not apply</p>
<ul style="list-style-type: none"> <li>•Unintentional error</li> <li>•Licensee believes acting in patient's best interest; no self-serving intent</li> <li>•Honest mistake</li> <li>•Safety not compromised</li> <li>•Little to no intended risk</li> </ul>	<ul style="list-style-type: none"> <li>•Poor judgement demonstrated</li> <li>•Acting in licensee's own best interest</li> <li>•Conscious awareness act is improper</li> <li>•Faulty decision-making is evident</li> <li>•Potentially unsafe choice</li> <li>•Risk believed to be insignificant or justified</li> </ul>	<ul style="list-style-type: none"> <li>•Harmful intent with or without direct harm to the patient including but not limited to: financial, emotional, physical</li> <li>•Acted with recklessness</li> <li>•Disregard for interest of patient or others</li> <li>•Dangerous or unsafe choice</li> <li>•Decision with conscious disregard of substantial and unjustifiable risk to the patient, others, or licensee</li> </ul>

### Guidelines Matrix

	Type I		Type II		Type III	
	Isolated	Multiple	Isolated	Multiple	Isolated	Multiple
An offense of failing to act	1 & A	1 & B	1 & A	2 & A	2 & A	2 & B
An offense of action - potential for harm is expected to be primarily financial or ethical	1 & A	2 & A	2 & B	3 & B	3 & B	3 & C
An offense of action - potential for harm is expected to be related to clinical issue	1 & B	2 & B	2 & C	3 & C	3 & C	4 & C
An offense of action – implications or consequences of licensee action potentially extend beyond limits of the practice setting	2 & C	2 & C	3 & B	3 & C	3 & C	4 & C

\*Cost of investigation and administration of violations may be assessed in any/all cases

**Isolated-** means one incident occurring one time

**Multiple-** means more than one incident of the same violation (either same patient or different patients)

Punitive Actions		Remedial Actions	
<b>Class 1</b>	Letter of concern	<b>Class A</b>	Educational Counseling → Continuing Competence Activity
<b>Class 2</b>	Letter of Concern → Denial of License	<b>Class B</b>	Continuing Competence Activity → Supervised Clinical Practice
<b>Class 3</b>	Restricted License → Revocation	<b>Class C</b>	Continuing Competence Activity → RPTP
<b>Class 4</b>	Suspension → Revocation		

Punitive & Remedial Actions Ranked in Severity (low to high)	
Punitive	Remedial
Letter of Concern	Educational Counseling
Reprimand	Continuing competence activity
Restricted License	Essay/EBAS
Probation	Monitoring
Suspension	Examinations/Assessments
Denial of a license	Supervised clinical practice
Voluntary surrender	Examination of fitness to practice
Summary suspension	Treatment program
Revocation	RPTP