



## Report Highlights

# Regulation of the Psychology Profession

## Louisiana State Board of Examiners of Psychologists

MICHAEL J. "MIKE"  
WAGUESPACK, CPA

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### Why We Conducted This Audit

We evaluated whether the Louisiana State Board of Examiners of Psychologists (LSBEP or Board) effectively regulated the profession of psychology during fiscal years 2019 through 2021 to ensure compliance with the Louisiana Psychology Practice Act.

### What We Found

Overall, we found that LSBEP has established regulatory processes that comply with state law and conform to most best practices. For example, LSBEP has conducted background checks on initial applicants for licensure since August 2008 and has established a process for investigating and resolving complaints. However, we found that LSBEP needs to strengthen some aspects of its regulatory activities to better protect the public and ensure licensees comply with the Louisiana Psychology Practice Act. Specifically, we identified the following:

LSBEP was created to safeguard life, health, property, and the public welfare of this state, and to protect the people of this state against unauthorized, unqualified, and improper application of psychology.

Source: R.S. 37:2351

- **In August 2007, state law granted LSBEP the authority to conduct background checks on individuals applying for initial or reinstatement licenses, but not on those renewing their licenses. In August 2008, LSBEP began conducting background checks on applicants; however, as of February 2022, 378 (44.1%) of 857 current licensees who were licensed prior to August 2008 do not have a background check.** In addition, LSBEP 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.
- **During fiscal years 2019 through 2021, LSBEP received 71 complaints containing 152 allegations and closed 63 complaints that took an average of 338 days to resolve. However, LSBEP has not established internal timeframes for resolving complaints, and its process for tracking complaints does not record accurate and complete information. As a result, the Board cannot ensure that it is investigating and resolving complaints in a timely manner.** Tracking details such as dates for each stage of the process, as well as the nature and outcome of each complaint, would also allow LSBEP to globally analyze trends in types of allegations, determine whether it meets timeframe goals, and identify areas where it could improve efficiency. The exhibit on the following page summarizes the allegations received by LSBEP, by type of complaint, during fiscal years 2019 through 2021.

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### What We Found (Cont.)

Allegations Received by LSBEP, by Type of Complaint, Fiscal Years 2019 through 2021		
Type of Complaint	Number of Allegations	Percent
Substandard Care, Negligence, or Malpractice	25	16.4%
Unprofessional Conduct, Discrimination, or Rude Treatment	20	13.2%
Failure to Maintain or Provide Accurate Patient Records	16	10.5%
Multiple Relationships or Conflict of Interest	14	9.2%
Practice Without License, Misrepresentation of Credentials, or Practice Outside of Scope	14	9.2%
Treatment or Evaluation without Informed Consent	9	6.0%
False or Deceptive Statements	7	4.6%
Fraud, Improper Billing, or Billing Dispute	7	4.6%
Insufficient Supervision or Allowing Unlicensed Person to Practice	7	4.6%
Failure to Report Abuse	7	4.6%
Misreported to LSBEP	7	4.6%
Sexual Misconduct, Harassment, or Inappropriate Relationships	5	3.3%
Substance Abuse	4	2.6%
Patient Abandonment or Lapse in Continuity of Care	4	2.6%
Breach of Confidentiality	4	2.6%
Criminal Activity, Disciplinary Action, or Failure to Report	2	1.3%
<b>Total</b>	<b>152*</b>	<b>100.0%</b>

\*Some complaints contained multiple allegations.  
**Source:** Prepared by legislative auditor's staff using categories created based on review of LSBEP paper complaint files.

- **LSBEP has not adopted a disciplinary matrix that aligns with regulatory best practices to ensure that disciplinary actions are consistent and appropriately escalated based on the number and/or severity of violations.** In addition, LSBEP's disciplinary effectiveness may be limited because it does not consistently track disciplinary actions, does not have authority to impose fines as part of a graduated range of sanctions, and does not have a comprehensive process that includes timeframes for monitoring licensees' compliance with Board orders.

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### What We Found (Cont.)

Enforcement Actions Issued, by Type, Fiscal Years 2019 through 2021		
Type of Enforcement Action	Number	Percent
<b>Public Actions</b>		
Probation*	3	15.0%
Suspension*	1	5.0%
License Revocation	1	5.0%
Voluntary Relinquishment of License	1	5.0%
Summary Suspension or Agreement to Abstain (Temporary)**	2	10.0%
Total Public Actions	8	40.0%
<b>Non-Public Actions</b>		
Letter of Education	11	55.0%
Impaired Psychologist Procedure Agreement*	1	5.0%
Total Non-Public Actions	12	60.0%
<b>Total Enforcement Actions</b>	<b>20</b>	<b>100%</b>

\*These actions required the licensee to take corrective action before being restored to full licensure.  
\*\*These actions temporarily required a licensee to stop practicing until the complaint investigation was completed due to the serious nature of the complaint. Summary suspension is a Board order, whereas a licensee voluntarily enters an agreement to abstain.  
**Source:** Prepared by legislative auditor's staff using information from LSBEP.

- **LSBEP did not report four (44.4%) of the nine adverse actions it issued during fiscal years 2019 through 2021 to the NPDB in accordance with federal law.** The nature of these cases included sexual harassment of clients, unprofessional conduct, treatment without informed consent, and substandard care, among other issues.