



Report Highlights

Progress Report: Regulation of Food Safety in Retail Food Establishments

Louisiana Department of Health

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Why We Conducted This Audit

We evaluated the Office of Public Health’s (OPH) progress towards addressing issues identified in a November 2012 audit on the Retail Food Program in regard to its inspection and enforcement processes. In 2012, we made 16 recommendations to improve OPH’s regulation processes, and it agreed with all but two of them. In this audit, we evaluated whether OPH implemented eight of the recommendations that addressed the most significant issues.

What We Found

Overall, we found that OPH fully implemented five recommendations and partially implemented three recommendations to address significant issues identified in the 2012 report. As a result, OPH has strengthened its monitoring and enforcement processes to ensure food establishments comply with the sanitary code and other requirements. Specifically, we found the following:

- **OPH conducted the required number of inspections on 7,013 (90.9%) of 7,716 risk three and four establishments in fiscal year 2019. This is an improvement from the 2012 audit which found that OPH only inspected 1,403 (19.3%) of 7,252 required establishments in fiscal years 2009 through 2011. However, OPH needs to further improve its process to ensure that risk categories are assigned correctly.** We found that 564 (1.1%) of 50,191 establishments were not assigned a risk code and that 11 establishments that served vulnerable populations were not categorized correctly as high risk. According to OPH’s risk model, high-risk establishments, which serve highly-susceptible populations such as preschools, hospitals, and nursing homes, should be inspected four times per year. Full-service restaurants, which have extensive menus and handle raw ingredients, should be inspected three times per year.

Number of Risk Three and Four Establishments Inspected in Accordance with Risk Model Fiscal Years 2017 through 2019			
Fiscal Year	Establishments	Total*	Percentage
2017	4,501	7,698	58.5%
2018	6,228	7,698	80.9%
2019	7,013	7,716	90.9%
Total	17,742	23,112	76.8%

*2017 establishment numbers may not include all active establishments as a result of data migration issues during the transition to OPH’s data system.
Source: Prepared by legislative auditor’s staff using Digital Health Department (DHD) data from OPH.

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What We Found (Cont.)

- OPH has developed criteria and timeframes for re-inspections and has improved in the percentage of required re-inspections conducted. In fiscal year 2019, OPH performed re-inspections of 5,483 (94.0%) of 5,830 establishments within required timeframes. This represents an improvement from the 2012 audit, which found that OPH performed re-inspections of 8,899 (67.9%) of 13,099 establishments within required timeframes in fiscal years 2009 through 2011. According to OPH policy, any inspection that identifies one or more critical violations and/or five or more non-critical violations requires a re-inspection.

Number of Re-Inspections Performed According to OPH Policy Fiscal Years 2017 through 2019			
Fiscal Year	Complied with Policy	Total	Percentage
2017	5,061	6,269	80.7%
2018	5,438	6,058	89.8%
2019	5,483	5,830	94.0%
Total	15,982	18,157	88.0%

Source: Prepared by legislative auditor's staff using DHD data from OPH.

- OPH issued 131 compliance orders in fiscal years 2017 through 2019 for establishments that did not comply with food safety requirements. This represents an improvement from four compliance orders issued between fiscal years 2009 through 2011. However, OPH did not issue compliance orders to 19 establishments that should have been issued a compliance order. In addition, while OPH assessed penalties to 41 establishments, it does not currently have a process to track the penalty amounts assessed and collected. In addition to penalties, Act 66 of the 2017 Regular Legislative Session provides OPH with the authority to assess re-inspection fees for establishments that show continued noncompliance with food safety regulations, and to revoke permits if re-inspection fees are not paid. Since the passage of Act 66, OPH has invoiced 910 owners a total of \$136,500 in re-inspection fees and 779 (85.6%) of these have paid a total of \$116,850.
- Although OPH's data system publicly posts inspection reports to its website seven days after the inspection as intended, OPH has not updated the website to include the establishment's full inspection history as recommended in the 2012 audit report. As a result of improvements to OPH's data system, inspection reports are automatically uploaded to the Eat Safe website and are not dependent on a sanitarian to upload them. According to LDH, only the most recent three inspections are posted as a result of bandwidth limitations. In addition, unless the public searches for the permit by the name listed on the permit, they may be unable to locate inspection results. Because of this limitation, OPH should consider requiring that establishments post inspection reports on their premises so that the public can easily view inspection results.