*Welcome to LLA Reports, a podcast produced by the Louisiana Legislative Auditor’s office. This podcast is intended to be an oral representation of the written report it highlights and is primarily for the use of the Louisiana Legislature.*

This is Emily Dixon. I’m a senior manager for LLA’s Performance Audit Services. This episode of LLA Reports focuses on our new report titled “Adverse Actions Lists for Certified Nurse Aides and Direct Service Workers.”

This report provides the results of our evaluation of the Louisiana Department of Health’s – or LDH’s – oversight of its adverse actions lists for Certified Nurse Aides – or CNAs – and Direct Service Workers – or DSWs – with findings of abuse and neglect.

We found that LDH does not have formal criteria for what incidents of abuse and neglect should result in findings for CNAs and DSWs on the adverse actions lists. Such guidance would help ensure CNAs and DSWs are treated consistently for similar incidents.

In addition, LDH rescinded 64 – or 51.2 percent – of 125 findings, after the CNA or DSW requested an appeal, meaning no finding was placed on the adverse actions lists.

LDH also does not have formal criteria for how long CNA and DSW evidence reviews should take. We found that the department took an average of 390 days for CNAs and 375 days for DSWs to add findings to the adverse actions lists after facilities reported allegations of abuse or neglect.

According to LDH, it does not have adequate staff to conduct CNA and DSW evidence reviews in a timely manner.

We found as well that LDH took an average of 228 days for CNAs and 208 days for DSWs to assign a reviewer or initiate an evidence review from the day the department received the referral. CNAs and DSWs are allowed to continue working while LDH conducts the reviews.

In addition, we identified individuals who potentially worked as CNAs and DSWs in prohibited healthcare settings after being added to the adverse actions lists. Some healthcare providers, such as home and community-based service providers, conduct automatic nightly checks to identify DSWs who should not be providing care.

We used quarterly wage data from the Louisiana Workforce Commission and identified 10 – or 11.1 percent – of 90 CNAs who worked for a nursing facility and 16 – or 4.2 percent – of 380 DSWs who worked for intermediate care facilities for individuals with developmental disabilities after being added to the adverse actions lists.

As a result of our report, we developed seven recommendations.

We recommended thatLDH establish formal criteria such as a policy or guidance for CNA and DSW reviewers for what factors should be considered when determining whether incidents of abuse or neglect should result in a finding on the adverse actions lists.

We also recommended that LDH conduct a formal supervisory review of findings before they are placed on the CNA and DSW adverse actions lists to help ensure that CNAs and DSWs are treated consistently for similar incidents.

In addition, we recommended thatLDH establish formal criteria that include timeframes for how long it should take to conduct evidence reviews for CNAs and DSWs and to add findings to the adverse actions lists.

We recommended thatLDH track key timeframes in the evidence review process such as the date it assigns a reviewer and the date it initiates the evidence review, and monitor CNA and DSW review staff for compliance with timeframe expectations.

We recommended as well that LDH ensure it is adequately staffed to conduct CNA and DSW evidence reviews to help ensure timely additions to the adverse actions lists.

We also recommended thatLDH require nursing facilities to check the adverse actions list in addition to the CNA Registry, and require that nursing facilities recheck the CNA registry and the adverse actions list on a regular basis.

Finally, we recommended thatLDH require healthcare providers such as nursing facilities and intermediate care facilities to automate checks to the adverse actions lists, as home and community-based services providers do.

As part of its response, which is included in the report as Appendix A, LDH agreed with five of the recommendations and disagreed with two of the recommendations.

*We hope you found this podcast informative, and that you’ll follow future episodes of LLA Reports.*

*This podcast was created as part of the audit report just discussed and is intended primarily for the use of the Louisiana Legislature. Both the full report and the podcast can be found on the LLA’s website at* [*www.lla.la.gov*](http://www.lla.la.gov)*.*

*Thank you for listening.*