*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 manager for LLA Performance Audit Services.

This episode of LLA Reports focuses on our new report titled “Regulation of the Mental Health Counseling and Marriage and Family Therapy Professions.”

This report provides the results of our performance audit of the Louisiana Licensed Professional Counselors Board of Examiners – or the Board. The purpose of this audit was to evaluate whether the Board effectively regulated the mental health counseling and marriage and family therapy professions during fiscal years 2019 through 2021.

The Board was established in 1987 to license all individuals who engage in mental health counseling and to take appropriate action, such as revoking or suspending a license, if it identified violations.

In 2001, the Board was given the additional responsibility of regulating the practice of marriage and family therapy, and in 2014, it was also given the responsibility of regulating provisional professional counselors and provisional marriage and family therapists.

As of October 2021, the Board regulated 5,762 professional counselors, 1,400 provisional professional counselors, 1,153 marriage and family therapists, and 108 provisional marriage and family therapists.

Overall, we found the Board has regulatory processes that comply with state law and conform to most best practices. However, we found it needs to strengthen some aspects of its licensing activities to better protect the public and to ensure licensees comply with the Louisiana Mental Health Counselor Licensing Act.

Specifically, we found that although state law gave the Board the authority to conduct background checks on license applicants beginning in January 2014, it did not start checks for new applicants until January 2019, and it has not yet started checks for individuals renewing their licenses.

As a result, about 69 percent of the state’s 5,223 current licensees had not had background checks as of June 2021.

In addition, we found that the Board did not report 16 of the 46 adverse actions it issued against licensees to the National Practitioner Data Bank, as required by federal regulations.

We also found that the Board is not required to query the Data Bank before issuing or renewing licenses.That means it may be making decisions about applicants from other states without important disciplinary information.

We found as well that the Board’s process to resolve complaints and issue enforcement actions complies with regulatory best practices. The Board has developed timeframes for investigating complaints and has adopted a disciplinary matrix to help make consistent and appropriate decisions.

During fiscal years 2019 through 2021, the Board received 425 complaints containing 458 allegations, with the most common allegation involving licensees engaged in unethical or unprofessional conduct.

Other complaints included practicing without a license and inappropriate relationships with patients.

The Board issued 57 enforcement actions during this time period. We reviewed 10 of these enforcement actions and found all were issued in accordance with the Board’s matrix.

As a result of our audit, we developed three recommendations.

The first recommended that the Board start conducting criminal background checks on renewal licensees until it has reviewed the history of all current licensees.

We also recommended that the Board ensure that it reports all adverse actions against licensees to the National Practitioner Data Bank within 30 days, as required by federal law.

Finally, we recommended that the Board ask for “Continuous Query” reports from the Data Bank for all license applicants to make sure it has accurate, timely information about actions taken by other states and health care entities.

As part of its response to our report, which is detailed in the report’s appendix, the Board agreed with all of our 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.*