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 with LLA’s Performance Audit Services. This episode of LLA Reports focuses on our recently released Performance Audit report titled “Regulation of the Physical Therapy Profession.”

The purpose of this report was to evaluate how the Louisiana Physical Therapy Board regulates the profession of physical therapy.

To give you a little bit of background, the board was created in 1987 to oversee the licensing process for anyone who wants to practice physical therapy here in Louisiana.

The board also enforces the provisions of Louisiana’s Physical Therapy Practice Act and takes disciplinary action against those licensees who violate the law.

Since in Performance Audit, we look at agency programs to see if they’re achieving their goals and getting the results that they’re supposed to, we wanted to see with this particular project if the physical therapy board is meeting its mission of protecting the public and if it is ensuring that licensees comply with the Physical Therapy Practice Act.

To do that, we looked at the board’s licensing, monitoring, and enforcement practices over the four-year period during 2015 through 2019.

We found some positive aspects about the board’s processes, but we also found some areas that could be improved.

For example, on the positive side, the board monitors the license application process so that it can make sure that it only gives licenses to qualified individuals and that those who want to renew their licenses have finished all of their required continuing education training.

The board also has processes to receive complaints and to help make sure that its disciplinary actions are consistent. Depending on the type of violation, these disciplinary actions can involve the board placing restrictions on an individual’s license, suspending their license, or even revoking their license altogether.

As far as the areas where the board could make improvements, we described four findings in our report.

The first finding was related to background checks for license applicants. We found that the board did not start doing background checks on applicants until January of 2016, even though it has had the authority in state law to do so since January of 2010.

This means that, as of last October, about 78 percent of the state’s currently licensed physical therapists and physical therapist assistants have not had a background check.

The reason this percentage is so high is that the law currently lets the board do background checks only when an individual first applies for a license, but not when they renew. So the 78 percent who did not receive a background check were all licensed before 2016 when the board started doing the background checks.

We also found that the board is not required to check the National Practitioner Data Bank – or the NPDB, for short – before it issues or renews an applicant’s license. Now this is important because the data bank contains information about disciplinary actions that have been taken against physical therapy practitioners from all across the country.

Now if the board is not checking the data bank, it means that the board members don’t have all of the information available when they’re making decisions about out-of-state applicants who want to come here and practice in Louisiana.

Our second finding was about the board’s complaint process. When we looked at this process, we found that one hundred and sixty-nine complaints were filed between 2015 and 2019, and the board took an average of one hundred and twenty days to resolve them, or about four months.

But we also found that the board has not figured out how long its investigations should take. Is one hundred and twenty days acceptable, or is it too long? That means that the board does not have a way to make sure that complaints are investigated and resolved in what they consider a timely manner.

In addition, we found that the board does have a matrix that it uses to help make sure that its disciplinary measures are consistent and are based on the number and severity of the violations, which is in line with best practices.

For the one hundred and sixty-nine complaints I just mentioned, the board ended up issuing 69 enforcement actions, and all of these actions did follow the matrix.

The report’s third finding was also related to the complaint process. We found that the board does not always put monitoring provisions in its enforcement actions so that it’s able to make sure that licensees are following its disciplinary orders.

The board also has not come up with timeframes for how often it should do random monitoring visits to make sure that its orders are complied with, and in the cases where it did set timeframes for monitoring visits, it was not always following them.

So we looked at six of 38 disciplinary orders that the board issued between 2015 and 2019 and found that it only put monitoring timeframes in three of the six orders, or half of them.

Our last finding had to do with the NPDB. We found that the board did not report 27 disciplinary actions to the data bank in a timely manner. These cases involved sexual misconduct, substance abuse, criminal convictions, and fraud on the part of licensees.

Instead of reporting the disciplinary actions for these cases within 30 days as is required by federal regulations, the board took an average of two hundred and fifty-two days to report the actions.

We also found that as of this past February, the board had not posted disciplinary actions it took against four licensees on its website within 30 days, which is what best practices, as well as the board’s own internal goals, suggest.

So to address all of our findings, we came up with eight recommendations in the report.

The recommendations included such things as the board checking to see if applicants have ever been reported to the National Practitioner Data Bank, setting up timeframes to investigate and resolve complaints, and making sure that there are monitoring provisions in all of its disciplinary orders.

We also recommended that the board establish timeframes for how often it conducts random monitoring visits of those licensees that it disciplines and that it also ensures that those monitoring visits are actually being conducted.

We suggested as well that the board make certain that all disciplinary actions are reported to the NPDB within 30 days, as federal law requires.

And lastly we recommended that the board have a formal process in place to make sure that all of its disciplinary actions are posted on its website within 30 days and that it bring its current list of disciplinary actions up to date.

In its response, which is detailed in the report appendix, the board agreed with seven recommendations, and partially agreed with one.

We also had one Matter for Legislative Consideration that suggested that the Legislature consider changing state law to give the board the authority to do background checks on all applicants, whether they’re trying to get a license for the first time, trying to renew their license, or even trying to get their license reinstated.

Ultimately, the goal of our recommendations is to help the board make sure Louisiana citizens have as much information as possible so they can make informed decisions when they need to choose a physical therapist.

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 website at [www.lla.la.gov](http://www.lla.la.gov).

Thank you for listening.