*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 Chris Magee. I’m a manager with LLA Performance Audit Services. This episode of LLA Reports focuses on a recently released Performance Audit report titled “Progress Report: Regulation of Food Safety in Retail Food Establishments.”

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. Periodically, we go back to an agency to see if it has been able to implement recommendations we made and fix issues we found in our initial audit. We call these follow-up audits Progress Reports.

In this case, the purpose of our follow-up audit was to evaluate whether the state Office of Public Health – OPH, for short – had addressed issues we identified in a November 2012 report regarding its inspection and enforcement processes in the Retail Food Program. We analyzed OPH’s performance in fiscal years 2017 through 2019.

Under state law, OPH has the authority to permit and inspect food service establishments and to enforce compliance with the state sanitary code.

The Retail Food Program regulates multiple types of retail food establishments, such as full-service restaurants, nursing homes, groceries, bars, concession stands, and child-care facilities.

In addition, within each establishment, there may be multiple permits, such as for a deli or a bakery located inside a grocery store.

OPH determines the frequency of its retail food inspections using a risk-based model that considers various criteria. Those criteria include the nature of the establishment, the hazards associated with food preparation, and the susceptibility of the population being served. There are four risk categories, with 1 being the least risky and 4 being the most risky.

Overall, we found OPH fully implemented five of our recommendations from the 2012 report and partially implemented three others. As a result, OPH has strengthened its inspection and enforcement processes to ensure food establishments comply with the sanitary code and other requirements.

We also identified some areas where OPH could make improvements that would further strengthen its inspection and enforcement processes.

Specifically, we found that OPH conducted the required number of inspections for 91 percent of the risk three and four establishments in fiscal year 2019. This was an improvement from the 2012 audit, which found the office inspected 19 percent of the higher-risk establishments between fiscal years 2009 and 2011.

However, OPH needs to further improve its process to ensure risk categories are assigned correctly. We found that 564 of 50,191 establishments were not assigned a risk code and that 11 establishments serving vulnerable populations were not categorized correctly as high risk.

OPH’s risk model specifies that high-risk establishments, which serve 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, according to the model.

OPH also has developed criteria and timeframes to re-inspect establishments and has improved the percentage of required re-inspections it conducts. In fiscal year 2019, the office performed re-inspections for 94 percent of the establishments that required them within mandated timeframes.

In contrast, the 2012 audit found that between fiscal years 2009 and 2011, OPH performed re-inspections for about 68 percent of the establishments that required them within mandated timeframes. OPH policy requires that an establishment receive a re-inspection any time an initial inspection identifies one or more critical violations and/or five or more non-critical violations.

We also found that OPH issued 131 compliance orders between fiscal years 2017 and 2019 for establishments that did not follow food safety requirements. This was a significant improvement from the four compliance orders issued between fiscal years 2009 and 2011.

However, OPH did not issue compliance orders for 19 establishments that should have received one.

In addition, we found that while OPH assessed penalties against 41 establishments, it did not have a process to track the amounts assessed and collected.

Act 66 of the 2017 Regular Session gave OPH the authority to assess re-inspection fees for establishments that show continued non-compliance with food safety regulations. The agency can also revoke permits if the re-inspection fees are not paid.

Since Act 66 was passed, OPH has charged 910 owners $136,500 in re-inspection fees, and 779 of those owners have paid a total of $116,850.

We found as well that while OPH’s data system publicly posts inspection reports to its website seven days after an inspection as intended, the office has not updated the site to include an establishment’s full inspection history, which was something we recommended in the 2012 audit report.

Only the three most recent inspections are posted because of bandwidth limitations. In addition, individuals searching for an establishment’s inspection reports must know how the establishment is listed on its permit. Otherwise, they may be unable to find inspection results.

As a result of our follow-up audit, we developed eight recommendations to help OPH make its inspection and enforcement processes even stronger.

Specifically, we recommended that OPH ensure its sanitarians inspect all high-risk establishments according to its risk model and set up a supervisory review process of the risk categories to make sure food establishments are categorized correctly.

OPH should also make sure that its sanitarians indicate in the office’s database whether an establishment needs to be re-inspected to help with planning for re-inspection activities.

We recommended as well thatOPH follow its criteria for issuing compliance orders to establishments with a history of non-compliance and set up a tracking system to allow retail food staff to see and access penalty information.

In addition,OPH should provide broader search term capability on its website to allow the public to find retail food inspection results more easily, and the office should consider requiring establishments to post inspection reports in a visible location on their premises.

Lastly, we recommended thatOPH consider posting raw inspection data on its website so the public can see the entire compliance history of an establishment.

In its response to our report, which is detailed in the report appendix, OPH agreed with all of our recommendations.

Ultimately, the goal of our audit was to see whether OPH had made changes in the Retail Food Program in response to our 2012 recommendations and improved its ability to reduce the chances of foodborne illness for the public. The additional recommendations in this report are designed to help OPH further strengthen its efforts.

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.*