

Why We Conducted This Audit

We evaluated the Louisiana Department of Health’s (LDH) activities to address abuse and neglect of individuals with intellectual and developmental disabilities who receive Home and Community-Based Services (HCBS). We conducted this audit in response to legislative interest, concerns voiced by stakeholders, and the vulnerable nature of the population served.

What We Found

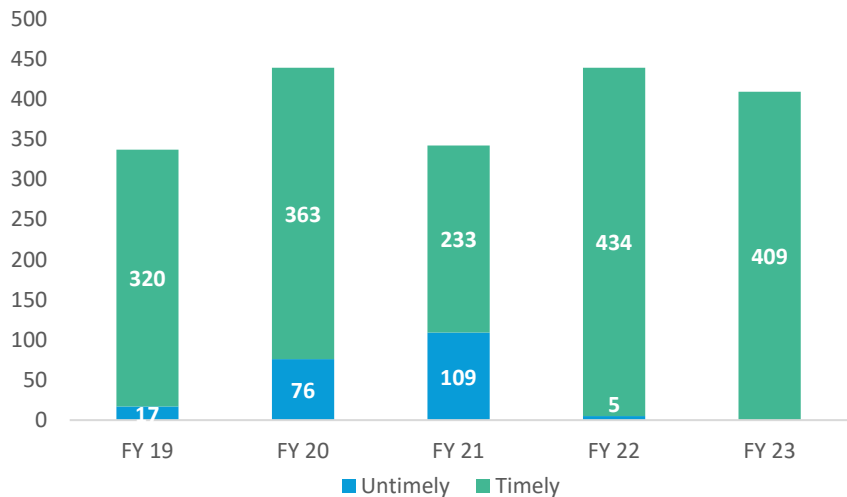
- LDH’s Health Standards Section (HSS) has an internal goal to conduct licensure surveys of HCBS providers once every three years to ensure compliance with regulations. Of the 546 providers that needed a licensure survey during fiscal years 2019 through 2023 to meet this goal, LDH did not survey 140 (25.6%). In addition, 69 (12.6%) providers had no licensure surveys at all during this five-year period.

- During fiscal years 2019 through 2023, LDH conducted 1,979 surveys that addressed 5,420 separate allegations of noncompliance, with 2,194 (40.5%) related to abuse or neglect. LDH completed 843 (99.4%) of 848 complaint surveys during fiscal years 2022 and 2023 in accordance with required timelines, which is an improvement from the three previous fiscal years.

HSS does not perform these investigations to confirm that abuse or neglect has actually

occurred, because various protective agencies are responsible for investigating allegations depending on the age of the victim. The exhibit below summarizes the timeliness of complaint surveys performed by year during fiscal years 2019 through 2023.

Timeliness of Complaint Survey Response by Fiscal Year
Fiscal Years 2019 through 2023



Source: Prepared by legislative auditor’s staff using data provided by LDH.

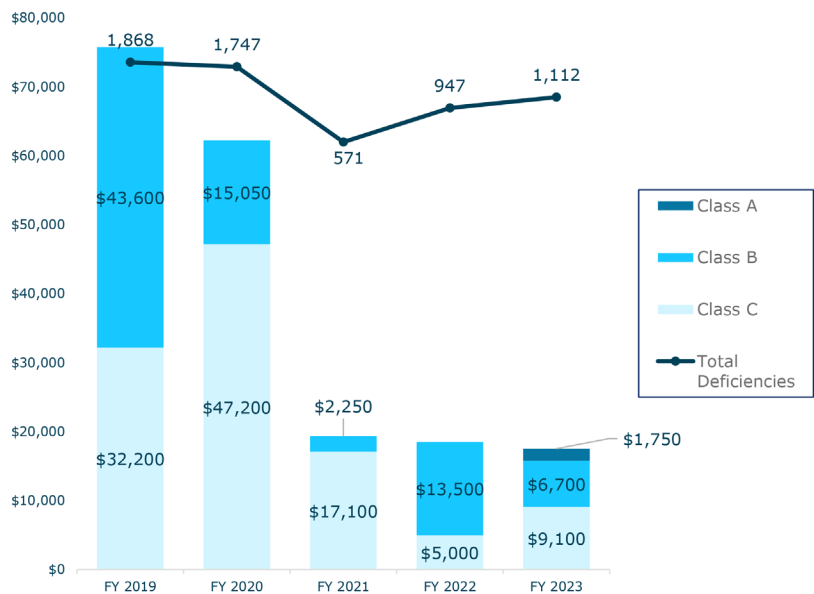
Abuse and Neglect in Home and Community-Based Services

Louisiana Department of Health

What We Found (Cont.)

- **LDH faces numerous challenges in ensuring that critical incident reports are submitted in accordance with program requirements. Because multiple agencies have oversight responsibility for the health and safety of HCBS participants, appropriate and timely reporting is essential to ensure proper coordination of agency efforts.** According to LDH's Office for Citizens with Developmental Disabilities (OCDD), turnover of support coordinators and direct service workers presents challenges in ensuring that providers are knowledgeable about the reporting process.
- **During fiscal years 2019 through 2023, LDH did not ensure that eight (22.2%) of 36 support coordination providers received all required annual monitoring reviews. In addition, LDH has not established a process to review monitoring efforts of local government entities to ensure that corrective actions taken by support coordination agencies are timely and sufficient.** Because LDH has not established a process to monitor local government entities' (LGE) oversight over support coordination agencies, the LGEs did not always ensure that support coordinators submitted required corrective action plans timely or fully addressed all areas cited.
- **Although HSS assessed \$193,450 in sanctions to HCBS providers during fiscal years 2019 through 2023, maximum fine amounts in law have not increased since 1997. In addition, OCDD has not developed policies or processes for imposing adverse actions of support coordinators for noncompliance with regulations.** While OCDD can remove providers from the Freedom of Choice list as an adverse action when noncompliance is identified, it did not remove any providers despite having identified issues of noncompliance during fiscal years 2019 through 2023. The exhibit above shows the trend in the number of deficiencies and amount of penalties assessed by class of violation during fiscal years 2019 through 2023.

Number of HSS Deficiencies for HCBS Providers and Amount of Penalties by Class of Violation Fiscal Years 2019 through 2023



Source: Prepared by legislative auditor's staff using penalty data provided by LDH.

The report contained nine recommendations, and LDH agreed with seven of them and neither agreed nor disagreed with two of them. The report also contained one matter for legislative consideration.

View the full report, including management's response, at www.lla.la.gov.