



# Report Highlights

## Regulation of the Mental Health Counseling and Marriage and Family Therapy Professions

Louisiana Licensed Professional Counselors Board of Examiners

MICHAEL J. "MIKE" WAGUESPACK, CPA

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### Why We Conducted This Audit

We evaluated whether the Louisiana Licensed Professional Counselors Board of Examiners (LPCBE or Board) effectively regulated the professions of mental health counseling and marriage and family therapy during fiscal years 2019 through 2021 to ensure compliance with the Louisiana Mental Health Counselor Licensing Act.

### What We Found

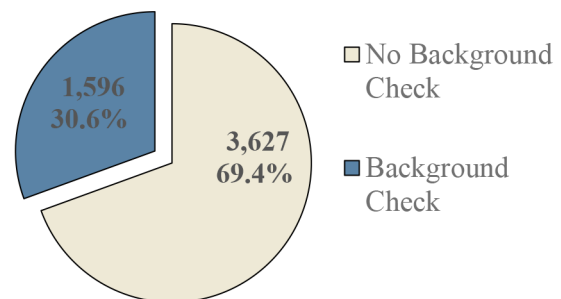
Overall, we found that LPCBE has established regulatory processes that comply with state law and conform to most best practices. For example, LPCBE has developed timeframes for investigating complaints and has adopted a matrix that helps the Board ensure disciplinary actions are consistent and escalated based on the number and severity of violations. However, we found that LPCBE needs to strengthen some aspects of its licensing activities to better protect the public and ensure licensees comply with the Louisiana Mental Health Counselor Licensing Act. Specifically, we identified the following:

The **mission** of LPCBE is to protect the public interest by regulating the practices of mental health counseling and marriage and family therapy.

Source: [lpcboard.org](http://lpcboard.org)

- **Although state law granted LPCBE the authority to conduct background checks on initial and renewing applicants in January 2014, LPCBE did not start conducting background checks on initial applicants until five years later in January 2019, and has not yet started conducting background checks on individuals renewing their licenses.** As a result, 3,627 (69.4%) of 5,223 current licensees have not received background checks as of June 2021, as shown in the exhibit below.
- **LPCBE did not report 16 (34.8%) of the 46 adverse actions it issued to the National Practitioner Data Bank (NPDB) during fiscal years 2019 through 2021 in accordance with federal regulations. In addition, the Board is not required to query the NPDB prior to issuing or renewing licenses.** As a result, it may be making decisions without important disciplinary information on applicants from other states.

Licensed Professional Counselors and Marriage and Family Therapists without a Background Check As of June 2021



Source: Prepared by legislative auditor's staff using information provided by LPCBE.

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# Regulation of the Mental Health Counseling and Marriage and Family Therapy Professions

## Louisiana Licensed Professional Counselors Board of Examiners

### What We Found (Cont.)

- LPCBE’s process to resolve complaints and issue enforcement actions complies with regulatory best practices. Specifically, LPCBE has developed time frames for investigating complaints and has adopted a disciplinary matrix that helps the Board make consistent and appropriate decisions. During fiscal years 2019 through 2021, LPCBE received 425 complaints containing 458 allegations, with the most common allegation involving licensees engaged in unethical or unprofessional conduct, as shown in the exhibit below.

Allegations Received by LPCBE, by Type of Complaint Fiscal Years 2019 through 2021		
Type of Complaint	No. Allegations	Percent
Unethical or unprofessional conduct	188	41.0%
Unlawful practice, practicing out of scope, practicing without a license	48	10.5%
Failure to notify and/or cooperate, providing false information	32	7.0%
Inappropriate relationship with patient	25	5.5%
Breach of confidentiality	20	4.4%
Sexual misconduct or harassment	20	4.4%
Criminal activity and/or failure to report criminal activity	17	3.7%
Fraud, improper billing	16	3.5%
Child custody evaluation	15	3.3%
Failure to provide/maintain accurate and/or complete records	13	2.8%
Client abandonment	6	1.3%
Failure to report abuse	2	0.4%
Other (i.e., blank allegation, misreported to LPCBE, etc.)	56	12.2%
<b>Total</b>	<b>458*</b>	<b>100.0%</b>

\*Some complaints contained multiple allegations.  
**Source:** Prepared by legislative auditor’s staff using data provided by LPCBE.

During this same time, LPCBE issued 57 enforcement actions, as shown in the exhibit (at right). In addition, we reviewed 10 (17.5%) of these enforcement actions and found that all 10 actions were issued in accordance with LPCBE’s matrix.

Enforcement Actions Issued by LPCBE, by Type Fiscal Years 2019 through 2021		
Type of Enforcement Action	Number	Percent
Public Reprimand*	17	29.8%
Suspension*	13	22.8%
Cease and Desist	10	17.5%
Non-Public Warning Letter	7	12.3%
Continuance Orders	5	8.8%
Voluntary Surrender*	4	7.0%
Revocation*	1	1.8%
<b>Total</b>	<b>57</b>	<b>100.0%</b>

\*With or without additional requirements or restrictions  
**Source:** Prepared by legislative auditor’s staff using information provided by LPCBE.