

Why We Conducted This Audit

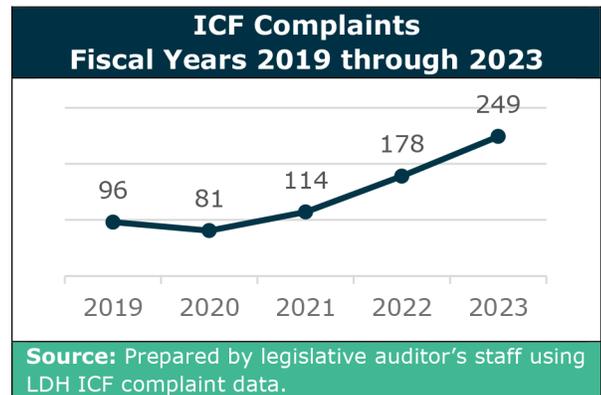
We evaluated the Louisiana Department of Health’s (LDH) activities to address abuse and neglect in Intermediate Care Facilities for Individuals with Developmental Disabilities (ICF/DDs or ICFs). We conducted this audit in response to legislative interest, calls from concerned parents, and the vulnerable nature of the population served.

What We Found

- **LDH improved the timeliness of its recertification surveys from 362 (95.8%) of 378 recertification surveys conducted timely in fiscal year 2020 to 100% of 413 recertification surveys conducted timely in fiscal year 2023.** LDH monitors ICFs’ compliance with requirements through inspections, called surveys. LDH conducts an initial survey when an ICF opens, then conducts a recertification survey of each ICF at least once every 15 months.

A **developmental disability** is a severe, chronic disability attributable to cerebral palsy, autism, epilepsy, or other condition, other than mental illness, that results in an impairment of general intellectual functioning or adaptive behavior and requires treatment and services; manifested before the person reaches age 22 and is likely to continue indefinitely.

- **LDH received 718 complaints related to ICFs during fiscal years 2019 through 2023 and conducted all 193 complaint investigations with an Immediate Jeopardy priority timely. However, LDH is not able to easily identify which of these complaints are related to abuse and neglect.** In addition, parents and stakeholders feel that LDH could improve its communication with complainants and the timeliness of investigations. The exhibit at right summarizes the total number of complaints LDH received each fiscal year during fiscal years 2019 through 2023. The exhibit on the following page summarizes the complaint allegations related to abuse and neglect received by LDH during fiscal years 2019 through 2023.



Abuse and Neglect in Intermediate Care Facilities for Individuals with Developmental Disabilities

Louisiana Department of Health

What We Found (Cont.)

ICF Complaint Allegations Related to Abuse and Neglect Fiscal Years 2019 through 2023						
Allegation Type	Description	2019	2020	2021	2022	2023
Abuse	Includes allegations for all forms of abuse and includes resident-to-resident abuse and employee-to-resident abuse	45	39	9	-	-
Neglect	Includes allegations of resident left alone, pressure sores, failure to provide services, inadequate supervision, and injuries of unknown origin	44	31	9	-	-
Client Protections	Includes allegations for all forms of abuse and neglect, and other related allegations such as failure to report or investigate abuse or neglect	-	-	36	73	122
Total		89	70	54	73	122

Source: Prepared by legislative auditor's staff using the CMS State Operating Manual and LDH ICF complaint data.

- **ICFs reported more than 4,000 incidents of actual or alleged abuse and neglect during fiscal years 2019 through 2023. However, LDH does not ensure that ICFs report incidents timely as 1,103 (23.5%) of 4,698 Facility Reported Incidents (FRIs) were not reported within 24 hours of discovery as required by state regulations.** In addition, as of May 2024, 25 (39.1%) of 64 sheriffs' offices did not have access to the Statewide Incident Management System to respond to allegations of abuse and neglect that occur within their jurisdictions.
- **LDH cited ICFs with 4,948 deficiencies during fiscal years 2019 through 2023. Of those, 614 (12.4%) were related to client protections, which include deficiencies related to abuse and neglect. LDH could increase transparency and assist the public with making more informed decisions about care by posting information about deficiencies, complaints, and FRIs on its website.** Making this type of information available to the public may help families and stakeholders make more informed choices when making decisions about care.
- **LDH assessed fines totaling \$450,250 to ICFs for deficiencies identified during surveys and investigations conducted during fiscal years 2019 through 2023. However, fine amounts may not be adequate to deter non-compliance.** Fine maximums established in state law have not increased since they were set in 1997.
- **LDH could use Medicaid data to monitor ICFs for compliance with Medicaid requirements. For example, we identified ICF residents who potentially did not receive annual doctor visits as required by Medicaid.** ICFs are required to arrange an annual physical examination of all residents. We reviewed Medicaid data for medical services provided during fiscal year 2022 and found that 135 (4.3%) of 3,165 ICF residents potentially did not receive an annual doctor visit.

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