

**BEFORE THE MINNESOTA BOARD OF EXECUTIVES
FOR LONG-TERM SERVICES AND SUPPORTS**

In the Matter of
Gerald Gray LALD
License No. 3267

**ORDER OF
UNCONDITIONAL LICENSE**

On April 24, 2024, the Minnesota Board of Executives for Long-Term Services and Supports (“Board”) issued Gerald Gray LALD (“Licensee”) a Stipulation and Consent Order (“2024 Order”) suspending Licensee’s license, but staying the suspension so long as Licensee complied with conditions. Pursuant to the 2024 Order, Licensee petitioned the Board for an unconditional licensee based upon her compliance with the terms of the 2024 Order. The Board has reviewed all materials submitted on behalf of Licensee, pursuant to that Order, and has determined that Licensee complied with and fulfilled all terms of the 2024 Order.

NOW, THEREFORE, IT IS HEREBY ORDERED that the 2024 Order issued to Licensee is **RESCINDED** and shall have no future force or effect.

IT IS FURTHER ORDERED that Licensee is granted an unconditional license to serve as an assisted living director in the State of Minnesota, such license to carry all duties, benefits, responsibilities, and privileges inherent therein through Minnesota statute and rule.

Dated: 11/26/2024

STATE OF MINNESOTA

BOARD OF EXECUTIVES
FOR LONG-TERM SERVICES
AND SUPPORTS

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STEPHEN JOBE
Executive Director

**BEFORE THE MINNESOTA
BOARD OF EXECUTIVES FOR LONG-TERM SERVICES AND SUPPORTS**

In the Matter of
Gerald S. Gray, LALD
License No. 3267
Shared License No. 1516

**STIPULATION AND
CONSENT ORDER**

IT IS HEREBY STIPULATED AND AGREED by Gerald S. Gray, LALD (“Licensee”), and the Minnesota Board of Executives for Long-Term Services and Supports (“Board”) Standards of Practice Committee (“Committee”) as follows:

I.

JURISDICTION

1. The Board is authorized pursuant to Minnesota Statutes chapter 144A to license and regulate assisted living directors and to take disciplinary action as appropriate.
2. Licensee holds a license from the Board to practice as an assisted living director in the State of Minnesota and is subject to the jurisdiction of the Board with respect to the matters referred to in this Stipulation and Consent Order.

II.

FACTS

3. The Board granted Licensee a license to practice as an assisted living director (“LALD”) on October 26, 2021. The initial license number is 3267.
4. The Board granted Licensee a shared LALD license on August 24, 2023.
5. Licensee is currently listed as a shared LALD for two facilities: one located in Brooklyn Center and one located in Crystal.

6. In 2022, the Minnesota Department of Health (“MDH”) investigated an allegation of maltreatment. After investigation, MDH substantiated that Licensee emotionally abused a resident (“Resident #1”). Both the facility and Licensee were responsible for the maltreatment. According to MDH, the following occurred:

a. Licensee called Resident #1, two other residents, and a staff member into a meeting to address Resident #1’s behavior. Resident #1 was uncomfortable and recorded the conversation on his phone.

b. Licensee accused Resident #1 of theft and threatened to tell another resident what Resident #1 said about him. Licensee threatened that this would result in the resident “slap[ping] [Resident #1] straight.”

c. Licensee also confronted Resident #1 about money he had loaned him and told Resident #1 he had failed the “test.”

d. Licensee told Resident #1 that if he did not move out the next day, he was going to throw Resident #1 and his belongings in the snow.

e. Licensee yelled at Resident #1 during the meeting.

f. Resident #1 requested that he speak to Licensee in private, that Licensee not stand over him, and that Licensee not touch him. Resident #1 disclosed that the interaction was putting his “head in a bad place.” Licensee did not respond to those requests.

g. Resident #1 is diagnosed with anxiety, memory deficit, posttraumatic stress disorder, and major depressive disorder. Resident #1 stated that when Licensee put his hands on him, Resident #1 had flashbacks of childhood abuse and felt unsafe, fearful, and threatened.

III.

REGULATIONS

7. The Board views Licensee's practices as described above to be in violation of statutes and rules enforced by the Board and constitutes a reasonable basis in law and fact to justify the disciplinary action provided for in this Stipulation and Consent Order. Licensee agrees that the conduct cited above constitutes the following violations:

a. Committed acts of misconduct related to qualifications, functions, or duties of an assisted living director and evidenced unfitness to perform as an assisted living director in a manner consistent with protecting resident health, safety, and welfare, in violation of Minnesota Rules 6400.7095, subpart 1.G.; and

b. Engaged in unprofessional conduct, including any departure from or failure to conform to the minimum standards of acceptable and prevailing practice, as specified in state and federal statutes and rules concerning administration of assisted living facilities, without actual injury having to be established, in violation of Minnesota Rules 6400.7095, subpart 1.I.

IV.

REMEDY

8. Upon this stipulation and all the files, records, and proceedings herein, and without further notice or hearing, the Board enters an order as follows:

The Board **CONDITIONS** Licensee's license as follows:

a. ***Completion of Education.*** Licensee shall arrange to enroll, and complete, no less than forty (40) hours of education on the topic(s) of the assisted living director's role and responsibilities. The education shall be completed in addition to any regularly required

continuing education or any previous training or education completed by Licensee prior to the date of this Order. All fees for the education shall be paid by Licensee. Licensee must obtain preapproval from the Committee for the course that Licensee selects. To secure preapproval, Licensee shall submit to the Committee a course description, including course objectives and the instructor's name and applicable credentials. Licensee shall complete the course within sixty (60) days of the date of the Order. Successful completion of the course shall be determined at the sole discretion of the Committee and verified by Licensee's submission of an official certificate indicating completion of the preapproved course. Licensee shall be responsible for any expenses associated with this coursework.

b. ***Independent Consultant.*** Within 60 days of the date of this Stipulation and Consent Order, Licensee must propose to the Committee the name of an Independent Consultant to provide reports to the Committee as described below. The Committee reserves the right to reject the consultant proposed by Licensee. If the Committee rejects the consultant proposed by Licensee, the Committee may require that Licensee submit additional names, or the Committee may provide Licensee with the name of a consultant.

Licensee shall meet with the Independent Consultation for no less than six hours per month for the first three months, and a number of hours to be determined by the Independent Consultant for three months thereafter. Consulting sessions must include discussion of the following issues regarding Licensee's practice:

- Resident rights;
- Professional conduct;
- Properly managing difficult situations and behaviors;
- Compliance with all applicable regulations; and
- Any other topic deemed relevant by the Independent Consultant.

c. ***Independent Consultant Reports.*** Licensee must ensure that the Committee receives six reports from the Independent Consultant, regarding the following areas: resident rights, professional conduct, properly managing difficult situations and behaviors, and compliance with all applicable regulations. The first report must be provided within 30 days of the Committee's approval of the Independent Consultant, as described in paragraph 8.b. above. All subsequent reports shall be submitted monthly on the first day of the month in which they are due. Each report shall provide and/or address:

- 1) In the first report, evidence Licensee's Independent Consultant has received and reviewed a copy of this Stipulation and Consent Order;
- 2) Dates on which consulting sessions took place with Licensee;
- 3) A statement of issues discussed in consulting sessions; and
- 4) The Independent Consultant's opinion regarding any deficiencies with Licensee's practice concerning the areas identified for discussion in consulting sessions.

9. Upon completing the requirements set forth in paragraph 8, Licensee may petition to have the conditions removed from Licensee's license. Licensee may be required to meet with the Committee upon petitioning. Licensee shall have the burden of proving that Licensee has complied with the conditions and that Licensee is qualified to safely and competently practice as an assisted living director in the State of Minnesota. Licensee's compliance with the foregoing requirements shall not create a presumption that the conditions should be removed. Upon consideration of the evidence submitted by Licensee or obtained through Board investigation, the Board may remove, amend, or continue the conditions imposed by this Stipulation and Consent Order.

V.

CONSEQUENCES FOR NONCOMPLIANCE OR ADDITIONAL VIOLATIONS

10. It is Licensee's responsibility to ensure all documents, reports, or other materials required to be filed with the Board pursuant to this Stipulation and Consent Order are timely filed by those preparing the report, evaluation, or documentation. Failure to file reports on or before their due date is a violation of this Stipulation and Consent Order. The information contained in the reports, evaluations, and documentation shall be submitted to the Board by United States Mail, courier, electronic mail addressed to the Executive Director, or personal delivery. The Board's mailing address is 335 Randolph Avenue, Suite 210-B, St. Paul, Minnesota 55102.

11. If Licensee fails to comply with or violates this Stipulation and Consent Order, the Committee may, in its discretion, seek additional discipline either by initiating a contested case proceeding pursuant to Minnesota Statutes chapter 14 or by bringing the matter directly to the Board pursuant to the following procedure:

a. The Committee shall schedule a hearing before the Board. At least 20 days before the hearing, the Committee shall mail Licensee a notice of the violation(s) alleged by the Committee. In addition, the notice shall designate the time and place of the hearing. Within ten days after the notice is mailed, Licensee shall submit a written response to the allegations. If Licensee does not submit a timely response to the Board, the allegations may be deemed admitted.

b. The Committee, in its discretion, may schedule a conference with Licensee prior to the hearing before the Board to discuss the allegations and to attempt to resolve the allegations through agreement.

c. Prior to the hearing before the Board, the Committee and Licensee may submit affidavits and written argument in support of their positions. At the hearing, the Committee and Licensee may present oral argument. Argument shall not refer to matters outside the record. The evidentiary record shall be limited to the affidavits submitted prior to the hearing and this Stipulation and Consent Order. The Committee shall have the burden of proving by a preponderance of the evidence that a violation has occurred. If Licensee has failed to submit a timely response to the allegations, Licensee may not contest the allegations, but may present argument concerning the appropriateness of additional discipline. Licensee waives a hearing before an administrative law judge, discovery, cross-examination of adverse witnesses, and other procedures governing hearings pursuant to Minnesota Statutes chapter 14.

d. Licensee's correction of a violation before the conference, hearing, or meeting of the Board may be taken into account by the Board but shall not limit the Board's authority to impose discipline for the violation. A decision by the Committee not to seek discipline when it first learns of a violation shall not waive the Committee's right to later seek discipline for that violation, either alone or in combination with other violations, at any time while this Stipulation and Consent Order is in effect.

e. Following the hearing, the Board will deliberate confidentially. If the allegations are not proved, the Board shall dismiss the allegations. If a violation is proved, the Board may impose additional discipline, including additional conditions or limitations on Licensee's practice, suspension, or revocation of Licensee's license.

f. Nothing herein shall limit the Committee's or the Board's right to temporarily suspend Licensee's license pursuant to Minnesota Statutes section 214.077 or

214.104, based on a violation of this Stipulation and Consent Order or based on conduct of Licensee not specifically referred to herein.

VI.

ADDITIONAL INFORMATION

12. Licensee is responsible for all costs incurred as a result of compliance with this Stipulation and Consent Order.

13. In the event Licensee resides or practices outside the State of Minnesota, Licensee must promptly notify the Board in writing of the location of his residence and all work sites. Periods of residency or practice outside of Minnesota will not be credited toward any period of Licensee's suspended, limited, or conditioned license in Minnesota unless Licensee demonstrates that practice in another state conforms completely with Licensee's Minnesota license to practice as a licensed assisted living director.

14. In the event the Board in its discretion does not approve this settlement, this Stipulation is withdrawn and shall be of no evidentiary value and shall not be relied upon nor introduced in any disciplinary action by either party hereto except that Licensee agrees that should the Board reject this Stipulation, and if this case proceeds to hearing, Licensee will assert no claim that the Board was prejudiced by its review and discussion of this Stipulation or of any records relating hereto.

15. Either party may seek enforcement of this Stipulation and Consent Order in any appropriate civil court.

16. Licensee has been advised by Board representatives that he may choose to be represented by legal counsel in this matter. Licensee has knowingly waived legal representation

in this matter. The Standards of Practice Committee is represented by Alex Mountain, Assistant Attorney General.

17. Licensee waives all formal hearings on this matter and all other procedures before the Board to which Licensee may be entitled under the Minnesota or United States constitutions, statutes, or rules and agrees that the order to be entered pursuant to the stipulation shall be the final order herein.

18. Licensee hereby knowingly and voluntarily waives any and all claims against the Board, the Office of the Minnesota Attorney General, the State of Minnesota and their agents, employees, and representatives which may otherwise be available to Licensee relative to the action taken or authorized against Licensee's license to practice as a licensed assisted living director under this stipulation.

19. Licensee hereby acknowledges that he has read, understands, and agrees to this stipulation and has freely and voluntarily signed the stipulation without threat or promise by the Board or any of its members, employees, or agents.

20. This Stipulation and Consent Order contains the entire agreement between the parties there being no other agreement of any kind, verbal or otherwise, which varies this stipulation.

VII.

DATA PRACTICES NOTICES

21. This Stipulation and Consent Order constitutes disciplinary action by the Board and is classified as public data pursuant to Minnesota Statutes section 13.41, subdivision 5. This Stipulation and Consent Order is a public document and will be sent to all appropriate data banks and entities consistent with Board policy.

CONSENT:

LICENSEE


GERALD S. GRAY, LALD

Dated: 02/28/2024

FOR THE STANDARDS OF
PRACTICE COMMITTEE


BOARD MEMBER

Dated: 3/14/2024

ORDER

Upon consideration of the Stipulation and all the files, records, and proceedings herein, the terms of the Stipulation are approved and adopted, and the recommended remedy set forth in the Stipulation is hereby issued as an Order of this Board effective this 24 day of April, 2024.

MINNESOTA BOARD
OF EXECUTIVES FOR LONG-TERM
SERVICES AND SUPPORTS

Stephen Jobe Digitally signed by Stephen Jobe
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STEPHEN JOBE
Executive Director

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