

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

In the Matter of
Crystal Rhoden, LALD
License No. 3386

**ORDER OF
UNCONDITIONAL LICENSE**

On April 24, 2024, the Minnesota Board of Executives for Long-Term Services and Supports (“Board”) issued Crystal Rhoden, 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NOW, THEREFORE, IT IS HEREBY ORDERED that the 2024 Order issued to Licensee is **RESCINDED** and shall have no future force or effect.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

Stephen Jobe

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STEPHEN JOBE
Executive Director

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

In the Matter of
Crystal Rhoden, LALD
License No. 3386

**STIPULATION AND
CONSENT ORDER**

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

I.

JURISDICTION

1. The Minnesota Board of Executives for Long-Term Services and Supports (“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 a licensed 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.

BACKGROUND

3. On December 5, 2021, the Board adopted a Stipulation and Consent Order (“2021 Consent Order”) conditioning Licensee’s license application on, among other requirements, completion of at least eight hours of preapproved continuing education on the topic of ethics as it relates to the practice of directing assisted living facilities within six months of the date of the Order.

4. Licensee is represented by Eric H. Anderson, Esq., of Anderson Defense in Minneapolis, Minnesota. The Committee is represented by Erin Farmer, Assistant Attorney General.

III.

FACTS

For the purpose of this Stipulation and Consent Order only, the Board finds the following:

5. The Board granted Licensee an Assisted Living Director (“LALD”) license on February 9, 2022.

6. Beginning on December 27, 2021, Licensee was the Director of Record (“DOR”) for an assisted living facility (“Facility #1”) in Elbow Lake, Minnesota.

7. From on or about June 8, 2022 until June 7, 2023, Licensee was the DOR for an assisted living facility (“Facility #2”) in Fergus Falls, Minnesota.

8. On June 14, 2022, Licensee applied to the Board for a shared director assignment for Facility #1 and Facility #2. On June 16, 2022, the Board issued Licensee a Shared Assisted Living Director license for Facility #2. The shared license expired on June 7, 2023, when Licensee ended her role as the DOR for Facility #2.

9. On or about February 1, 2023, Licensee became the DOR for an assisted living facility (“Facility #3”) in Thief River Falls, Minnesota, while serving as DOR for Facility #1 and Facility #2. Licensee did not have a Shared Assisted Living Director license for Facility #3. Facility #3 is approximately 139 miles away from Facility #2 and 160 miles away from Facility #1.

10. On or about May 31, 2023, Licensee became the DOR for a different assisted living facility (“Facility #4”) in Thief River Falls, Minnesota, while serving as DOR for Facility #1, Facility #2, and Facility #3. Licensee did not have a Shared Assisted Living Director license for Facility #4.

11. On June 5, 2023, the Minnesota Department of Health (“MDH”) conducted a survey of Facility #2. The MDH survey identified concerns and an immediate order was issued due to staff passing medications without training and no visible shared director plan. The surveyor observed an expired shared license for Licensee posted at Facility #2.

12. On September 18, 2023, Licensee appeared at a conference with the Board to discuss the above concerns. At the conference and in her written response, Licensee stated that her responsibilities at Facilities #2, #3, and #4 increased due to management issues and administrative departures, that Licensee failed to personally verify the licensure requirements and relied on her employer’s credentialing staff regarding her multiple DOR assignments, and that Licensee has implemented monthly Quality meetings at Facility #2 to address the MDH compliance issues.

IV.

REGULATIONS

13. Licensee acknowledges the conduct described in section III. above constitutes a violation of Minnesota Rules 6400.7095, subpart 1.E. (statute or rule enforced by the Board) and subpart 1.I. (unprofessional conduct) and justifies the disciplinary action described in section V. below.

V.

DISCIPLINARY ACTION

A. Civil Penalty

14. Licensee shall pay to the Board a **CIVIL PENALTY** of \$1,000 within six months of the date this Stipulation and Consent Order is adopted by the Board. Licensee shall mail her payment to the Board of Executives for Long-Term Services and Supports, c/o Stephen Jobe, Executive Director, 335 Randolph Avenue, Suite 210-B, St. Paul, MN 55102.

B. Stayed Suspension

15. Upon this Stipulation and all of the files, records, and proceedings herein, and without any further notice or hearing herein, Licensee consents that until further order of the Board, the Board may make and enter an order **SUSPENDING** Licensee's license to practice as a licensed assisted living director in the State of Minnesota. The suspension is **STAYED** upon the following conditions:

a. ***Completion of Coursework.*** Licensee shall arrange to enroll in and complete no less than eight (8) hours of education on the topic of ethics, and no less than eight (8) hours of education on the topic of time management. Licensee must obtain preapproval from the Committee for the courses 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. The approved course or courses must not be the same courses Licensee completed to comply with the 2021 Consent Order. Licensee shall complete the courses within sixty (60) days of the date of the Order. Successful completion of the courses shall be determined at the sole discretion of the Committee and verified by Licensee's submission of official certificates indicating completion of the preapproved courses. Licensee shall be responsible for any expenses associated with this coursework.

b. ***Independent Consultant.*** Licensee shall propose to the Committee the name of an Independent Consultant to provide a report 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 Consultant for no less than four hours of consultation. Consulting sessions must include discussion of leadership and the requirements of a DOR.

c. ***Independent Consultant Reports.*** Licensee must ensure that the Committee receives a report from the Independent Consultant, following the successful completion of no less than four hours of consultation with Licensee. The report shall provide and/or address:

- 1) 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.

16. Following six (6) months from the date that this Stipulation and Consent Order is adopted and upon completing the requirements set forth in paragraph 14, Licensee may petition to have the stayed suspension 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 stayed suspension should be removed. Upon consideration of the evidence submitted by Licensee or obtained through Board investigation, the Board may remove, amend, or continue the stayed suspension imposed by this Stipulation and Consent Order.

VI.

CONSEQUENCES FOR NONCOMPLIANCE OR ADDITIONAL VIOLATIONS

17. 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 only. The Board's mailing address is 335 Randolph Avenue, Suite 210-B, St. Paul, Minnesota 55102.

A. Noncompliance With Requirements for Stayed Suspension

18. If the Committee has probable cause to believe Licensee has failed to comply with or has violated any of the requirements for staying the suspension as outlined in paragraph 14 above, the Committee may remove the stayed suspension pursuant to the procedures outlined in paragraph 18 below, with the following additions and exceptions listed in a. and b., below:

a. The removal of the stayed suspension will take effect upon service of an Order of Removal of Stayed Suspension ("Order of Removal"). Licensee agrees that the Committee is authorized to issue an Order of Removal, which will remain in effect and will have the full force and effect of an order of the Board until the Board makes a final determination pursuant to the procedures outlined in paragraph 18 below. The Order of Removal will confirm the Committee has probable cause to believe Licensee has failed to comply with or has violated one or more of the requirements for staying the suspension of Licensee's license. Licensee further agrees an Order of Removal issued pursuant to this paragraph will be deemed a public document under the Minnesota Government Data Practices Act. Licensee waives any right to a conference or hearing before removal of the stayed suspension.

b. The Committee will schedule the hearing pursuant to paragraph 18.a. below to be held within 60 days of the notice.

B. Noncompliance With Stipulation and Consent Order

19. 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.

VII.

ADDITIONAL INFORMATION

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

21. In the event Licensee resides or practices outside the State of Minnesota, Licensee must promptly notify the Board in writing of the location of her 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.

22. 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.

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

24. 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.

25. 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.

26. Licensee hereby acknowledges that she 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.

27. 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.

VIII.

DATA PRACTICES NOTICES

28. 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

CRYSTAL RHODEN, LALD

Dated: 03/29/2024

**FOR THE STANDARDS OF
PRACTICE COMMITTEE**

BOARD MEMBER

Dated: 4/2/2024

ORDER

Upon consideration of this stipulation and all the files, records, and proceedings herein,

IT IS HEREBY ORDERED that the license of Licensee is **SUSPENDED**. The Board **STAYS** the suspension upon Licensee's compliance with the requirements outlined in the Stipulation and adopts and implements all other terms of this stipulation this 24 day of April, 2024.

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

Stephen Jobe

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STEPHEN JOBE
Executive Director

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