

**BEFORE THE MINNESOTA**

**BOARD OF EXAMINERS FOR NURSING HOME ADMINISTRATORS**

In the Matter of  
Tamara N. Borstad, LNHA  
License No. 4510

**STIPULATION AND  
CONSENT ORDER**

IT IS HEREBY STIPULATED AND AGREED by Tamara N. Borstad, LNHA (“Licensee”), and the Minnesota Board of Examiners for Nursing Home Administrators (“Board”) as follows:

1. During all times herein, Licensee has been and now is subject to the jurisdiction of the Board from which she holds a license to practice licensed nursing home administration in the State of Minnesota.

**FACTS**

2. For the purpose of this stipulation, the Board may consider the following facts as true:

a. Licensee has been licensed by the Board as a nursing home administrator in the State of Minnesota since August 8, 2016.

b. On November 27, 2017, Licensee was hired by a nursing home (“Facility”) located in Montevideo, Minnesota.

c. In March through May of 2018, Facility leadership noticed the following:

i. In March and April 2018, Licensee spent \$1,684.57 and \$572.86, respectively, using the Facility’s credit cards, at casinos. Licensee claimed she did so by mistake, and paid back the money.

ii. In May 2018, Licensee used Facility credit cards to spend \$7,256.27 at three different casinos, and made cash advances totaling \$5,684.32 at two different casinos.

iii. At or around the same time as Licensee's spending with the Facility's credit cards, Licensee withdrew \$30,000 from the Facility's savings accounts, which she kept in cash in a safe in her office. When Facility leadership confronted Licensee, they found \$25,872 missing.

### REGULATIONS

3. The Board views Licensee's practices as described in paragraph 2 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. Violated a statute, rule, or order that the board issued or is empowered to enforce or that pertains to administration of a nursing facility or to the responsibilities of a nursing home administrator, in violation of Minn. R. 6400.6900 subp. 1(E);

b. Committed acts of misconduct substantially related to the qualifications, function, or duties of a nursing home administrator and evidenced unfitness to perform as a nursing home administrator in a manner consistent with protecting resident health, safety, and welfare, in violation of Minn. R. 6400.6900 subp. 1(G);

c. Engaged in fraudulent, deceptive, or dishonest conduct, whether or not the conduct relates to the practice of nursing home administration, that adversely affects the

individual's ability or fitness to practice as a nursing home administrator, in violation of Minn. R. 6400.6900 subp. 1(H);

d. Engaged in unprofessional conduct or any other conduct with potential for causing harm to the public or facility residents 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 nursing home facilities, without actual injury having to be established, in violation of Minn. R. 6400.6900 subp. 1(I);

#### **REMEDY**

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

a. Licensee's license to practice nursing home administration in Minnesota is hereby **REVOKED**. All state licenses and certificates currently in Licensee's possession shall be returned to the Board within ten (10) days of service of this Order.

b. Effective immediately, Licensee shall not practice, attempt to practice, offer to practice, or advertise or hold herself out as authorized to practice nursing home administration in Minnesota and shall not use the credentials LNHA or titles of licensed nursing home administrator or any other designation which indicates licensure as a licensed nursing home administrator.

5. No sooner than ten years from the date of this Order, Licensee may apply for licensure. Upon application, Licensee must prove by a preponderance of the evidence that she is fit and competent to hold licensure as a licensed nursing home administrator. The Board will be

the sole determiner of whether Licensee is fit and competent to hold licensure. Such application must be made pursuant to the following procedure:

a. Upon application for licensure, Licensee may be required to meet with the Board's Standards of Practice Committee ("Committee"). Licensee must provide the Committee with information it reasonably requests. Based on the evidence presented by Licensee, the Committee will make a recommendation to the Board as to whether Licensee has proved by a preponderance of the evidence that she is fit and competent to hold licensure as a nursing home administrator. The full Board, however, must make the final decision regarding whether to grant licensure. The Board may include conditions, limitations, and/or other penalties which the Board is authorized to impose on Licensee's license.

b. Upon applying to the Board for licensure, Licensee shall submit a completed application for licensure, pay the licensure fee, and meet all other licensure requirements in effect at the time of application.

6. In the event the Board at 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 by either party to this stipulation, except that Licensee agrees that should the Board reject this stipulation and 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 to this matter.

7. Any appropriate court may, upon application of the Board, enter its decree enforcing the order of the Board.

8. Licensee has been advised by Board representatives that she may choose to be represented by legal counsel in this matter. Licensee waived her right to legal representation.

The Standards of Practice Committee is represented by Nicholas Lienesch, Assistant Attorney General.

9. 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.

10. Licensee hereby knowingly and voluntarily waives any and all claims against the Board, the Minnesota Attorney General, the State of Minnesota and their agents, employees, and representatives which may otherwise be available to Licensee under the Americans With Disabilities Act or the Minnesota Human Rights Act relative to the action taken or authorized against Licensee's license to practice as a licensed nursing home administrator under this stipulation.

11. 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. When signing the stipulation, Licensee acknowledges she is fully aware the stipulation is not binding unless and until it is approved by the Board.

12. This Stipulation and Consent Order constitutes a disciplinary action against Licensee.

13. This Stipulation and Consent Order is a public document and will be sent to all appropriate data banks and entities consistent with Board policy.

14. This stipulation contains the entire agreement between the parties there being no other agreement of any kind, verbal or otherwise, which varies this stipulation.

**FOR LICENSEE**

  
TAMARA N. BORSTAD, LNHA

Dated: 8-3-18

**FOR THE STANDARDS OF PRACTICE  
COMMITTEE**

  
BOARD MEMBER

Dated: 10/24/18

**ORDER**

Upon consideration of this stipulation and all the files, records, and proceedings herein,  
IT IS HEREBY ORDERED that Licensee's license to practice nursing home administration is  
REVOKED and that all other terms of this stipulation are adopted and implemented by the Board  
this 24 day of October, 2018.

MINNESOTA BOARD OF  
EXAMINERS FOR  
NURSING HOME ADMINISTRATORS

  
RANDY SNYDER  
Executive Director