

**BEFORE THE MINNESOTA  
BOARD OF EXAMINERS FOR  
NURSING HOME ADMINISTRATORS**

**STANDARDS OF PRACTICE COMMITTEE**

In the Matter of  
Timothy M. Byrne, LNHA  
License No. # 2670

**AGREEMENT FOR CORRECTIVE ACTION**

This Agreement for Corrective Action ("Agreement") is entered into by and between Timothy Bryne, LNHA. ("Licensee"), and the Standards of Practice Committee of the Minnesota Board of Examiners for Nursing Home Administrators ("Committee") pursuant to the authority of Minn. Stat. § 214.103, subd. 6(a). Licensee has been advised by Board representatives that Licensee may choose to be represented by legal counsel in this matter. Licensee knowingly waived legal representation. The Board was represented by Assistant Attorney General, Jennifer Middleton, 1400 Bremer Tower, 445 Minnesota Street, St. Paul, Minnesota 55101, (651) 757-1261. Licensee and the Committee hereby agree as follows:

**FACTS**

1. This Agreement is based upon the following facts.
  - a. Licensee was the Administrator of Record at Good Samaritan Society ("GSS") –Warren from May 28, 2010 to July 25, 2014.
  - b. On May 24, 2013, the Minnesota Department of Health ("MDH") completed an annual survey of GSS. MDH determined that substandard quality of care was provided at a scope and severity of "K" for a violation of F 225 of the 42 C.F.R § 483.25 (2011), which is failure to effectively investigate and report vulnerable adult incidents. At the same

survey, MDH also cited GSS with a scope and severity of “L” for a violation of F 226 of the 42 C.F.R § 483.13(c) (2011) for failure to develop and implement abuse/neglect policies.

c. On February 7, 2014, the MDH completed a survey and compliance review and determined substandard quality of care was provided at a scope and severity level of “J” for a violation of F 323 of the 42 C.F.R § 483.23 (2011). They determined GSS provided substandard quality of care in the prior two consecutive MDH Compliance Surveys. As a result the facility was listed as a Special Focus Facility.

d. Licensee acknowledged that systems were not developed to ensure that residents were free from accidents.

e. Licensee acknowledged that systems or policies were not developed and implemented to ensure residents were safe from abuse and neglect.

f. Licensee met with the Committee on October 29, 2014 to discuss the information set forth in paragraph 1. Based on the discussion, the Committee views Licensee's conduct as inappropriate under Minn. Rules 6400.6900, subparts 1(D), (E), (I), and (J) (2014). Licensee agrees that the conduct cited above constitutes a reasonable basis in law and fact to justify non-disciplinary corrective action under the authority of the Board.

### **CORRECTIVE ACTION**

2. Licensee agrees to address the concerns referred to in paragraph 1 by taking the following corrective action:

a. Within six months of the date of this Agreement, Licensee must provide evidence that he has successfully completed the following courses, which must be preapproved by the Committee.

1) Eight (8) hours of education related to the administrator’s role in quality of care.

2) Eight (8) hours of education related to leadership and management as the Administrator of Record.

b. The continuing education courses must be preapproved by the Committee. For preapproval, Licensee must submit a description of the course, a course agenda, or a course outline for the Committee's review. The continuing education may be used in meeting the minimal annual clock hour requirement for the renewal of Licensee's license.

c. This Agreement shall become effective upon execution by the Committee and shall remain in effect until Licensee successfully completes the terms of the Agreement. Successful completion shall be determined by the Committee.

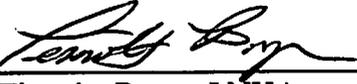
d. Upon Licensee's satisfactory completion of the Agreement, the Committee agrees to dismiss the complaint(s) resulting in the information referred to in paragraph 1. Licensee agrees that the Committee shall determine satisfactory completion. Licensee understands and further agrees that if, after the dismissal, the Committee receives additional complaints similar to the information in paragraph 1, the Committee may reopen the dismissed complaint(s).

e. If Licensee fails to complete the corrective action satisfactorily or if the Committee receives additional complaints similar to the allegations described in paragraph 1, the Committee may, in its discretion, reopen the investigation and proceed according to Minn. Stat. chs. 144A, 214, and 14. Failure to complete corrective action satisfactorily will be deemed failing to cooperate with the Board and shall constitute unprofessional conduct under Minnesota Rules 6500.6900. In any subsequent proceeding, the Committee may use as proof of the allegations of paragraphs 1 and 2 Licensee's agreements herein.

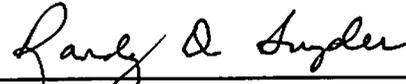
f. Licensee understands that this Agreement does not constitute disciplinary action. Licensee further understands and acknowledges that this Agreement and any letter of satisfaction are classified as public data.

g. Licensee hereby acknowledges having read and understood this Agreement and having voluntarily entered into it. This Agreement contains the entire agreement between the Committee and Licensee, there being no other agreement of any kind, verbal or otherwise, which varies the terms of this agreement.

Dated: 11/28/14

  
\_\_\_\_\_  
Timothy Byrne, LNHA  
Licensee # 2670

Dated: 12/2/2014

  
\_\_\_\_\_  
FOR THE COMMITTEE