

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

In the Matter of
Loveth Amayanvbo, LALD
License No. 2305

**STIPULATION AND
CONSENT ORDER**

IT IS HEREBY STIPULATED AND AGREED by Loveth Amayanvbo, 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. Licensee is represented by Melissa M. Heinlein, Esq., of Lord + Heinlein, in Minneapolis, Minnesota. The Committee is represented by Erin Farmer, Assistant Attorney General.

III.
FACTS

4. On July 14, 2021, the Board granted Licensee an Assisted Living Director (“LALD”) license.

5. Since November 1, 2019, Licensee has been the Director of Record (“DOR”) for an assisted living facility located in Brooklyn Park, Minnesota.

6. In or around June 2023, the following occurred:

a. Licensee checked on a resident sometime before 8:00 a.m. and discovered the resident lying on the floor of his room, face down and unresponsive with grunting respirations.

b. Licensee did not immediately call for emergency care for the resident; and instead, called 911 for assistance with the unresponsive resident at approximately 8:45 a.m.

c. The ambulance record indicated a 911 call for an unresponsive resident at approximately 8:48 a.m. When law enforcement asked what staff did from 8:00 a.m. to 8:45 a.m., Licensee stated they were calling the resident’s family member, because she was instructed to call the family member first anytime there was a situation with the resident.

7. The Minnesota Department of Health (“MDH”) investigated the incident involving the resident for an allegation of maltreatment by neglect. During the MDH investigation, it was reported that a staff member called the resident’s family member two or three times. The staff member told the family member that the resident was found on the floor unresponsive and foaming from the mouth and asked what the family member wanted them to do. The family member told them to call 911.

8. On April 15, 2024, Licensee appeared at a conference with the Committee to discuss the above concerns. At the conference and in her written response, Licensee stated the following:

a. The resident and the resident's family member had previously instructed her to contact the family member first if the resident was having any issues;

b. In future comparable situations, Licensee would now notify 911 right away and then contact the family member and has retrained staff accordingly; and

c. While Licensee is available on call for resident issues and staff needs, Licensee spends approximately ten hours per week at the facility and three to five hours per week directing staff.

IV.

REGULATIONS

9. 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

10. 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 as follows:

A. Conditions

11. The Board **CONDITIONS** Licensee's license to practice as a licensed assisted living director in the State of Minnesota as follows:

a. ***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.

b. ***Independent Consultant Sessions.*** Licensee shall meet with the Independent Consultant for no less than six hours per month for three months. Consultation sessions must include discussion of the following issues regarding Licensee's practice:

- Compliance with the Assisted Living statutes and rules and application of same to Licensee's practice;
- Professional conduct;
- Resident rights;
- Licensee's responsibility for general administration and management of the facility and day-to-day facility operations, including a delegation of authority policy and emergency plans; and
- Any other topic deemed relevant by the Independent Consultant.

c. ***Independent Consultant Reports.*** Licensee must ensure that the Committee receives a report from the Independent Consultant regarding the following areas: application of the Assisted Living statutes and rules to Licensee's practice, Licensee's responsibility for facility operations, and emergency plans. The report must be provided within 30 days of the conclusion of the consultation. 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.

d. ***Licensee's Report on Independent Consultation Course.*** Within 30 days of completing the consultation referenced above, Licensee must submit a report to the Committee that provides and addresses:

- 1) A brief statement of the topics covered in the consultation;
- 2) A detailed discussion of what Licensee has learned from the consultation;
- 3) A detailed discussion of how Licensee will apply the knowledge gained in the consultation to Licensee's future practice; and
- 4) Any other information Licensee believes would assist the Board in its ultimate review of this matter.

B. Limitations

12. ***No Shared Assisted Living Director Assignment or Mentorship.*** Licensee may not serve in any shared assignment or mentorship role. Licensee may only serve as the Assisted Living Director for one facility.

C. Removal of Conditions and Limitations

13. The conditions and limitations upon Licensee's license will be administratively removed following at least twelve (12) months from the effective date of this Stipulation and Consent Order, and upon successful completion of the requirements set forth in paragraph 11 and written notification to Licensee by the Board of the removal of the conditions and limitations. Final determination regarding successful completion of the requirements set forth in paragraph 11 shall be at the discretion of the Board.

VI.

CONSEQUENCES FOR NONCOMPLIANCE OR ADDITIONAL VIOLATIONS

14. 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.

15. 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

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

17. 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.

18. 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.

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

20. 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.

21. 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.

22. 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.

23. 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

24. 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.

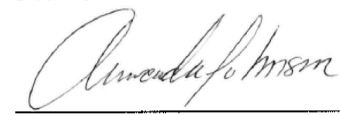
CONSENT:

LICENSEE


LOVETH AMAYANVBO, LALD

Dated: 10/1/24

FOR THE STANDARDS OF
PRACTICE COMMITTEE


BOARD MEMBER

Dated: October 1, 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 23 day of October, 2024.

MINNESOTA BOARD
OF EXECUTIVES FOR LONG-TERM
SERVICES AND SUPPORTS

STEPHEN JOBE
Executive Director

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