

IN THE MATTER OF  
ERICKA FLOOD EVANS

Respondent

Unlicensed

\* BEFORE THE MARYLAND  
\* STATE BOARD OF  
\* DIETETIC PRACTICE  
\* Case Number: 24-006

\* \* \* \* \*

**CEASE AND DESIST ORDER**

Pursuant to the authority granted to the Maryland State Board of Dietetic Practice (the “Board”) under Md. Code Ann., Health Occ. (“Health Occ.”) § 5-404 (2021 Repl. Vol. & 2023 Supp.), the Board hereby orders **ERICKA FLOOD EVANS** (the “Respondent”), an unlicensed individual, to immediately **CEASE AND DESIST** from representing to the public that she is authorized to practice dietetics in the State of Maryland.

The pertinent provisions of the Maryland Licensed Dietitian-Nutritionists Act (the “Act”), Health Occ. §§ 5-101 *et seq.*, under which the Board issues this Order provides the following:

**§ 5-404. Cease and desist orders or injunctive relief.**

The Board may issue a cease and desist order or obtain injunctive relief for a violation of any provision of § 5-401 or § 5-402 of this subtitle.

**§ 5-402. Representations to the public, dietetics**

- (a) Except as otherwise provided under this title, a person may not represent or imply to the public by use of the title “licensed dietitian-nutritionist”, by other title, by description of services, methods, or procedures that the person is authorized to practice dietetics in the State.
- (b) Unless authorized to practice dietetics under this title, a person may not use the words or terms “dietitian-nutritionist”, “licensed dietitian-nutritionist”, “LDN”, “dietitian”, “licensed dietitian”, “D”, “LD”, “nutritionist”, “licensed nutritionist”, or “LN”.

## INVESTIGATIVE FINDINGS<sup>1</sup>

Based on the investigatory information received by, made known to, and available to the Board, there is reason to believe that the following facts are true:

### **I. BACKGROUND AND COMPLAINT**

1. The Respondent has never been licensed to practice dietetics in the State of Maryland.
2. On November 1, 2023, the Board received a complaint from a health care facility (the “Facility”)<sup>2</sup> alleging that the Respondent, who had been hired to work as a licensed dietician at the Facility, had provided falsified credentials.
3. After receiving the complaint, the Board initiated an investigation of the Respondent.

### **II. BOARD INVESTIGATION**

4. As part of its investigation, the Board obtained records from the Facility and interviewed Facility witnesses, including the Licensed Nursing Home Administrator (the “Administrator”) and the assistant dietary manager (the “Dietary Manager”).
5. Interviews of the Administrator and Dietary Manager revealed that the Facility contracts with a third-party company (the “Company”) to handle all dietary needs

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<sup>1</sup> The statements regarding the Board’s investigative findings are intended to provide the Respondent with reasonable notice of the basis of the Board’s action. They are not intended as, and do not necessarily represent, a complete description of the evidence, either documentary or testimonial, to be offered against the Respondent in connection with this matter.

<sup>2</sup> For confidentiality and privacy purposes, the names of individuals and health care facilities involved in this case are not disclosed in this document. The Respondent may obtain the names of all individuals and health care facilities referenced in this document by contacting the administrative prosecutor.

of the Facility including hiring and overseeing all dietitians, dietary managers, dietary aides, etc.

6. When an open dietary position arises at the Facility, the Administrator reaches out to the Company who then conducts the legwork to advertise, interview, conduct background checks, and ultimately hire and place dietary staff at the Facility.
7. On or about September 27, 2023, the Respondent was hired by the Company to work as a Licensed Dietician at the Facility.
8. The Facility is required to post the license and credentials of its licensed staff at all times in case of an unannounced state audit.
9. On several occasions, the Dietary Manager asked the Respondent to provide a copy of her Maryland Dietetics License. Frustrated that the Respondent was not forthcoming with a copy of her license, the Dietary Manager notified the Administrator.
10. On or about November 1, 2023, the Administrator contacted the Respondent and requested a copy of her Maryland Dietetics license.
11. On November 1, 2023, the Respondent turned in a copy of her Maryland Dietetics license to the Facility's receptionist who then handed it to the Administrator.
12. The Administrator immediately took the copy of the Maryland Dietetics license and the copy of the Commission on Dietetic Registration card previously provided by the Respondent to the Director of Human Resources.

13. The Director of Human Resources, utilizing the Board's online License Verification system,<sup>3</sup> entered the license number given by the Respondent. The license number pulled up a record (the "official record") that was drastically different from the Respondent's copy. The only similarity was the last name on both records. The full name, status, expiration date, and original license date were all different. In addition, the formatting on the Respondent's copy did not match the formatting on the official record.
14. The Director of Human Resources then utilized the Commission on Dietetic Registration online License Verification system<sup>4</sup> and entered the license number provided by the Respondent on her card. That number was associated with a third individual's name.
15. The Administrator immediately contacted the Company representative who then informed the Respondent that she was terminated and escorted her out of the Facility.

### **CONCLUSIONS OF LAW**

Based on the foregoing Investigative Findings, the Board concludes as a matter of law that the Respondent, even though she is not licensed by the Board to practice dietetics in Maryland, represented or implied to the public by use of the title "licensed dietitian-nutritionist", by other title, or by description of services, methods, or procedures that she is authorized to practice dietetics in the State by accepting a job at the Facility as a licensed

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<sup>3</sup> <https://mdbnc.health.maryland.gov/dietVerification/Default.aspx>

<sup>4</sup> <https://secure.eatright.org/CGIBIN/lansaweb?wam=CDR900&webrtn=selectcust&ml=LANSA:XHTML&part=PRD&lang=ENG>

dietician and working for approximately one (1) month in that role, in violation of Health Occ. § 5-402.

**ORDER**

Based on the foregoing Investigative Findings and Conclusions of Law, it is, by a majority of the quorum of the Board, hereby:


**ORDERED** that pursuant to the authority under the Maryland Licensed Dietitian-Nutritionists Act, Health Occ. § 5-404, the Respondent, **ERICKA FLOOD EVANS**, shall **IMMEDIATELY CEASE AND DESIST** from representing to the public that she is authorized to practice dietetics in the State of Maryland; and it is further

**ORDERED** that this order is **EFFECTIVE IMMEDIATELY**, and it is further

**ORDERED** that this is a **PUBLIC DOCUMENT** pursuant to Md. Code Ann., Gen.

Prov. §§ 4-101 *et seq.*

January 9, 2024  
Date

  
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Rebecca Snow, MS, CNS, LDN  
Maryland State Board of Dietetic Practice

**NOTICE OF OPPORTUNITY FOR A HEARING**

The Respondent may challenge the factual or legal basis of this initial order by filing a written opposition, which may include a request for a hearing, within 30 days of its issuance. The written opposition shall be made to:

Marie Savage  
Director  
Maryland State Board of Dietetic Practice  
4201 Patterson Avenue  
Baltimore, Maryland 21215

A copy shall also be mailed to:

Karen Malinowski  
Assistant Attorney General  
Maryland Office of the Attorney General  
Health Occupations Prosecution and Litigation Division  
300 West Preston Street, Suite 205  
Baltimore, Maryland 21201

If the Respondent files a written opposition and a request for a hearing, the Board shall consider that opposition and provide a hearing if requested. If the Respondent does not file a timely written opposition, the Respondent will lose the right to challenge this Initial Order to Cease and Desist and this Order will remain in effect.