

IN THE MATTER OF * BEFORE THE MARYLAND
YVONNE AKUM, LDN * BOARD OF DIETETIC PRACTICE
License No.: DX3698 * Case No.: 18-007

* * * * *

PRE-CHARGE CONSENT ORDER

On or about May 24, 2018, the Maryland Board of Dietetic Practice (the "Board") received a complaint concerning Yvonne Akum, LDN (the "Respondent"), License Number DX3698. Based on information provided in the complaint, the Board conducted an investigation.

The Board voted to charge the Respondent under the Maryland Licensed Dietitian-Nutritionists Act, Md. Code Ann., Health Occ. §§ 5-101 *et seq.* (2014 Repl. Vol. & 2018 Supp.). The pertinent provisions provide:

Health Occ. § 5-311. Grounds for denial of license

Subject to the hearing provisions of § 5-312 of this subtitle, the Board, on the affirmative vote of a majority of its members then serving, may deny a license to any applicant, reprimand any licensee, or suspend or revoke a license if the applicant or licensee:

- (13) Practices dietetics with an unauthorized person or supervises or aids an unauthorized person in the practice of dietetics[.]

Prior to the issuance of a charging document, the Respondent agreed to enter into the following Consent Order, consisting of Findings of Fact, Conclusions of Law, Order and Consent.

FINDINGS OF FACT

The Board finds that:

I. Background

1. At all times relevant hereto, the Respondent was licensed to practice dietetics in the State of Maryland. The Respondent was initially licensed to practice dietetics in Maryland on or about October 7, 2014, under license number DX3698. The Respondent's license expires on October 31, 2020.
2. The Respondent was employed as the Regional Registered Dietitian for a vendor agency that provides services through contracts (the "Agency"). The Respondent was assigned by the Agency to provide dietetic services at nursing homes in Maryland.
3. On or about May 24, 2018, the Board received a complaint (the "Complaint") from the interim nursing home administrator (the "Complainant") for a nursing home (the "Nursing Home") alleging the Respondent failed to supervise an RD eligible dietitian (the "Supervisee") as well as allowed the Supervisee to practice with the knowledge that the Supervisee was not a registered dietitian or licensed dietitian/nutritionist.
4. Based on the Complaint, the Board initiated an investigation of the Respondent's practice.

II. Board Investigation

5. In furtherance of its investigation, the Board obtained records from the Agency and conducted an interview of the Respondent.
6. A review of the Supervisee's personnel records received from the Agency revealed the Supervisee was employed as a Registered Dietitian by the Agency

from June 19, 2017¹ until May 16, 2018, and directly reported to the Regional Registered Dietitian.

7. A review of the Respondent's job description as the Regional Registered Dietitian provided by the Agency and the Respondent, revealed the essential functions of the job included "[c]oordinates with the regional/district teams to insure [sic] that all Registered Dietitian employees receive appropriate orientation and training, maintain current registration and licensure, and receive performance reviews."
8. In an interview with the Board's investigator, under oath, on March 3, 2019, the Respondent reported the following:
 - a. As the Regional Registered Dietitian, she oversaw the nutrition responsibilities of dietitians for approximately 35 facilities in Maryland, which included the Nursing Home.
 - b. She was not responsible for hiring the dietitians that were placed at the facilities she oversaw, however, she did participate in interviewing the dietitians, during which time she would discuss the dietitian's qualifications, credentials, whether they had taken their licensure examination, when they were planning to take their exam, and if they were licensed in Maryland.
 - c. The Agency did not provide her with any guidance on supervising unlicensed dietitians.

¹ According to the letter offering the Supervisee the position of Registered Dietitian, the offer was contingent upon the Supervisee obtaining a license to practice dietetics in Maryland no later than December 31, 2017.

- d. As part of a new dietitian's training at a facility, she would pair the new dietitian with someone who was familiar with the facility, and if she had time, she too would go into the facility and help the new dietitian get acquainted with the facility.
- e. She did not keep a consistent schedule of when she would check on the dietitians at the facilities she oversaw – she would go see the dietitians “when [she] could or when there was an issue.”
- f. At some point, the Nursing Home reported to her that they thought the Supervisee was not doing assessments or following-up appropriately. Consequently, she went to the Nursing Home, conducted an audit, and discovered that the Supervisee “wasn't consistently doing assessments or following up with residents as it was expected.” The Supervisee was put on a performance improvement plan and weekly check-ins were conducted by the Respondent or an individual the Respondent supervised via telephone, email, or in-person. Part of the performance improvement plan was that the Supervisee was required to get her license within 30 days.
- g. When the Respondent informed the Agency that the Supervisee was unlicensed, the Agency told her that if an individual finished their dietetic internship then they were a qualified person.
- h. The Agency gave the Supervisee six months from the hire date to obtain a license. After the six months, the Agency told the Respondent to let

the Supervisee continue to practice. Subsequently, at some point, the Respondent said she contacted the Board to inquire as to whether an unlicensed individual could practice if they completed their dietetic internship. When the Board informed her that this was not permissible, she told her supervisors at the Agency what the Board said. At that time, the Agency told her to remove the Supervisee from the Nursing Home.

CONCLUSIONS OF LAW

Based on the foregoing findings of fact, the Board concludes as a matter of law that the Respondent violated:

Health Occ. § 5-311. Grounds for denial of license

Subject to the hearing provisions of § 5-312 of this subtitle, the Board, on the affirmative vote of a majority of its members then serving, may deny a license to any applicant, reprimand any licensee, or suspend or revoke a license if the applicant or licensee:

- (13) Practices dietetics with an unauthorized person or supervises or aids an unauthorized person in the practice of dietetics[.]

ORDER

Based on the foregoing Findings of Fact and Conclusions of Law, it is this 18 day of July, 2019, by a majority of the quorum of the Board considering this case hereby:

ORDERED that Yvonne Akum, LDN is **REPRIMANDED**; and it is further **ORDERED** that no later than **NINETY (90) DAYS** from the effective date of this Order, the Respondent shall pay to the Board an administrative monetary penalty of **ONE THOUSAND DOLLARS (\$1,000.00)** in full no later than **NINETY (90) DAYS** from

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the effective date of this Order. Failure to pay this monetary penalty in full to the Board within **NINETY (90) DAYS** from the effective date of this Order shall constitute a violation of this Order; and be it further

ORDERED that the Respondent shall be responsible for all costs incurred in fulfilling the terms and conditions of this Consent Order; and it is further

ORDERED that if the Respondent violates any of the terms and conditions of this Consent Order, the Board, in its discretion, after notice and an opportunity for an evidentiary hearing if there is a genuine dispute as to the underlying facts, or an opportunity for a show cause hearing before the Board otherwise, may impose any sanction that the Board may have imposed in this case, including a reprimand, probation, suspension, revocation and/or a monetary penalty; and it is further

ORDERED that this Consent Order is a **PUBLIC DOCUMENT** pursuant to Md. Code Ann., Gen. Prov. §§ 4-101 *et seq.* (2014).

7-18-19
Date

Nancy H. Ferrone
Nancy H. Ferrone, RD, LDN, Board Chair
Maryland Board of Dietetic Practice

CONSENT

I, Yvonne Akum, LDN, acknowledge that I have had the opportunity to consult with legal counsel before signing this document. By this Consent, I accept, to be bound by this Consent Order and its conditions and restrictions. I waive any rights I may have had to contest the Findings of Fact and Conclusions of Law.

I acknowledge the validity of this Consent Order as if entered into after the conclusion of a formal evidentiary hearing in which I would have had the right to counsel, to confront witnesses, to give testimony, to call witnesses on my behalf and to all other substantive and procedural protections as provided by law.

I acknowledge the legal authority and the jurisdiction of the Board to initiate these proceedings and to issue and enforce this Consent Order. I also affirm that I am waiving my right to appeal any adverse ruling of the Board that might have followed any such hearing.

I sign this Consent Order without reservation, and I fully understand and comprehend the language, meaning and terms of this Consent Order. I voluntarily sign this Order and understand its meaning and effect.

07/12/2019
Date


Yvonne Akum, LDN



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NOTARY

STATE OF Maryland
COUNTY OF Montgomery County

I HEREBY CERTIFY that on this 12th day of JULY, 2019, before me, a Notary Public of the State and County aforesaid, personally appeared Yvonne Akum, LDN, License Number: DX3698, and gave oath in due form of law that the foregoing Pre-Charge Consent Order was her voluntary act and deed.

AS WITNESS, my hand and Notary Seal.


Notary Public

My Commission Expires: _____

SHASHIKANT M. DONGRE
NOTARY PUBLIC STATE OF MARYLAND
My Commission Expires April 1, 2023

