

<p>IN THE MATTER OF</p> <p>ANGY MAYE BRENECKI, LDN</p> <p>License No.: DX3642</p>	<p>*</p> <p>*</p> <p>*</p>	<p>BEFORE THE MARYLAND</p> <p>BOARD OF DIETETIC</p> <p>PRACTICE</p> <p>Case No.: 19-007</p>
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PRE-CHARGE CONSENT ORDER

On or about July 18, 2019, the Maryland Board of Dietetic Practice (the "Board") voted to charge **Angy Maye Brenecki, LDN** (the "Respondent"), License Number **DX3642**, 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:

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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 July 21, 2014, under license number DX3624. The Respondent's license expires on October 31, 2020.
2. The Respondent was employed as the District 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 that Maryland licensed dietitians allowed an "RD eligible dietitian" (the "Graduate") to practice dietetics with the knowledge that the Graduate was not licensed. During the course of the Board's investigation into the Complaint, the Respondent was identified as a licensee who aided the Graduate in the practice of dietetics without a Maryland license.
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 subpoenaed records from the Agency and conducted an interview of the Respondent.

6. A review of the Graduate's personnel records received from the Agency revealed the Graduate 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. The Graduate was interviewed by the Board's investigator, under oath, on April 5, 2019. The Graduate stated: "I had just honestly assumed that they knew that I was RD eligible and that [Regional Registered Dietician] or [the Respondent] both, one, were going to be kind of going behind me and overseeing my work."
8. The Graduate reiterated that both the Regional Registered Dietician, her primary point person, and the Respondent, her secondary point person, were aware that she was working as a Registered Dietician without a Maryland license — that she was only RD Eligible.
9. In an interview with the Board's investigator, under oath, on May 3, 2019, the Respondent reported the following:
 - a. The Respondent reported to and was supervised by the Regional Registered Dietician.
 - b. As the District Registered Dietitian, she "had about 14 or 15 buildings that I helped with," which included approximately 10 licensed dietitians. The Respondent stated that she "would go

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

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to aid certain buildings with client's comments and concerns. I would go in there and become a clinical resource to them, and also the dieticians that were there, I would help them out if they had questions." The Nursing Home was not among the Respondent's assigned facilities.

- c. When asked to classify her relationship with the Graduate, the Respondent indicated that she was not the Graduate's supervisor or an assigned mentor, but she was available to serve as a resource for the Graduate — she was available to answer questions via phone calls and emails. The Respondent added: "For any clinical questions she could [reach out to me] or I would go in [to the Nursing Home] and just see how's she's doing[.]" The Respondent stated that she did not have the authority to terminate the Graduate's employment with the Agency.
- d. The Respondent admitted that she entered the Nursing Home at the direction of the Regional Registered Dietician to assist the Regional Registered Dietician with an audit of the Graduate's work product. The Respondent noted that this audit was the result of concerns made by the Nursing Home. As part of the audit, the Respondent was there to "collect data, review

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it, provide information to my supervisor in regards to *[sic]* the information that I found. And if I found something, I would talk to [the Graduate] and let her know what my findings kind of were, so then that way we can kind of work on what I would do in this situation to help and guide her, but everything else would go directly to my supervisors and they would provide that information."

- e. The Respondent stated that she had been to the Nursing Home "a couple times," and that her role in the audit of the Graduate's work lasted approximately two to three weeks. The majority of the audit was completed by the Regional Registered Dietician.

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, by a majority of the quorum of the Board considering this case hereby:

BRENECKI, Angy (DX3642)
Pre-Charge Consent Order

ORDERED that Angy Brenecki, 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)**. 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 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 the effective date of the Consent Order is the date the Consent Order is signed by the Chair of the Board; 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).

1-16-2020
Date

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

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CONSENT

I, Angy Brenecki, 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.

9 Dec 2019
Date

Angy Brenecki LDN.
Angy Brenecki, LDN

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BRENECKI, Angy (DX3642)
Pre-Charge Consent Order

NOTARY

STATE OF Maryland

COUNTY OF Frederick

I HEREBY CERTIFY that on this 9th day of December ,

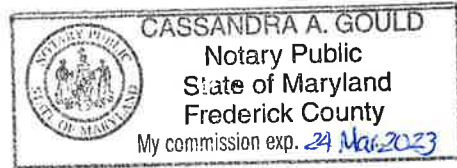
2019, before me, a Notary Public of the State and County aforesaid, personally appeared Angy Brenecki, LDN, License Number: DX3642, and gave oath in due form of law that the foregoing Pre-Charge Consent Order was her voluntary act and deed.

AS WITNESS, my hand and Notary Seal.

 Cassandra A. Gould

Notary Public

My Commission Expires: 24 Mar 2023



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