

IN THE MATTER OF * BEFORE THE MARYLAND
ANITA TARLINTON, * BOARD OF DIETETIC PRACTICE
Unlicensed * Case No.: 24-002

* * * * *

PRE-CHARGE CONSENT ORDER

On or about July 20, 2023, the Maryland Board of Dietetic Practice (the “Board”) determined that there were grounds to charge **Anita Tarlinton** (the “Respondent”), an unlicensed individual, 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:

§ 5-301. Licenses.

- (a) Except as otherwise provided in this subtitle, an individual shall be licensed by the Board before the individual may practice dietetics in the State.

§ 5-401. Unauthorized Practice.

Except as otherwise provided in this title, a person may not practice, attempt to practice, or offer to practice dietetics in the State unless licensed by the Board.

§ 5-403. Penalties for violations.

- (b) A person who violates § 5-401 or § 5-402 of this subtitle is subject to a civil fine not to exceed \$50,000 to be assessed by the Board in accordance with regulations adopted by the Board.

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. The Respondent is not, and has never been, licensed to practice dietetics or any other health profession in the State of Maryland.
2. On or about March 20, 2023, the Board received a complaint (the "Complaint") regarding the website bellalindermann.com and the potential unlicensed practice of dietetics in the State of Maryland. There was no complaint or finding of any clinical wrongdoing.
3. Based on the Complaint, the Board initiated an investigation of the practice.

II. Board Investigation

4. On May 25, 2023, the Board sent a letter to the owner of the practice notifying the practice that the Board opened an investigation into the allegations and requesting a list of all practitioners in the practice and a list of all Maryland patients.
5. At all times the Respondent was cooperative with the Board and forthcoming with the provision of requested information.
6. On May 28, 2023, the owner of the practice responded to the Board's letter and stated the following:
 - a. The practice is located in Queensland, Australia.
 - b. The practice employs three Functional Nutritionists based in Qld, Australia, one Functional Diagnostic Nutrition Practitioner based in Colorado, USA, and one Nutritional Therapist based in London, UK.



- c. The practice does not have any practitioners physically located in Maryland.
 - d. The term "Nutritionist" is not a protected term in Australia.
 - e. The practitioners are qualified to use the term "Nutritionist" in the jurisdiction in which they reside and practice.
 - f. According to the records of the practice, there are two clients from Maryland, one of which was a client of the Respondent.
 - g. The services provided to the clients were provided remotely using telehealth services.
 - h. The practice is willing to add a note to the booking form notifying potential clients that the practice is unable to support clients in Maryland and notify current clients in Maryland that they cannot continue to use the services while they are in Maryland and that they should seek out an alternative service provider.
7. Upon receipt of the letter, the Board requested the records for the two Maryland patients.
8. On June 14, 2023, the Board received the records for the Respondent's client.
9. A review of the Respondent's records revealed that on May 31, 2023, the Respondent ordered a DSL, GI MAP stool test to be mailed to her client in Maryland. The Respondent provided detailed instructions to her client regarding completing the testing and supplement instructions for the days and weeks leading up to the laboratory test. Based on the results of the laboratory tests, the Respondent

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developed a personalized Health Protocol that was designed to address to alleviate a specific physiological complaint, condition, or symptom, specifically gut health. The Respondent interpreted the test results and recommended a diet and supplement plan to address the client's chief complaint of gut health.

CONCLUSION OF LAW

Based on the foregoing findings of fact, the Board concludes as a matter of law that the Respondent violated Md. Code Ann., Health Occ.:

§ 5-401. Unauthorized Practice.

Except as otherwise provided in this title, a person may not practice, attempt to practice, or offer to practice dietetics in the State unless licensed by the Board.

ORDER

Based on the foregoing Findings of Fact and Conclusion of Law, it is, by a majority of the quorum of the Board considering this case hereby:

ORDERED that within **thirty (30) days** from the effective date of this Order the Respondent provide documentation to the Board that she has notified any and all clients she has in Maryland that she can no longer practice dietetics in Maryland unless and until she obtains a Maryland license; and it is further

ORDERED that the Respondent shall notify potential clients that the Respondent is unable to offer Nutrition services to clients in Maryland by way of a notice on any website booking form where a resident in Maryland would otherwise be able to make a booking; and it is further



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ORDERED that if the Respondent does not provide documentation of the required notification within **thirty (30) days**, the Respondent shall pay to the Board a civil fine of **ONE THOUSAND DOLLARS (\$1,000.00)** within **NINETY (90) DAYS**; and be it 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).

11/10/23
Date


Rebecca Snow, Board Chair
Maryland Board of Dietetic Practice

Tarlinton

[Handwritten signature]



CONSENT

I, Anita Tarlinton, unlicensed in the State of Maryland, assert that I am aware of my right to consult with and be represented by counsel in considering this Consent Order and in any proceedings that would otherwise result from the charges currently pending. I have chosen to proceed without counsel, and I acknowledge that the decision to proceed without counsel is freely and voluntarily made.

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.

2-10-23
Date

Anita Tarlinton
Anita Tarlinton

SUBORN and Signed before Richard George Hyett, Notary Public at Maroochydore, Queensland, Australia This 2nd day of April 2023



NOTARY

COUNTRY OF Australia

I HEREBY CERTIFY that on this 2nd day of October,
2023, before me, a Notary Public of Australia, personally appeared Anita Tarlinton,
unlicensed in the State of Maryland, 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.



Richard G. Hyett
Notary Public

Richard G. Hyett **My Commission Expires:** _____

My faculty is not limited as to time