

**LOUISIANA BOARD OF EXAMINERS
IN DIETETICS AND NUTRITION**

IN THE MATTER OF

CASE NO. 2023-05

DR. MATTHEW FRAKES

LDN REINSTATEMENT #3031

CONSENT AGREEMENT AND ORDER

This matter came before the Louisiana Board of Examiners in Dietetics and Nutrition (hereinafter referred to as “Board”) pursuant to an Application for License to practice as a Licensed Dietitian/Nutritionist filed by Dr. Matthew Frakes, hereinafter referred to as “Dr. Frakes” or “Applicant”.

The application for licensure reinstatement was received by the Board on July 11, 2022. The Application indicated that Applicant had been employed as “Assistant Athletics Director Sports Nutrition” beginning December 7, 2021. However, based on the sworn testimony given at the Compliance Hearing on November 4, 2022, Dr. Frakes indicated that he did not provide dietetic/nutrition services until July 2022. Dr. Frakes previously entered an initial Consent Agreement and Order on August 10, 2022, which granted him the ability to practice as a Provisional LDN. Based on this information, Dr. Frakes practiced from July – August 2022 in violation of Louisiana Revised Statute 37:3085 and 3090 and Louisiana Revised Statute 49:955(D).

The Board has submitted this Consent Agreement and Order to Dr. Frakes and Dr. Frakes has signed the Agreement as provided for in Rule 503 of the Board’s *Rules and Regulations* and LA R.S. 49:955(D) of the Louisiana Administrative Procedure Act, duly acknowledging the following:

By submitting the application, Dr. Frakes accepts the Board's jurisdiction. At all times pertinent to the facts and matters alleged herein, Dr. Frakes was employed by Louisiana State University;

1. Dr. Frakes has by his subscription hereto acknowledged the substantial accuracy of the foregoing information and that such information could provide the Board with probable cause to deny a license to Applicant because of a violation of LA R.S. 37:3090(A), LA R.S. 37:3091 and the *Rules and Regulations* of this Board;
2. Dr. Frakes has been provided an opportunity for a compliance hearing before the Board pursuant to Rule 501 of the Board's *Rules and Regulations*, which right as well as any legal or administrative rights Dr. Frakes formally waives by the execution of this agreement.
3. Dr. Frakes has executed this agreement as a free and voluntary act and with full knowledge and with the terms and conditions of the Order set out herein.

By practicing as a dietitian/nutritionist without a valid license, Dr. Frakes has violated LA R.S. 37:3091 which is cause for disciplinary action pursuant to LA R.S. 37:3090(A)(5).

Considering the foregoing information and acknowledgments and waivers by Dr. Frakes, the Board is persuaded that it is in the best interest of the public to enter into this Consent Agreement and Order and therefore, pursuant to the authority vested in the Board by LA R.S. 49:955(D).

It is HEREBY ORDERED that Dr. Matthew Frakes is granted a **Licensed Dietitian/Nutritionist** license, subject to the following terms and conditions:

1. Dr. Frakes shall pay a fine in the amount of \$250.00 within ninety (90) days from the date all parties sign this Consent Agreement and Order. Such fine is authorized by LA R.S. 37:3092(B).
2. Within ninety (90) days, Dr. Frakes shall take and pass an Open Book Examination covering the Louisiana Dietetic/Nutrition Practice Act and the Board's *Rules and Regulations* to include Rule No. 113 *Ethical Standards*. Dr. Frakes must make a minimum score of 80% on the Open Book Examination and will be allowed three (3) hours to complete the examination at the board office, located at 37283 Swamp Road, Suite 3B, Prairieville, Louisiana. Applicant must also pay all related testing fees.
3. Publication of the Consent Agreement and Order by LBEDN, as well as notification to the Academy of Nutrition and Dietetics (AND)/Commission on Dietetic Registration Ethics Committee (CDR), as well as reporting to the National Practitioner DataBank (NPDB).
4. If Applicant fails to successfully and timely complete all requirements in the time frames set forth above, the Applicant's license shall be **SUSPENDED** without further notice until such time as the Board receives and accepts documentation of Applicant's completion of the requirements set forth above.

Waiver of Rights. Dr. Frakes is aware that he has the right to consult with an attorney of his choice and understands that he has the right to an administrative hearing on the facts in this case. He understands and agrees that by signing this Consent Agreement and Order, he is waiving his rights to a hearing. Further, he understands and agrees that he is relieving the prosecutor of any burden it has of proving the facts

admitted above. Dr. Frakes further understands and agrees that by signing this Agreement he is voluntarily and knowingly giving up his right to present oral and documentary evidence, to present rebuttal evidence, to cross-examine witnesses against him, and to appeal the Board's decision.

Effect of Non-Acceptance of Agreement. Dr. Frakes agrees that this Consent Agreement and Order is subject to the approval of the Board. He agrees that, if the Board rejects this Agreement, it will be void, and an administrative complaint may be filed. If this agreement is rejected by the Board, it will not constitute a waiver of Applicant's right to a hearing on the matters alleged in an administrative complaint and the admissions contained herein will have no effect. Dr. Frakes agrees that, if the Board rejects this Agreement, the Board may decide the matter after a hearing, and its consideration of this Agreement shall not alone be grounds for claiming that the Board is biased against him, that it cannot fairly decide the case, or that it has received ex parte communication.

Address of Board. All payments ordered by this Consent Agreement and Order shall be addressed to: Louisiana Board of Examiners in Dietetics and Nutrition, Towne Park Centre, 37283 Swamp Road, Suite 3B, Prairieville, Louisiana 70769.


I, Matthew Frakes, have read the Consent Agreement and Order, understand it, and agree to be bound by its terms and conditions. I specifically acknowledge that failure to comply with the terms of the Consent Agreement and Order will result in SUSPENSION

of my license. The admissions contained herein will be considered proven and the only issue will be failure to follow the terms of the Consent Agreement and Order.



Dr. Matthew Frakes

SUBSCRIBED AND SWORN TO before me this 8th day of December,
2022, in Baton Rouge, Louisiana.


NOTARY PUBLIC

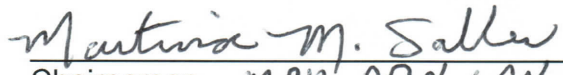
MELISSA MCMANUS
NOTARY PUBLIC ID #157216
STATE OF LOUISIANA
MY COMMISSION IS FOR LIFE

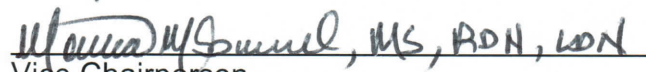
ORDER


The Louisiana Board of Examiners in Dietetics and Nutrition, having examined the Consent Agreement and Order, Case No. 2023-05, adopted the Consent Agreement and Order in this matter.

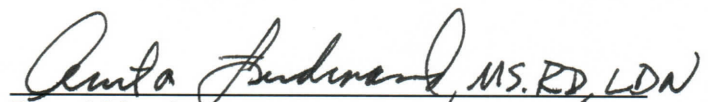
DATED this 27th day of January, 2023 in
Princetonville, Louisiana.

Louisiana Board of Examiners in Dietetics and Nutrition


Chairperson MPH, RDN, LDN, BSN


Vice Chairperson


Secretary/Treasurer


Board Member