

SBDE NO. 10-1007-0702

IN THE MATTER OF
THE LICENSE OF

TONI RENA CARR, DDS

TEXAS DENTAL LICENSE
NUMBER 19926

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BEFORE THE STATE

BOARD OF

DENTAL EXAMINERS

AGREED SETTLEMENT ORDER

On the 9th day of May, 2014, the State Board of Dental Examiners ("Board" or "SBDE") met in a regularly scheduled meeting and the above-captioned case was heard.

Toni Rena Carr, DDS, hereinafter "Respondent," holder of Texas Dental License No. 19926, appeared at an informal settlement conference on January 13, 2014, at 333 Guadalupe, Austin, Texas. Respondent was advised of the right to legal representation in the notice letter and was represented at the conference by her attorney, Lindsey Cummings. At issue were allegations that Respondent violated the laws and rules regulating the practice of dentistry.

Respondent hereby waives a formal adjudicatory hearing and enters into the following Agreed Settlement Order ("ASO"). Respondent, by signature below, acknowledges that Respondent was advised of the right to legal representation, and that Respondent understands the nature of the alleged violations. Respondent's signature hereon also acknowledges that an adequate opportunity was provided to allow Respondent to respond to the alleged violations.

Board member Dr. Dean attended the settlement conference pursuant to Texas Occupations Code § 263.007, and 22 Texas Administrative Code § 107.63. Board staff present and participating were Sarah Carnes Lemp, General Counsel; Maggie Griffith, Staff Attorney; Carol Pepper, Legal Assistant; and Jennifer Carriker, representing the Enforcement Division. Dr. Dean considered information presented by staff, the Respondent and the Complainant. The board panel members, having carefully considered the board's disciplinary guidelines, recommend the following ASO contingent on the full board's approval.

FINDINGS OF FACT

1. Respondent, Toni Rena Carr, DDS, holds Texas Dental License No. 19926. Respondent's license was initially issued on September 17, 1999, and was in full force and effect at all dates and times material and relevant to this ASO.

2. Respondent's license has no prior disciplinary history.
3. During the time period between 2008 and 2010, Respondent failed to meet the duty of fair dealing and engaged in unprofessional and dishonorable conduct as follows:
 - a. During the time period between 2008 and 2010, Respondent billed patients M.A., C.D., R.H., D.T., and T.V. for crowns with porcelain margins and failed to provide that dental service.
 - b. On or about June 15, 2010, Respondent billed patient T.F. for build up on teeth numbers 8 and 9 and failed to provide that dental service.
4. Respondent previously provided restitution to patients M.A., C.D., T.F., R.H., D.T., and T.V. Restitution to these patients would have been a requirement of this ASO.

CONCLUSIONS OF LAW

The references to Statutes and Rules cited below are to the Statutes and Rules in effect at the time of the violations.

1. The Board has authority and jurisdiction over this case pursuant to Texas Occupations Code, Title 3, Subtitle D, and Texas Administrative Code, Title 22, Part 5.
2. Respondent's conduct constitutes a violation of Texas Occupations Code §§ 259.008(1) and 263.002(a)(3) & (10); and 22 Texas Administrative Code §§ 108.1(1), 108.2(d) & (e), and 108.9(2)(B), (6) & (11).

ORDER

IT IS THEREFORE AGREED and ORDERED THAT:

1. Respondent's Texas Dental License No. 19926, issued to Toni Rena Carr, DDS, is hereby issued the sanction of REPRIMAND.
2. Respondent SHALL complete a total of twelve (12) hours of Continuing Education ("CE") courses, which SHALL be completed within six (6) months of the effective date of this ASO. The twelve (12) hours of CE courses completed SHALL be in the following areas:

Ethics

12 hours

This continuing education SHALL be in addition to Respondent's annual CE hours required for licensure by the Board.

All CE courses SHALL be approved in advance by the Board Secretary. It is the responsibility of Respondent to obtain such approval. Courses taken without prior approval and/or prior to the effective date of this ASO SHALL NOT satisfy the requirements of this ASO. The Board Secretary SHALL have the authority to reduce the number of CE hours based on course availability. Upon the successful completion of each course, Respondent SHALL provide complete documentation of the course completion to the Board.

3. Respondent SHALL pay an administrative monetary fine in the amount of three thousand dollars (\$3,000.00) payable to the "Texas State Board of Dental Examiners" located at 333 Guadalupe, Tower 3, Suite 800, Austin, Texas 78701-3942. The administrative monetary fine SHALL be paid in full no later than six (6) months from the effective date of this ASO.
4. Respondent SHALL submit to a records audit conducted by a consultant approved in advance by Board staff, who will provide suggestions for potential persons and/or entities to conduct the audit. The audit shall assess Respondent's compliance with the recordkeeping laws and regulations governing the practice of dentistry, with a specific focus on billing. Upon completion of the final assessment, Respondent shall ensure that the consultant provides a written summary of the full audit to the Board within ninety (90) days of the effective date of this ASO.
5. Within 30 days of the effective date of this ASO, Respondent SHALL submit to the Board a copy of any and all contracts currently in effect between Respondent and Monarch Dental and between Respondent and Smile Brands Inc.
6. Respondent SHALL successfully complete the Jurisprudence Assessment-Board Order and submit proof of completion to Board Staff within thirty (30) days of the effective date of this ASO. Respondent may not take the Jurisprudence Assessment-Board Order prior to the effective date of this ASO. Respondent SHALL be responsible for all costs relating to compliance with this requirement.
7. Respondent SHALL abide by the Laws of the State of Texas, the Dental Practice Act, the rules and regulations of the Board, and any reporting requirements imposed to ensure compliance with this ASO.

By signing this ASO, Respondent agrees to its terms, acknowledges understanding it, and agrees to satisfactorily comply with the mandates of this

ASO in a timely manner or be subject to appropriate disciplinary action by the Board.

Respondent's signature hereon does not constitute either admission or denial of the allegations set forth in this ASO, the underlying complaint, or the findings of fact and the conclusions of law set forth.

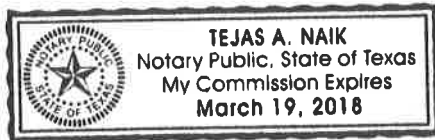
Respondent, by signing this ASO, waives any right to a formal hearing and any right to judicial review of this ASO. Failure to comply with the terms and conditions of this ASO SHALL constitute a violation of this ASO and may subject Respondent to further disciplinary action by the Board.

All of the above terms, conditions, and penalties become effective on the effective date of this ASO. The effective date of this ASO SHALL be the date it is executed by the Board.

Toni R. Carr
Toni Rena Carr, DDS
Respondent

Tejas Naik notarized the signature of Toni Rena Carr, DDS, this 21 day of March 2014.

Tejas Naik
NOTARY PUBLIC IN and FOR THE STATE OF TEXAS



STATE BOARD OF DENTAL EXAMINERS
SIGNED this 9th day of May 2014.

Rudy G. Ramos, Jr.
Rudy G. Ramos, Jr., DDS, Presiding Officer

D. Bradley Dean
D. Bradley Dean, DDS, Secretary

