STATE OF WISCONSIN
BEFORE THE DENTISTRY EXAMINING BOARD

IN THE MATTER OF THE DISCIPLINARY PROCEEDINGS AGAINST	:	
	:	FINAL DECISION AND ORDER
RICARDO M. CARRENO, D.D.S.,	:	96 DEN 113
RESPONDENT	:	LS9707211DEN

The parties to this action for the purposes of section 227.53 of the Wisconsin statutes are:

Ricardo M. Carreno, D.D.S.
PO Box 27265
Tampa, FL 33623

Dentistry Examining Board
PO Box 8935
Madison, WI 53708-8935

Department of Regulation and Licensing
Division of Enforcement
PO Box 8935
Madison, WI 53708-8935

The parties in this matter agree to the terms and conditions of the attached Stipulation as the final decision of this matter, subject to the approval of the Board. The Board has reviewed this Stipulation and considers it acceptable.

Accordingly, the Board in this matter adopts the attached Stipulation and makes the following:

FINDINGS OF FACT

1. Ricardo M. Carreno, D.D.S. (DOB 03/03/54) is duly licensed to practice dentistry in the state of Wisconsin (license #5002120). This license was first granted on July 6, 1978.

2. Dr. Carreno's most recent address on file with the Wisconsin Dentistry Examining Board is PO Box 27265, Tampa, FL 33623.

3 On February 28. 1995. the Florida Board of Dentistry issued a Final Order which imposed discipline upon the Florida license of Dr. Carreno to practice dentistry. A true and correct copy of the Administrative Complaint and the Final Order are attached to this document as Exhibit A. Exhibit A is incorporated into this document by reference

4. On November 2. 1995, the Florida Board of Dentistry issued a Final Order which imposed discipline upon the Florida license of Dr. Carreno to practice dentistry. A true and correct copy of the Administrative Complaint, Stipulation, Final Order and Order are attached to this document as Exhibit B. Exhibit B is incorporated into this document by reference.

5. On March 6, 1997, the Florida Board of Dentistry issued a Final Order which imposed discipline upon the Florida license of Dr. Carreno to practice dentistry. A true and correct copy of the Final Order is attached to this document as Exhibit C. Exhibit C is incorporated into this document by reference.

6. In resolution of this matter. Dr. Carreno consents to the entry of the following Conclusions of Law and Order.

CONCLUSIONS OF LAW

1. The Wisconsin Dentistry Examining Board has jurisdiction to act in this matter, pursuant to sec. 447.07(3), Stats. and is authorized to enter into the attached Stipulation and Order, pursuant to sec. 227.44(5), Stats.

2. The conduct described in paragraphs 3 and 4, above, constitutes a violation of Wis. Admin. Code § DE 5.02(14).

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that the Dentistry Examining Board ACCEPTS the SURRENDER of the license of Ricardo M. Carreno, D.D.S. (license # 5002120) to practice dentistry in the state of Wisconsin.

IT IS FURTHER ORDERED that should Dr. Carreno reapply for Wisconsin licensure, the Board may in its sole discretion determine whether, and under what terms and conditions, this license may be reissued.

This Order shall become effective upon the date of its signing.

DENTISTRY EXAMINING BOARD

By _____ 7/21/98
A Member of the Board Date

STATE OF FLORIDA
AGENCY FOR HEALTH CARE ADMINISTRATION
BOARD OF DENTISTRY

Final Order No. AHCA-95-00336 Date 2-28-95
FILED
Agency for Health Care Administration
AGENCY CLERK
R.S. Power, Agency Clerk
By: Brenda L. Moore
Deputy Agency Clerk

AGENCY FOR HEALTH
CARE ADMINISTRATION,

Petitioner,

vs.

CASE NO.: 93-00792
LICENSE NO.: DN00010258

RICARDO MARK CARRENO,

Respondent.
_____/

FINAL ORDER

THIS MATTER was heard by the Board of Dentistry pursuant to Section 120.57(2), Florida Statutes, on January 5, 1995, in Orlando, Florida. At the hearing, Petitioner was represented by Nancy M. Snurkowski, Chief Attorney. Respondent appeared before the Board without legal counsel. The parties had been properly noticed of the hearing. On October 7, 1994, Respondent executed an Election of Rights form indicating that he did not dispute the allegations of fact in the Administrative Complaint, but requested an informal hearing pursuant to Section 120.57(2), Florida Statutes. Accordingly, the facts are not contested. Upon consideration of the Administrative Complaint filed against Respondent, Respondent's Election of Rights, the arguments of the parties, and being otherwise fully advised in its premises, the Board makes the following findings and conclusions.

Exhibit A

FINDINGS OF FACT

1. On August 10, 1994, the Agency for Health Care Administration filed an Administrative Complaint against Ricardo Mark Carreno, seeking to take disciplinary action against his license to practice dentistry in the State of Florida.

2. On October 7, 1994, Respondent executed an Election of Rights form indicating that he did not dispute the allegations of fact in the Administrative Complaint, but requested an informal hearing pursuant to Section 120.57(2), Florida Statutes.

3. The Board adopts as its findings of fact the allegations set forth in paragraphs 1-9, 11-18 and 21-27 of the Administrative Complaint which was filed in this cause and which is attached to this Final Order and incorporated by reference.

CONCLUSIONS OF LAW

1. The Board has jurisdiction of the parties and subject matter of this case pursuant to Section 120.57(2), Florida Statutes, and Chapter 466, Florida Statutes.

2. Based upon the foregoing Findings of Fact, Respondent has violated Section 456.028(1)(m) and (q), Florida Statutes.

3. There is competent, substantial evidence to support the Board's findings and conclusions.

WHEREFORE, it is ORDERED AND ADJUDGED that Respondent violated Section 466.028(1)(m) and (q), Florida Statutes and Respondent shall pay an Administrative fine of six thousand dollars ($6,000.00). Said amount shall be paid by the Respondent to the Executive Director of the Board of Dentistry,

1940 North Monroe Street, Tallahassee, Florida 32399-0750, within ninety (90) days of rendition of this Final Order.

Respondent's license to practice dentistry shall receive a reprimand in this matter.

Respondent's license to practice dentistry shall be placed on probation for two (2) years. As a condition of probation, Respondent shall complete fifteen (15) hours of continuing education in pharmacology within one year and fifteen (15) hours in risk management. These continuing education hours are in addition to those continuing education hours required for license renewal. Moreover, those continuing education hours must be completed through personal attendance seminars and not video and/or correspondence courses. Upon completion of said continuing education hours, the Respondent shall request the provider to submit verification of completeness to the Board of Dentistry.

Furthermore, Respondent's license shall be restricted so as to prohibit Respondent from prescribing any controlled substances for a period of 1 year.

This Order shall take effect upon filing with the Clerk of the Agency for Health Care Administration.

The parties are hereby notified that they may appeal this Final Order by filing one copy of a Notice of Appeal with the

Clerk of the Agency for Health Care Administration and by filing a filing fee and one copy of a Notice of Appeal with the District Court of Appeal within thirty (30) days of the date this Final Order is filed.

DONE AND ORDERED this 25th day of February, 1995.

BOARD OF DENTISTRY

EDWARD R. SCOTT, II, D.M.D.
CHAIRMAN

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing Final Order has been forwarded by Certified United States Mail this 28 day of February, 1995, to Ricardo Mark Carreno, D.D.S., 1345 West Bay Drive, Largo, Florida 34640, and hand delivered to Nancy M. Snurkowski, Chief Attorney, Agency for Health Care Administration, 1940 North Monroe Street, Tallahassee, Florida 32399-0750.

for William H. Buckhalt, C.P.M.

STATE OF FLORIDA
AGENCY FOR HEALTH CARE ADMINISTRATION
BOARD OF DENTISTRY

AGENCY FOR HEALTH CARE ADMINISTRATION,[1]

PETITIONER,

vs. CASE NUMBER: 93-00792

RICARDO MARK CARRENO,

RESPONDENT.
_____/

ADMINISTRATIVE COMPLAINT

COMES NOW, the Petitioner, Agency for Health Care Administration hereinafter referred to as "Petitioner", and files this Administrative Complaint before the Board of Dentistry, against RICARDO MARK CARRENO, hereinafter referred to as "Respondent", and alleges:

1. Petitioner, Agency for Health Care Administration is the state agency charged with regulating the practice of dentistry pursuant to Section 20.165; Section 20.42, Florida Statutes; Chapter 455, Florida Statutes; and Chapter 466, Florida Statutes.

2. Respondent is, and has been at all times material hereto, a licensed dentist in the State of Florida, having been issued license Number DN 0010258. Respondent's last known address is 1345 West Bay Drive, Suite 403, Largo, Florida 34640.

[1] Effective July 1, 1994, the Board of Dentistry was transferred to the Agency for Health Care Administration pursuant to Section 20.42, Florida Statutes

PETITIONER'S EXHIBIT "A"

COUNT I

3. From on or about January 12, 1991, through April 29, 1992, Respondent provided dental services to patient J.W., including, but not limited to extractions of several teeth and full upper and lower dentures.

4. From in or around March 1991 through February 1992, Respondent wrote approximately 12-15 prescriptions of Vicodin ES for patient J.W. for a total of 120-170 tablets.

5. Vicodin ES is a Schedule III controlled substance as defined by Chapter 893, Florida Statutes.

6. Respondent prescribed an excessive and inappropriate amount of Vicodin ES for patient J.W.

7. Respondent prescribed a legend drug, including a controlled substance other than in the course of the professional practice of dentistry.

8. Respondent failed to keep written dental records and medical history records justifying the course of treatment of the patient, including, but not limited to, patient histories, examination results, test results and x-rays, if taken.

10. Based upon the foregoing, Respondent has violated the following statutory provisions:

a). Section 466.028(1)(q), Florida Statutes, by prescribing, procuring, dispensing, administering, mixing, or otherwise preparing a legend drug, including any controlled substance, other than in the course of the professional practice of the dentist.

b). Section 466.028(1)(m), Florida Statutes, by failing to keep written dental records and medical history records justifying the course of treatment of the patient including, but not limited to, patient histories, examination results, test results, and X-rays, if taken.

COUNT II

11. Petitioner realleges and incorporates by reference the allegations contained in the foregoing paragraphs.

12. From on or about February 4, 1992 through April 12, 1993, Respondent provided dental services for patient R.G., including, but not limited to root canal therapy and apicoectomy of tooth #11 and amalgam of tooth #2.

13. From in or around February 1992 through December 1992, Respondent wrote approximately 12-14 prescriptions of Vicodin ES for patient R.G. for a total of 160-190 tablets.

14. In or around February 1992, patient's records indicated that another dentist informed patient R.G. that there was concern over the amount of Vicodin ES he was receiving.

15. In or around April 1992, patient's records indicate that the doctor's office called and put out an alert on patient R.G. regarding the number of prescriptions written for patient.

16. Respondent continued to write several prescriptions for Vicodin ES for patient R.G. subsequent to the alert.

17. Respondent prescribed an excessive and inappropriate amount of Vicodin ES for patient R.G.

18. Respondent prescribed a legend drug, including a controlled substance other than in the course of the professional practice of dentistry.

19. Respondent failed to keep written dental records and medical history records justifying the course of treatment of patient, including a written diagnosis, treatment plan and examination results.

20. Based upon the foregoing, Respondent has violated the following statutory provisions:

a). Section 466.028(1)(q), Florida Statutes, by prescribing, procuring, dispensing, administering, mixing, or otherwise preparing a legend drug, including any controlled substance, other than in the course of the professional practice of the dentist.

b). Section 466.028(1)(m), Florida Statutes, by failing to keep written dental records and medical history records justifying the course of treatment of the patient including, but not limited to, patient histories, examination results, test results, and X-rays, if taken.

COUNT III

21. Petitioner realleges and incorporates by reference the allegations contained in the foregoing paragraphs.

22. From on or about March 11, 1992, through March 16, 1993, Respondent provided dental services to patient C.T., including, but

not limited to extraction of tooth #14, root canal therapy of teeth #5 and #13, fillings and crown work.

23. From in or around April 1992, through January 1993, Respondent wrote approximately 30-40 prescriptions of Vicodin ES for patient C.T. for a total of 450-510 tablets.

24. Respondent prescribed an excessive and inappropriate amount of Vicodin ES for patient C.T.

25. Respondent prescribed a legend drug, including a controlled substances other than in the course of the professional practice of dentistry.

26. Respondent failed to document several prescriptions of Vicodin ES written for patient C.T. in patient's records.

27. Respondent failed to keep written dental records and medical history records justifying the course of treatment of the patient, including, but not limited to patient histories, examination results, test results, and x-rays, if taken.

28. Based upon the foregoing, Respondent has violated the following statutory provisions:

a). Section 466.028(1)(q), Florida Statutes, by prescribing, procuring, dispensing, administering, mixing, or otherwise preparing a legend drug, including any controlled substance, other than in the course of the professional practice of the dentist.

b). Section 466.028(1)(m), Florida Statutes, by failing to keep written dental records and medical history records justifying the course of treatment of the

patient including, but not limited to, patient histories, examination results, test results, and X-rays, if taken.

WHEREFORE, Petitioner respectfully requests the Board of Dentistry to enter an order imposing one or more of the following penalties: revocation or suspension of the Respondent's license, restriction of the Respondent's practice, imposition of an administrative fine, issuance of a reprimand, placement of the Respondent on probation, and/or any other relief that the Board deems appropriate.

SIGNED this 5th day of August, 1994.

Douglas M. Cook,
Director

BY: Nancy M. Snurkowski
Chief Attorney on behalf of
Agency for Health Care
Administration

COUNSEL FOR PETITIONER:

Nancy M. Snurkowski
Chief Attorney
Agency for Health Care
Administration
Northwood Centre
1940 North Monroe Street
Tallahassee, Florida 32399-0792
(904) 488-0062

FILED
AGENCY FOR
HEALTH CARE ADMINISTRATION
DEPUTY CLERK
CLERK Brandon L. Moore
DATE 8-10-94

NMS/JM/cdr

PCP: WR
FG
SS

DATE: JUNE 5, 1994

STATE OF FLORIDA
AGENCY FOR HEALTH CARE ADMINISTRATION
BOARD OF DENTISTRY

Final Order No. AHCA-95-01791 Date 12-26-95
FILED
Agency for Health Care Administration
AGENCY CLERK
R.S. Power, Agency Clerk
By: Donna C. Kirk
Deputy Agency Clerk

AGENCY FOR HEALTH
CARE ADMINISTRATION,

Petitioner,

vs.

RICARDO MARK CARRENO,

Respondent.
_____/

CASE NUMBER: 95-08628

LICENSE NUMBER: DN 0011258

ORDER

Pursuant to this Board's Final Order of November 2, 1995, and because the Respondent has submitted the evaluation and reference required therein, Respondent's license to practice dentistry in the State of Florida is hereby reinstated under the terms set forth in the Board's November 2, 1995, Final Order.

DONE AND ORDERED THIS 26 day of December, 1995.

BOARD OF DENTISTRY

Carol E. Williamson
CAROL E. WILLIAMSON, D.M.D.
CHAIRPERSON

Exhibit B

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing Order has been sent by U.S. Mail this 5 day of January, 1996 to Dr. Ricardo M. Carreno 2274 Glenmoor Road North, Clearwater, Florida 34624 and by interoffice delivery to Nancy M. Snurkowski, Chief Attorney, Agency for Health Care Administration, 1940 North Monroe Street, Tallahassee, Florida 32399-0750.

William H. Buckhalt
Executive Director
Board of Dentistry

STATE OF FLORIDA
AGENCY FOR HEALTH CARE ADMINISTRATION
BOARD OF DENTISTRY

Final Order No. AHCA-95-01606 Date 11-2-95
FILED
Agency for Health Care Administration
AGENCY CLERK
R.S. Power, Agency Clerk
By: Donna C. Kirk
Deputy Agency Clerk

AGENCY FOR HEALTH CARE
ADMINISTRATION,

Petitioner,

vs.

CASE NO.: 95-08628
LICENSE NO.: DN 0010258

RICARDO MARK CARRENO,
Respondent.
_____/

FINAL ORDER

THIS MATTER was heard by the Board of Dentistry pursuant to Section 120.57(3), Florida Statutes, on September 15, 1995, in Orlando, Florida. The Board considered the proposed Stipulation entered into by the parties in this cause which is attached to this Final Order. Petitioner was represented by Nancy M. Snurkowski, Chief Attorney. Respondent appeared before the Board without legal counsel. The parties had been properly noticed of the hearing. The Board rejected the proposed stipulation but offered a counter-stipulation which provides that Respondent's license shall remain suspended until such time as Respondent is evaluated by the Physician's Resource Network (PRN) and determined by the director of PRN to be able to practice dentistry with reasonable skill and safety. All othe terms of the proposed stipulation shall remain the same.

The parties accepted this counter-stipulation at hearing. Accordingly, it is ORDERED AND ADJUDGED:

1. The proposed Stipulation, amended as set forth in this Final Order, is hereby approved and adopted and incorporated herein by reference.

2. Respondent shall adhere to and abide by all the terms and conditions of the Stipulation, as amended.

3. This Final Order shall be placed in and become a permanent part of Respondent's official record with the Agency.

4. This Final Order becomes effective upon being filed with the Agency Clerk.

DONE AND ORDERED this 1 day of Nov, 1995.

BOARD OF DENTISTRY

Carol E. Williamson

CAROL E. WILLIAMSON, D.M.D.
CHAIRPERSON

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing Final Order has been forwarded by United States Mail this 2nd day of November, 1995, to Riccardo Mark Carreno 2274 Glenmoore Road North, Clearwater, Florida 34624 and hand delivered to Nancy M. Snurkowski, Chief Attorney, Agency for Health Care Administration, 1940 North Monroe Street, Tallahassee, Florida 32399-0750.

William H. Buckhalt

William H. Buckhalt, C.P.M.
Executive Director
Board of Dentistry

STATE OF FLORIDA
AGENCY FOR HEALTH CARE ADMINISTRATION

AGENCY FOR HEALTH CARE ADMINISTRATION,[1]

PETITIONER,

VS. CASE NUMBER: 95-08628

RICARDO MARK CARRENO, D.D.S.

RESPONDENT.
_____/

STIPULATION

RICARDO MARK CARRENO, hereinafter referred to as Respondent, and the Agency for Health Care Administration, hereinafter referred to as Agency, hereby stipulate and agree to the following joint Stipulation and Final Order of the Board of Dentistry, hereinafter referred to as Board, incorporating this Stipulation and agreement in the above-styled matter.

STIPULATED FACTS

1. For all times pertinent hereto, Respondent was a licensed dentist in the State of Florida, having been issued license number DN 0010258. Respondent's last known address is 2274 Glenmoore Road North, Clearwater, Florida 34624

2. The Respondent was charged by an Administrative Complaint filed by the Agency and properly served upon Respondent with

[1]Effective July 1, 1994, the Board of Dentistry was transferred to the Agency for Health Care Administration pursuant to Section 20.42, Florida Statutes.

violations of Chapter 466, Florida Statutes, and Chapter 455, Florida Statutes. A true and correct copy of the Administrative Complaint is attached hereto and incorporated by reference as Exhibit A.

3. Respondent neither admits nor denies the matters of fact alleged in the Administrative Complaint, attached hereto as Exhibit A.

STIPULATED CONCLUSIONS OF LAW

1. Respondent, in his capacity as a licensed dentist, admits that in such capacity he is subject to the provisions of Chapters 455 and 466, Florida Statutes, and the jurisdiction of the Agency and the Board.

2. Respondent neither admits nor denies that the facts set forth in the foregoing stipulated facts constitute violations of Chapters 455 and 466, Florida Statutes, as alleged in the Administrative Complaint.

STIPULATED DISPOSITION OF LAW

1. Respondent shall, in the future, comply with Chapters 455 and 466, Florida Statutes, and the rules promulgated pursuant thereto.

2. Respondent, to avoid the necessity of further administrative proceedings in this case, stipulates to the following:

(a) Respondent's license to practice dentistry shall receive a reprimand.

(b) The Board shall impose an Administrative Cost of one thousand dollars ($1,000.00) against the Respondent. Said cost shall be paid in quarterly installments of two hundred fifty dollars ($250.00) by the Respondent within one (1) year of rendition of the Final Order by the Board of Dentistry, which Final Order incorporates this Stipulation, to the Executive Director of the Board of Dentistry, 1940 North Monroe Street, Tallahassee, Florida 32399-0750.

(c) Respondent's license to practice dentistry shall be placed on probation for a period no less than five (5) years to run concurrent with Respondent's contract with PRN. Respondent must be evaluated by PRN, must successfully comply with all directives of the PRN program and complete all requirements to the PRN contract and any extensions thereto.

(d) Respondent shall appear before the Board at which meeting this stipulation is presented.

3. It is expressly understood that this Stipulation is Subject to approval of the Board and Agency and has no force and effect until an Order is based upon it by the Board.

4. This Stipulation is executed by the Respondent for the purpose of avoiding further administrative action with respect to this cause. In this regard, Respondent authorizes the Board to review and examine all investigative file materials concerning Respondent prior to, or in conjunction with, consideration of the

Stipulation. Furthermore, should this joint Stipulation not be accepted by the Board, it is agreed that presentation to and by the Board shall not unfairly or illegally prejudice the Board or any of its members from further participation, consideration or resolution of these proceedings.

5. Respondent and the Agency fully understand that this joint Stipulation and subsequent Final Order incorporating same will in no way preclude additional proceedings by the Board and/or Agency against the Respondent for acts or omissions not specifically set forth in the Administrative Complaint, attached as Exhibit A, issued in this cause. If the Stipulation is rejected by the Board of Dentistry, the Respondent has not waived his rights to a formal or informal hearing pursuant to Chapter 120, Florida Statutes.

6. Respondent expressly waives all further procedural steps, and expressly waives all rights to seek judicial review of or otherwise challenge or contest the validity of the joint Stipulation of facts, conclusions of law, and imposition of discipline and the Final Order of the Board incorporating said Stipulation.

7. The Respondent waives the right to seek any attorney's fees or costs from the Agency in connection with this disciplinary proceeding.

WHEREFORE, the parties hereto request the Board to enter a

Final Order accepting and implementing the terms contained herein.

Signed this 7th day of AUGUST, 1995.

RICHARD MARK CARRENO, D.D.S.
Respondent
Case Number 95-08628
(Signature must be notarized below)

Before me, personally appeared RICHARD MARK CARRENO DDS, whose identity is know to me by FLORIDA DRIVERS LICENSE (type of identification) and who, under oath, acknowledges that his/~~her~~ signature appears above.

Sworn to and subscribed by Respondent before me this 7th day of AUGUST, 1995.

DEBRA J. FILSON
MY COMMISSION # CC 246354
EXPIRES: December 8, 1996
Bonded Thru Notary Public Underwriters

NOTARY PUBLIC
My Commission expires: DECEMBER 8 1996

Approved this 17th day of August, 1995.

Douglas M. Cook,
Director

BY: Nancy M. Snurkowski
Chief Attorney on behalf of
Agency for Health Care
Administration

NMS/sdw

STATE OF FLORIDA
AGENCY FOR HEALTH CARE ADMINISTRATION
BOARD OF DENTISTRY

AGENCY FOR HEALTH CARE ADMINISTRATION[1],

PETITIONER,

vs. CASE NUMBER: 95-08628

RICHARD MARK CARRENO, D.D.S.

RESPONDENT.

_____/

ADMINISTRATIVE COMPLAINT

COMES NOW, the Petitioner, Agency for Health Care Administration, hereinafter referred to as "Petitioner", and files this Administrative Complaint before the Board of Dentistry, against RICHARD MARK CARRENO, D.D.S., hereinafter referred to as "Respondent", and alleges:

1. Petitioner, Agency for Health Care Administration, is the state agency charged with regulating the practice of dentistry pursuant to Section 20.165, Florida Statutes; Chapter 455, Florida Statutes; and Chapter 466, Florida Statutes.

2. Respondent is, and has been at all times material hereto, a licensed dentist in the State of Florida, having been issued license Number DN 0010258. Respondent's last known address is 9721 U.S. 19, Port Richey, Florida 34668.

[1]Effective July 1, 1994, the Board of Dentistry was transferred to the Agency for Health Care Administration pursuant to Section 20.42, Florida Statutes(1993).

3. On or about November 21, 1994, the Respondent was observed picking mushrooms from a field, by an Officer from the Pasco County Sheriff's Office. The Officer confiscated the mushrooms which tested positive for hallucinogens. Additionally, the Respondent, was found to be in possession of cannabis and narcotic paraphernalia.

4. On or about March 9, 1995, the Respondent, was charged with violating Section(s) 893.013 and 893.147, Florida Statutes, by being in possession with the intent to use, controlled substances, to wit: Psilocyn, cannabis; and possession with intent to use, drug paraphernalia.

5. The Respondent entered a plea of nolo contendere to possession of psilocyn, a felony in the third degree, on or about May 5, 1995, and was sentenced to one year of probation and costs of three hundred and thirty dollars ($330.00) The two remaining charges against the Respondent were dismissed.

6. Psilocin is a Schedule I controlled substance pursuant to Section 893.03(1) (c), Florida Statutes, and thereby has a high potential for abuse with no currently accepted medical use in treatment in the United States.

7. Psilocyn, a controlled substance contained in the mushrooms confiscated from the Respondent, has hallucinogenic properties, which cause the user to experience an alteration in perception, which may be auditory, visual, tactile, olfactory, or any combination of these sensations.

8. The Respondent was convicted or found guilty of a crime which relates to the practice of dentistry.

9. Based on the foregoing, Respondent has violated the following statutory provisions:

a) Section 466.028 (1)(c), Florida Statutes (1994), by being convicted or found guilty of or entering a plea of nolo contendere to, regardless of adjudication, a crime in any jurisdiction which relates to the practice of dentistry.

WHEREFORE, Petitioner respectfully requests the Board of Dentistry to enter an order imposing one or more of the following penalties: revocation or suspension of the Respondent's license, restriction of the Respondent's practice, imposition of administrative cost, issuance of a reprimand, placement of the Respondent on probation, and/or any other relief that the Board deems appropriate.

SIGNED this 18th day of July, 1995.

Douglas M. Cook
Director

BY: Nancy M. Snurkowski
Chief Attorney

COUNSEL FOR PETITIONER:
Nancy M. Snurkowski
Chief Attorney
Allied Health/Professions
Agency for Health Care
Administration
Northwood Centre
1940 North Monroe Street
Tallahassee, Florida 32399-0792
(904) 488-0062

FILED
AGENCY FOR
HEALTH CARE ADMINISTRATION
DEPUTY CLERK
CLERK Brenda L. Moore
DATE 7-18-95

NMS/sdw

PCP: WR, FG, MB

DATE: July 11, 1995

Final Order No AHCA-97-00254 Date 3-7-97
FILED
Agency for Health Care Administration
AGENCY CLERK
R.S. Power, Agency Clerk
By: Stephanie J. Dix
Deputy Agency Clerk

STATE OF FLORIDA
BOARD OF DENTISTRY

AGENCY FOR HEALTH
CARE ADMINISTRATION,

Petitioner,

vs.

CASE NO.: 95-16834
LICENSE NO.: DN0010258

RICHARD M. CARRENO, D.D.S.,

Respondent.
_____/

FINAL ORDER

THIS MATTER was heard by the Board of Dentistry pursuant to Sections 120.569 and 120.57(2), Florida Statutes, on January 11, 1997, in Amelia Island Plantation, Florida. At the hearing, Petitioner was represented by Laura P. Gaffney, Senior Attorney. Respondent appeared before the Board without legal council. The parties had been properly noticed of the hearing. On December 3, 1996, Respondent executed an Election of Rights form indicating that he did not dispute the allegations of fact in the Administrative Complaint, but requested an informal hearing pursuant to Sections 120.569 and 120.57(2), Florida Statutes. Accordingly, the facts are not contested. Upon consideration of the Administrative Complaint filed against Respondent, Respondent's Election of Rights, the arguments of the parties, and being otherwise fully advised in its premises, the Board makes the following findings and conclusions.

FINDINGS OF FACT

1. On September 7, 1996, the Agency for Health Care Administration filed an Administrative Complaint against Richard M. Carreno, seeking to take disciplinary action against his license to practice dentistry in the State of

Exhibit C

Florida.

2. On December 3, 1996, Respondent executed an Election of Rights form indicating that he did not dispute the allegations of fact in the Administrative Complaint, but requested an informal hearing pursuant to Sections 120.569 and 120.57(2), Florida Statutes.

3. The Board adopts as its findings of fact the allegations set forth in paragraphs 1-5 of the Administrative Complaint which was filed in this cause and which is attached to this Final Order and incorporated by reference.

CONCLUSIONS OF LAW

1. The Board has jurisdiction of the parties and subject matter of this case pursuant to Sections 120.569 and 120.57(2), Florida Statutes, and Chapter 466, Florida Statutes.

2. Based upon the foregoing Findings of Fact, Respondent has violated Section 466.028(1)(i) and (aa), Florida Statutes.

3. There is competent, substantial evidence to support the Board's findings and conclusions.

WHEREFORE, it is ORDERED AND ADJUDGED that Respondent violated Section 466.028(1)(i) and (aa), Florida Statutes, and Respondent shall have his license to practice dentistry in Florida REPRIMANDED; Respondent shall pay an administrative fine in the amount of $3000.00; and Respondent's license shall be placed on PROBATION until he has paid to the executive director of the Board of Dentistry this administrative fine and the administrative fine assessed in Case No. 93-00792. All such fines must be paid within one (1) year of the effective date of this Final Order.

This Order shall take effect upon filing with the Clerk of the Agency for Health Care Administration.

The parties are hereby notified that they may appeal this Final Order by

filing one copy of a Notice of Appeal with the Clerk of the Agency for Health Care Administration and by filing a filing fee and one copy of a Notice of Appeal with the District Court of Appeal within thirty (30) days of the date this Final Order is filed.

DONE AND ORDERED this 21 day of FEBRUARY, 1997.

BOARD OF DENTISTRY

PETER A. KELLER, D.D.S.
CHAIRMAN

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing Final Order has been forwarded by United States Mail this _____ day of _____, 1997, to Richard M. Carreno, D.D.S., Post Office Box 27265, Tampa, Florida 33623, and hand delivered to Laura P. Gaffney, Senior Attorney, Agency for Health Care Administration, 2727 Mahan Drive, Palmer Building, Tallahassee, Florida 32308.

William H. Buckhalt, C.P.M.
Executive Director
Board of Dentistry

AMENDED CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing Order has been provided by certified mail to Richard M. Carreno, D.D.S., P.O. Box 27265, Tampa, FL 33623, and interoffice delivery toLaura P. Gaffney, Senior Attorney, Agency for Health Care Administration, 2727 Mahan Drive, Palmer Building, Tallahassee, FL 32308 at or before 5 00 p.m., this 6th day of March, 1997.

Vicki R. Ellison

STATE OF FLORIDA
AGENCY FOR HEALTH CARE ADMINISTRATION
BOARD OF DENTISTRY

AGENCY FOR HEALTH CARE
ADMINISTRATION,

PETITIONER,

vs. CASE NUMBER: 95-16834

RICHARD M. CARRENO, D.D.S.,

RESPONDENT.
_____/

ADMINISTRATIVE COMPLAINT

COMES NOW, the Petitioner, Agency for Health Care Administration, hereinafter referred to as "Petitioner", and files this Administrative Complaint before the Board of Dentistry, against RICHARD M. CARRENO, hereinafter referred to as "Respondent", and alleges:

1. Petitioner is the state agency charged with regulating the practice of dentistry pursuant to Section 20.165; Section 20.42, Florida Statutes; Chapter 455, Florida Statutes; and Chapter 466, Florida Statutes.

2. Respondent is, and has been at all times material hereto, a licensed dentist in the State of Florida, having been issued license number DN 0010258. Respondent's last known address is P. O. Box 27265, Tampa, Florida 33623.

3. On or about February 28, 1995, a Final Order was issued to Respondent pursuant to Agency for Health Care vs. Richard M. Carreno, Case No. 93-00792. The terms of the aforementioned Final Order included, but were not limited to:

a. A requirement that Respondent pay a six thousand dollar ($6,000) fine to the Board of Dentistry by May 28, 1995,

EXHIBIT
A

b. Respondent's license to practice dentistry was placed on probation for two years.

4. On or about May 6, 1996, Respondent advised Agency Investigator, Raymond Mantell, that he could not afford to pay the aforementioned fine. Respondent also stated he anticipated having to file bankruptcy.

5. As of May 6, 1996, Respondent had not complied with the aforementioned Final Order.

COUNT I

6. Petitioner realleges and incorporates by reference the allegations of fact contained in the foregoing paragraphs one (1) through five (5) as if fully stated herein.

7. Based upon the foregoing, the Respondent is subject to discipline pursuant to Section 466.028 (1)(i) for failing to perform any statutory or legal obligation placed upon licensee.

COUNT II

8. Petitioner realleges and incorporates by reference the allegations of fact contained in the foregoing paragraphs one (1) through five (5) as if fully stated herein.

9. Based upon the foregoing, the Respondent is subject to discipline pursuant to Section 466.028 (1)(aa) for the violation of a lawful order of the board or department previously entered in a disciplinary hearing.

WHEREFORE, Petitioner respectfully requests the Board of Dentistry to enter an order imposing one or more of the following penalties: revocation or suspension of the Respondent's license, restriction of the Respondent's practice, imposition of an administrative fine, issuance of a reprimand, placement of the Respondent on probation, and/or any other relief that the Board deems appropriate.

SIGNED this 24th day of September, 1996.

Douglas M. Cook,

Director

BY: Nancy M. Snurkowski
Chief Attorney on behalf of
Agency for Health Care
Administration

COUNSEL FOR PETITIONER:
Laura P. Gaffney
Senior Attorney
Fla. Bar No. 437867
Agency for Health Care Administration
Allied Health - Legal B
P. O. Box 14229
Tallahassee, Florida 32317
(904) 488-9670
LPG/tab

FILED
AGENCY FOR
HEALTH CARE ADMINISTRATION
DEPUTY CLERK
CLERK Stephanie G. Don
DATE 10-7-96

PCP: WR | MB | FG DOM: 8/24/96.

AMENDED CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing Order has been provided by certified mail to Richard M Carreno, D.D.S , P.O. Box 27265 , Tampa, FL 33623 and interoffice delivery to Laura P Gaffney, Senior Attorney, Agency for Health Care Administration 2727 Manhan Drive, Palmer Building, Tallahassee, Fla 32308 at or before 5 00 p m , this 10 day of March, 1997.

Dinah Walsh

STATE OF WISCONSIN
BEFORE THE DENTISTRY EXAMINING BOARD

IN THE MATTER OF DISCIPLINARY PROCEEDINGS AGAINST RICARDO M. CARRENO, D.D.S.. , RESPONDENT	: : : : :	STIPULATION 96 DEN 113

It is hereby stipulated between Ricardo M. Carreno, D.D.S., personally on his own behalf and Steven M. Gloe, Attorney for the Department of Regulation and Licensing, Division of Enforcement, as follows that:

1. This Stipulation is entered into as a result of a pending investigation of Dr. Carreno's licensure by the Division of Enforcement (96 DEN 113). Dr. Carreno consents to the resolution of this investigation by stipulation and without the issuance of a formal complaint.

2. Dr. Carreno understands that by the signing of this Stipulation he voluntarily and knowingly waives his rights, including: the right to a hearing on the allegations against him, at which time the state has the burden of proving those allegations by a preponderance of the evidence; the right to confront and cross-examine the witnesses against him; the right to call witnesses on his behalf and to compel their attendance by subpoena; the right to testify himself; the right to file objections to any proposed decision and to present briefs or oral arguments to the officials who are to render the final decision; the right to petition for rehearing; and all other applicable rights afforded to him under the United States Constitution, the Americans with Disabilities Act of 1990, the Wisconsin Constitution, the Wisconsin Statutes, and the Wisconsin Administrative Code.

3. Dr. Carreno is aware of his right to seek legal representation and has been provided an opportunity to obtain legal advice prior to signing this stipulation.

4. Dr. Carreno agrees to the adoption of the attached Final Decision and Order by the Dentistry Examining Board. The parties to the Stipulation consent to the entry of the attached Final Decision and Order without further notice, pleading, appearance or consent of the parties. Respondent waives all rights to any appeal of the Board's order, if adopted in the form as attached.

5. If the terms of this Stipulation are not acceptable to the Board, the parties shall not be bound by the contents of this Stipulation, and the matter shall be returned to the Division of Enforcement for further proceedings. In the event that this Stipulation is not accepted by the Board, the parties agree not to contend that the Board has been prejudiced or biased in any manner by the consideration of this attempted resolution.

6. Attached to this Stipulation is the current licensure card of Ricardo M. Carreno, D.D.S.. If the Board accepts the Stipulation, Dr. Carreno's license shall be reissued only in accordance with the terms of the attached Final Decision and Order. If the Board does not accept this Stipulation, the license of Dr. Carreno shall be returned to him with a notice of the Board's decision not to accept the Stipulation.

7. The parties to this stipulation agree that the attorney for the Division of Enforcement and the member of the Dentistry Examining Board assigned as an advisor in this investigation may appear before the Dentistry Examining Board for the purposes of speaking in support of this agreement and answering questions that the members of the Board may have in connection with their deliberations on the stipulation.

8. The Division of Enforcement joins Dr. Carreno in recommending the Dentistry Examining Board adopt this Stipulation and issue the attached Final Decision and Order.

Ricardo M. Carreno, D.D.S., M.D. — Date

Steven M. Gloe, Attorney
Division of Enforcement — Date 6-5-87

97 JUN -5 AM 8:00

RECEIVED
JUN - 5 1997
Dept. of Regulation & Licensing
Division of Enforcement

STATE OF WISCONSIN
DEPARTMENT OF REGULATION AND LICENSING
BEFORE THE DENTISTRY EXAMINING BOARD

In the Matter of the Disciplinary Proceedings Against

Ricardo M. Carreno, D.D.S.,

Respondent.

AFFIDAVIT OF MAILING

STATE OF WISCONSIN)
)
COUNTY OF DANE)

I, Kate Rotenberg, having been duly sworn on oath, state the following to be true and correct based on my personal knowledge:

1. I am employed by the Wisconsin Department of Regulation and Licensing.

2. On July 24, 1997, I served the Final Decision and Order dated July 21, 1997, LS9707211DEN, upon the Respondent Ricardo M. Carreno, D.D.S. by enclosing a true and accurate copy of the above-described document in an envelope properly stamped and addressed to the above-named Respondent and placing the envelope in the State of Wisconsin mail system to be mailed by the United States Post Office by certified mail. The certified mail receipt number on the envelope is P 221 157 368.

3. The address used for mailing the Decision is the address that appears in the records of the Department as the Respondent's last-known address and is:

Ricardo M. Carreno, D.D.S.
P.O. Box 27265
Tampa FL 33623

NOTARY PUBLIC
RUBY JEFFERSON-MOORE
STATE OF WISCONSIN

Kate Rotenberg
Kate Rotenberg
Department of Regulation and Licensing
Office of Legal Counsel

Subscribed and sworn to before me
this 24th day of July, 1997.

Ruby Jefferson-Moore
Notary Public, State of Wisconsin
My commission is permanent.

NOTICE OF APPEAL INFORMATION

Notice Of Rights For Rehearing Or Judicial Review, The Times Allowed For Each, And The Identification Of The Party To Be Named As Respondent.

Serve Petition for Rehearing or Judicial Review on:

STATE OF WISCONSIN DENTISTRY EXAMINING BOARD

1400 East Washington Avenue
P.O. Box 8935
Madison, WI 53708.

The Date of Mailing this Decision is:

July 24, 1997

1. REHEARING

Any person aggrieved by this order may file a written petition for rehearing within 20 days after service of this order, as provided in sec. 227.49 of the *Wisconsin Statutes*, a copy of which is reprinted on side two of this sheet. The 20 day period commences the day of personal service or mailing of this decision. (The date of mailing this decision is shown above.)

A petition for rehearing should name as respondent and be filed with the party identified in the box above.

A petition for rehearing is not a prerequisite for appeal or review.

2. JUDICIAL REVIEW.

Any person aggrieved by this decision may petition for judicial review as specified in sec. 227.53, *Wisconsin Statutes* a copy of which is reprinted on side two of this sheet. By law, a petition for review must be filed in circuit court and should name as the respondent the party listed in the box above. A copy of the petition for judicial review should be served upon the party listed in the box above.

A petition must be filed within 30 days after service of this decision if there is no petition for rehearing, or within 30 days after service of the order finally disposing of a petition for rehearing, or within 30 days after the final disposition by operation of law of any petition for rehearing.

The 30-day period for serving and filing a petition commences on the day after personal service or mailing of the decision by the agency, or the day after the final disposition by operation of the law of any petition for rehearing. (The date of mailing this decision is shown above.)

SECTIONS 227.49 AND 227.53, OF THE WISCONSIN STATUTES

227.49 Petitions for rehearing in contested cases. (1) A petition for rehearing shall not be a prerequisite for appeal or review. Any person aggrieved by a final order may, within 20 days after service of the order, file a written petition for rehearing which shall specify in detail the grounds for the relief sought and supporting authorities. An agency may order a rehearing on its own motion within 20 days after service of a final order. This subsection does not apply to s. 17.025 (3) (e). No agency is required to conduct more than one rehearing based on a petition for rehearing filed under this subsection in any contested case.

(2) The filing of a petition for rehearing shall not suspend or delay the effective date of the order, and the order shall take effect on the date fixed by the agency and shall continue in effect unless the petition is granted or until the order is superseded, modified, or set aside as provided by law.

(3) Rehearing will be granted only on the basis of:

(a) Some material error of law.

(b) Some material error of fact.

(c) The discovery of new evidence sufficiently strong to reverse or modify the order, and which could not have been previously discovered by due diligence.

(4) Copies of petitions for rehearing shall be served on all parties of record. Parties may file replies to the petition.

(5) The agency may order a rehearing or enter an order with reference to the petition without a hearing, and shall dispose of the petition within 30 days after it is filed. If the agency does not enter an order disposing of the petition within the 30-day period, the petition shall be deemed to have been denied as of the expiration of the 30-day period.

(6) Upon granting a rehearing, the agency shall set the matter for further proceedings as soon as practicable. Proceedings upon rehearing shall conform as nearly may be to the proceedings in an original hearing except as the agency may otherwise direct. If in the agency's judgment, after such rehearing it appears that the original decision, order or determination is in any respect unlawful or unreasonable, the agency may reverse, change, modify or suspend the same accordingly. Any decision, order or determination made after such rehearing reversing, changing, modifying or suspending the original determination shall have the same force and effect as an original decision, order or determination.

227.53 Parties and proceedings for review. (1) Except as otherwise specifically provided by law, any person aggrieved by a decision specified in s. 227.52 shall be entitled to judicial review thereof as provided in this chapter.

(a) 1. Proceedings for review shall be instituted by serving a petition therefor personally or by certified mail upon the agency or one of its officials, and filing the petition in the office of the clerk of the circuit court for the county where the judicial review proceedings are to be held. If the agency whose decision is sought to be reviewed is the tax appeals commission, the banking review board, the consumer credit review board, the credit union review board, the savings and loan review board or the savings bank review board, the petition shall be served upon both the agency whose decision is sought to be reviewed and the corresponding named respondent, as specified under par. (b) 1 to 5.

2. Unless a rehearing is requested under s. 227.49, petitions for review under this paragraph shall be served and filed within 30 days after the service of the decision of the agency upon all parties under s. 227.48. If a rehearing is requested under s. 227.49, any party desiring judicial review shall serve and file a petition for review within 30 days after service of the order finally disposing of the application for rehearing, or within 30 days after the final disposition by operation of law of any such application for rehearing. The 30-day period for serving and filing a petition under this paragraph commences on the day after personal service or mailing of the decision by the agency.

3. If the petitioner is a resident, the proceedings shall be held in the circuit court for the county where the petitioner resides, except that if the petitioner is an agency, the proceedings shall be in the circuit court for the county where the respondent resides and except as provided in ss. 77.59 (6) (b), 182.70 (6) and 182.71 (5) (g). The proceedings shall be in the circuit court for Dane county if the petitioner is a nonresident. If all parties stipulate and the court to which the parties desire to transfer the proceedings agrees, the proceedings may be held in the county designated by the parties. If 2 or more petitions for review of the same decision are filed in different counties, the circuit judge for the county in which a petition for review of the decision was first filed shall determine the venue for judicial review of the decision, and shall order transfer or consolidation where appropriate.

(b) The petition shall state the nature of the petitioner's interest, the facts showing that petitioner is a person aggrieved by the decision, and the grounds specified in s. 227.57 upon which petitioner contends that the decision should be reversed or modified. The petition may be amended, by leave of court, though the time for serving the same has expired. The petition shall be entitled in the name of the person serving it as petitioner and the name of the agency whose decision is sought to be reviewed as respondent, except that in petitions for review of decisions of the following agencies, the latter agency specified shall be the named respondent:

1. The tax appeals commission, the department of revenue.

2. The banking review board or the consumer credit review board, the commissioner of banking.

3. The credit union review board, the commissioner of credit unions.

4. The savings and loan review board, the commissioner of savings and loan, except if the petitioner is the commissioner of savings and loan, the prevailing parties before the savings and loan review board shall be the named respondents.

5. The savings bank review board, the commissioner of savings and loan, except if the petitioner is the commissioner of savings and loan, the prevailing parties before the savings bank review board shall be the named respondents.

(c) A copy of the petition shall be served personally or by certified mail or, when service is timely admitted in writing, by first class mail, not later than 30 days after the institution of the proceeding, upon each party who appeared before the agency in the proceeding in which the decision sought to be reviewed was made or upon the party's attorney of record. A court may not dismiss the proceeding for review solely because of a failure to serve a copy of the petition upon a party or the party's attorney of record unless the petitioner fails to serve a person listed as a party for purposes of review in the agency's decision under s. 227.47 or the person's attorney of record.

(d) The agency (except in the case of the tax appeals commission and the banking review board, the consumer credit review board, the credit union review board, the savings and loan review board and the savings bank review board) and all parties to the proceeding before it, shall have the right to participate in the proceedings for review. The court may permit other interested persons to intervene. Any person petitioning the court to intervene shall serve a copy of the petition on each party who appeared before the agency and any additional parties to the judicial review at least 5 days prior to the date set for hearing on the petition.

(2) Every person served with the petition for review as provided in this section and who desires to participate in the proceedings for review thereby instituted shall serve upon the petitioner, within 20 days after service of the petition upon such person, a notice of appearance clearly stating the person's position with reference to each material allegation in the petition and to the affirmance, vacation or modification of the order or decision under review. Such notice, other than by the named respondent, shall also be served on the named respondent and the attorney general, and shall be filed, together with proof of required service thereof, with the clerk of the reviewing court within 10 days after such service. Service of all subsequent papers or notices in such proceeding need be made only upon the petitioner and such other persons as have served and filed the notice as provided in this subsection or have been permitted to intervene in said proceeding, as parties thereto, by order of the reviewing court.