



**BEFORE THE OREGON  
STATE BOARD OF NURSING**

*In the Matter of*  
Leslie Celeste, CNA

) **STIPULATED ORDER FOR**  
) **PROBATION**

Certificate No. 200811428CNA

) Reference No. 14-00900

Leslie Celeste (Certificate Holder) was issued an Oregon nursing assistant certification on July 22, 2008.

From 2009-2013, while working for a home care agency, Certificate Holder did not consistently maintain professional boundaries with clients in that she engaged in personal relationships with clients and their family/friends outside of the workplace and through social media. Certificate Holder felt she always provided good client care while at the home care agency, though some clients complained that at times Certificate Holder was aggressive and inflexible regarding their bathing and daily care needs.

Despite the complaints about Certificate Holder, management at the home care agency said they were satisfied with Certificate Holder's job performance because there were so many more clients who felt Certificate Holder's care was excellent and only wanted Certificate Holder as their caregiver.

During her interaction with the Board in this matter, Certificate Holder has readily accepted guidance and training materials with the goal of improving her performance. Certificate Holder recognizes and is remorseful that her previous actions and approach to care may have negatively impacted her client's rights and dignity.

Certificate Holder is now working in a long-term care facility, a setting which offers a higher level of supervision, and structure than Certificate Holder previously experienced.

By the previously described actions, Certificate Holder is subject to discipline pursuant to violations of ORS 678.442(2)(f); OAR 851-063-0080(6); 851-063-0090(1)(c), (2)(b) and (e); (4)(a) which reads as follows:

**678.442 Certification of nursing assistants; rules.**

- (2) In the manner prescribed in ORS chapter 183, the board may revoke or suspend a certificate issued under this section or may reprimand a nursing assistant for the following reasons:
- (f) Conduct unbecoming a nursing assistant in the performance of duties.

**851-063-0080**

**Causes for Denial, Reprimand, Suspension, Probation or Revocation of CNA Certificate**  
Under the contested case procedure in ORS 183.310 to 183.550 the Board may deny, reprimand, suspend, place on probation or revoke the certificate to perform duties as a CNA for the following causes:

- (6) Conduct unbecoming a nursing assistant in the performance of duties. ORS 678.442 (2) (f).

**851-063-0090****Conduct Unbecoming a Nursing Assistant**

A CNA, regardless of job location, responsibilities, or use of the title "CNA," who, in the performance of nursing related duties, may adversely affect the health, safety or welfare of the public, may be found guilty of conduct unbecoming a nursing assistant. Conduct unbecoming a nursing assistant includes, but is not limited to:

- (1) Conduct related to the client's safety and integrity:
- (c) Failing to respect client rights and dignity regardless of social, economic status, personal attributes or nature of health problems or disability;
- (2) Conduct related to other federal or state statutes/rule violations:
- (b) Violating the rights of privacy, confidentiality of information or knowledge concerning the client, unless required by law to disclose such information;
- (c) Neglecting a client. The definition of neglect includes but is not limited to unreasonably allowing a client to be in physical discomfort or be injured;
- (4) Conduct related to the client's family:
- (a) Failing to respect the rights of the client's family regardless of social or economic status, race, religion or national origin;

Certificate Holder admits that the above allegations occurred and constitute violations of the Nurse Practice Act. Certificate Holder wishes to cooperate with the Board in resolving the present disciplinary matter. The following will be proposed to the Oregon State Board of Nursing and is agreed to by Certificate Holder:

That the nursing assistant certificate of Leslie Celeste be placed on probation. Certificate Holder's compliance with this agreement will be monitored by the Oregon State Board of Nursing from date of the Board president's signature on the Order. Certificate Holder must complete a <sup>thirty</sup> ~~twenty-four~~ (30) month period of probation to begin immediately. Certificate Holder must work a minimum of sixteen (16) hours per week and no more than one (1.0) FTE in a setting where she is able to exercise the full extent of scope of duties in order to demonstrate whether or not she is competent. Limited overtime may be approved on occasion. Any period in which Certificate Holder does not work as a CNA in the State of Oregon will not count toward the probationary period.

Certificate Holder must comply with the following terms and conditions of probation:

- 1) Certificate Holder shall not violate the Nurse Practice Act (ORS 678) or the rules adopted thereunder.
- 2) Certificate Holder shall have <sup>+twenty for 24 re/ll</sup> ~~thirty-six (36)~~ months from Board acceptance of this Stipulated Order to complete <sup>+twelve (12) re/ll</sup> ~~twenty-four (24)~~ months of work as a CNA.
- 3) Certificate Holder shall notify the Board, in writing, prior to any change of address or employment setting, during the probation period.
- 4) Certificate Holder shall maintain an active CNA certificate.
- 5) Certificate Holder shall inform the Board in advance of any absences from Oregon and/or move from Oregon to another licensing jurisdiction. If Certificate Holder leaves the State and is unable to work as a CNA in the State of Oregon, her probationary status will be re-evaluated.
- 6) Certificate Holder shall present herself, in person or by phone, to designated Board staff for interviews on a monthly basis during the probationary period. Frequency of contact may be reviewed and revised periodically at the discretion of Board staff.
- 7) Certificate Holder shall notify the Board of any citations, arrests, or convictions for any offense, whether a felony, misdemeanor, violation, or citation within seven (7) days of the occurrence.
- 8) Certificate Holder will not look for, accept, or begin a new CNA position without the approval of the Board. This includes changes of the employer itself or changes within the facility or institution.
- 9) Certificate Holder shall inform current and prospective employers of the probationary status of her certificate, the reasons for her probation, and terms and conditions of probation. If there is a nurse executive, that person is to be informed of Certificate Holder's probationary status. The nurse executive will receive copies of the Stipulated Order for Probation when Certificate Holder is employed.
- 10) Certificate Holder shall work under the direct supervision of a licensed healthcare professional, functioning at or above the level of licensed nurse, who is working in the same physical location and readily available to observe practice and provide assistance. Certificate Holder shall be employed in a setting where her nursing supervisor agrees to submit written evaluations of work performance (on forms provided by the Board) every three (3) months during the probationary period. The nursing supervisor must submit the quarterly evaluation within 10 days of the due date. If the evaluation is not received at such time, Board staff will contact the employer to remind them. If the Board does not receive the report

within 5 business days from the time the employer is contacted, the probationer will be restricted from working as a CNA.

- 11) Between regular reporting periods, the nurse executive or comparable person shall inform the Board of any instance of Certificate Holder's non-compliance with the terms and conditions of this Stipulated Order for Probation, or of any other concern there may be regarding her work-related conduct or personal behavior that may affect her ability to work as a CNA.
- 12) Certificate Holder shall notify the Board when there is a change in status of employment including resignations or terminations.
- 13) Certificate Holder shall not work in any work setting in which on-site supervision is not available. This generally includes home health agencies, traveling agencies, nursing float pools, temporary agencies, assisted living facilities, adult foster care, independent consulting contracts, home hospice, and night shifts outside of acute care settings.
- 14) Certificate Holder shall cease working as a CNA if there are concerns about her ability to do so safely or at the request of Board staff. Performance of duties as a CNA may resume when approved by the Board staff, in consultation with her employer.
- 15) Certificate Holder shall cooperate fully with the Board in the supervision and investigation of her compliance with the terms and conditions of this Stipulated Order.

Certificate Holder understands that the conduct resulting in the violations of law, described in this Stipulated Order are considered by the Board to be of a grave nature and if continued, constitutes a serious danger to public health and safety.

Certificate Holder also understands that in the event she engages in future conduct resulting in violations of the law or terms of probation the Board may take further disciplinary action against her CNA certificate, up to and including revocation of that certificate.

Certificate Holder understands that this Stipulated Order will be submitted to the Board of Nursing for approval and is subject to the Board's confirmation.

Certificate Holder understands that by entering into the stipulated agreement, she waives the right to an administrative hearing.

Certificate Holder states no promises, representation, duress, or coercion has been used to induce her to sign this Stipulated Order.

Certificate Holder understands that this Stipulated Order is a public record.

Certificate Holder has read this Stipulated Order, understands this Order completely, and freely signs this Order.

IT IS SO AGREED:

SIGNATURE & DATED COPY ON FILE

Leslie Celeste, CNA

Date

ORDER

IT IS SO ORDERED:

BOARD OF NURSING FOR THE STATE OF OREGON

SIGNATURE & DATED COPY ON FILE

Kay Carhegle, RN, MS  
Board President

Date