

STATE OF RHODE ISLAND

**DEPARTMENT OF HEALTH
DIVISION OF HEALTHCARE QUALITY AND SAFETY
CENTER FOR PROFESSIONAL BOARDS AND LICENSING
BOARD OF NURSING REGISTRATION AND NURSING EDUCATION**

**IN THE MATTER OF: SCOTT LESKI
LICENSEE NO.: RN39663
COMPLAINT ID #: C23-1257A&B**

CONSENT ORDER FOR PROBATION

Pursuant to § 5-34-25 of the Rhode Island General Laws and §§ 40-05-3.14 and 10-05-4 of volume 216 of the Rhode Island Code of Regulations, a complaint (the "Complaint") was filed with the Board of Nurse Registration and Nursing Education (the "Board"), charging Scott Leski (the "Respondent"), a licensed registered nurse (license RN39663), with a violation of Chapter 5-34 of the General Laws of the State of Rhode Island.

After review and consideration by the Board with respect to the allegations of unprofessional conduct of Respondent, the following are and shall constitute:

FINDINGS OF FACT AND CONCLUSIONS OF LAW

1. That Respondent is a registered nurse licensed to practice in the State of Rhode Island under License Numbers RN39663.
2. That on or about December 18, 2023, the Rhode Island Department of Health (RIDOH) received a complaint alleging that on December 16, 2023, the Respondent was suspected of misconduct involving perineal care of a resident at a long-term care facility located in Rhode Island.
3. That on or about December 22, 2023, the Respondent was interviewed by RIDOH Center for Professional Licensing and Discipline staff regarding the above allegation. The Respondent signed a voluntary surrendered of his license pending further investigation by the Board of Nursing.
4. That on or about January 23, 2024, an Investigate Committee (IC) of the Board reviewed the allegations and relevant evidence including the audio interviews of the long-term facility resident and the Respondent. The IC determined that the Respondent through his conduct related to the December 16, 2023 incident, failed to create an open and safe environment as required by the American Nurses Association (ANA) Code of Ethics for Nurses, Provisions 6.1 and 6.2
5. That the IC determined that the findings described in paragraph four (4) herein constitute grounds for discipline as it is unprofessional conduct as defined in Rhode Island Gen. Laws § 5-34-24 (6)(v).

6. The Respondent denies all liability and denies the determinations of the IC and the Board. The Respondent's acceptance of and signing this Consent Order does not constitute an admission by the Respondent of any liability or that any of the factual findings and legal conclusions relating to any alleged misconduct or violations of any statute, regulation or code of ethics as contained herein, are accurate and correct. The signing of this Consent Order is for settlement purposes only.

AGREEMENT

The Board and the Respondent (together, the "Parties") hereby agree as follows:

1. That the Respondent admits to the jurisdiction of the Board and hereby agrees to remain under the jurisdiction of the Board.
2. That the Respondent has read this Consent Order and understands that it is a proposal of an Investigative Committee of the Board and is subject to final ratification by the Board. This Consent Order and the contents herein are not binding on the Respondent until final ratification by the Board.
3. The Respondent hereby acknowledges and waives:
 - a. The right to appear personally or by counsel before the Board;
 - b. The right to produce witnesses and evidence on his behalf at a hearing;
 - c. The right to cross-examine witnesses;
 - d. The right to have subpoenas issued by the Board;
 - e. The right to further procedural steps except for those specifically contained herein;
 - f. Any and all right of appeal of this Consent Order;
 - g. Any objection to the fact that this Consent Order will be presented to the Board for consideration and review;
 - h. Any objection to the fact that it will be necessary for the Board to become acquainted with all evidence pertaining to this matter in order to adequately review this Consent Order;
 - i. Any objection to the fact that the Board reviewing this Consent Order may be the same as the hearing committee presiding over this matter should it later be brought to an administrative hearing.
 - j. Any objection to the fact that potential bias against the Respondent may occur as a result of the presentation of this Consent Order to the Board.
4. This Consent Order shall become part of the public record of this proceeding once it is accepted by all parties and accepted by the Board.
5. The Respondent voluntarily agrees to accept the sanction of a three (3) year probation against his license as a registered nurse, which shall begin upon full execution of this Consent Order.

6. The surrender of the license is hereby revoked, and the license is reinstated, subject to the terms of this Consent Order.
7. During the period of probation, the Respondent is required to have staff supervision with any tasks involving peri care in a manner that will be defined in a separate agreement which shall be incorporated herein by reference and may be subject to change from time to time. Further details related to the form of supervision and scope of tasks will be defined in a separate agreement which will be included by agreement.
8. During the period of probation, the Respondent shall complete ten (10) continuing education on the topic of ethics and boundaries, from a source reasonably acceptable to the Board, in addition to the ten continuing education hours required for renewal of the Respondent's license.
9. That should the Respondent fail to comply with the laws and regulations governing the practice of nursing and/or fail to comply with the terms of the Consent Order, his license as a registered nurse may be subject to other appropriate disciplinary action.

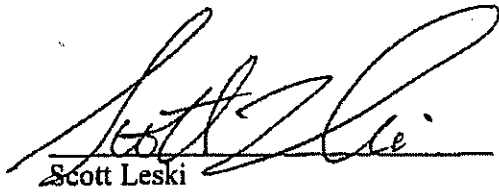
REINSTATEMENT FROM PROBATION

Upon completion of the probationary term, the Respondent shall request full unrestricted reinstatement of his license from the Director of the Board of Nursing Education and Nurse Registration. If in the reasonable judgment of the Director the terms of this Consent Order have been satisfied, then reinstatement shall be immediately approved. In the event the Director reasonably believes that the Respondent has not satisfied the terms of this Consent Order, then the matter of reinstatement shall be decided by the Board at the next meeting. Reinstatement from this probation shall not be withheld unless the Board reasonably determines that the Respondent has failed to comply with terms of this Consent Order. If the parties agree to change the terms of this Consent Order, a new Consent Order shall be issued amending the terms.

DISPOSITION OF THE COMPLAINT

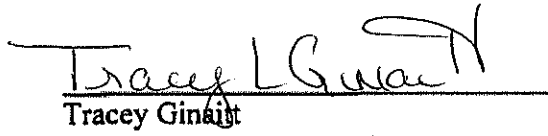
Accordingly, and based on the foregoing, the Parties hereby agree to the following disposition of the Complaint:

1. That the Respondent is hereby issued the sanction of a Probation.
2. That this Consent Order shall become part of a public record of this proceeding.



Scott Leski
Licensee No.: RN39663

Date Signed: 6-7-24



Tracey Ginnitt
President, Board of Nursing

Date Signed: 10 June 2024

Ratified as an order of the Board of Nurse Registration and Nursing Education at a meeting held on
this 10th day of JUNE, 2024.