

**BEFORE THE
MEDICAL BOARD OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

In the Matter of the Accusation)
Against:)
)
)
CELESTE B. WATERS, M.D.)
Physician's and Surgeon's)
Certificate No. A 54523)
)
)
)
)
)
Respondent.)
_____)

File No. 08-2009-198732


DECISION

The attached Stipulated Settlement and Disciplinary Order is hereby adopted as the Decision and Order of the Medical Board of California, Department of Consumer Affairs, State of California.

This Decision shall become effective at 5:00 p.m. on **January 21, 2011.**

IT IS SO ORDERED **December 23, 2010.**

MEDICAL BOARD OF CALIFORNIA

By: 

Hedy Chang
Chair, Panel B

1 EDMUND G. BROWN JR.
Attorney General of California
2 PAUL C. AMENT
Supervising Deputy Attorney General
3 VLADIMIR SHALKEVICH
Deputy Attorney General
4 State Bar No. 173955
300 So. Spring Street, Suite 1702
5 Los Angeles, CA 90013
Telephone: (213) 897-2148
6 Facsimile: (213) 897-9395
Attorneys for Complainant
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8 **BEFORE THE**
MEDICAL BOARD OF CALIFORNIA
9 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

10 In the Matter of the Accusation Against:
11 **CELESTE B. WATERS, M.D.**
12 **1025 Pacific Street**
San Luis Obispo, CA 93401
13 **Physician's and Surgeon's Certificate No. A**
54523
14
15 Respondent.

Case No. 08-2009-198732

OAH No. 2010070931

STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER

16
17 In the interest of a prompt and speedy settlement of this matter, consistent with the public
18 interest and the responsibility of the Medical Board of California of the Department of Consumer
19 Affairs, the parties hereby agree to the following Stipulated Settlement and Disciplinary Order
20 which will be submitted to the Board for approval and adoption as the final disposition of the
21 Accusation.

22 PARTIES

23 1. Linda K. Whitney (Complainant) is the Executive Director of the Medical Board of
24 California. She brought this action solely in her official capacity and is represented in this matter
25 by Edmund G. Brown Jr., Attorney General of the State of California, by Vladimir Shalkevich,
26 Deputy Attorney General.
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1 CULPABILITY

2 8. Respondent admits the truth of each and every charge and allegation in Accusation
3 No. 08-2009-198732.

4 9. Respondent agrees that her Physician's and Surgeon's Certificate is subject to
5 discipline and she agrees to be bound by the Medical Board of California (Board) imposition of
6 discipline as set forth in the Disciplinary Order below.

7 CONTINGENCY

8 10. This stipulation shall be subject to approval by the Medical Board of California.
9 Respondent understands and agrees that counsel for Complainant and the staff of the Medical
10 Board of California may communicate directly with the Board regarding this stipulation and
11 settlement, without notice to or participation by Respondent or her counsel. By signing the
12 stipulation, Respondent understands and agrees that she may not withdraw her agreement or seek
13 to rescind the stipulation prior to the time the Board considers and acts upon it. If the Board fails
14 to adopt this stipulation as its Decision and Order, the Stipulated Settlement and Disciplinary
15 Order shall be of no force or effect, except for this paragraph, it shall be inadmissible in any legal
16 action between the parties, and the Board shall not be disqualified from further action by having
17 considered this matter.

18 11. The parties understand and agree that facsimile copies of this Stipulated Settlement
19 and Disciplinary Order, including facsimile signatures thereto, shall have the same force and
20 effect as the originals.

21 12. In consideration of the foregoing admissions and stipulations, the parties agree that
22 the Board may, without further notice or formal proceeding, issue and enter the following
23 Disciplinary Order:

24 **DISCIPLINARY ORDER**

25 IT IS HEREBY ORDERED that a public letter of reprimand pursuant to Business
26 and Professions Code section 2233 be issued by the Board to Physician and Surgeon's Certificate
27 No. 54523 issued to Respondent Celeste Waters, M.D. (Respondent). The public letter of
28

1 reprimand is attached hereto as Exhibit "B." It is further ordered by the Medical Board of
2 California that Respondent comply with the following terms and conditions.

3 1. ETHICS COURSE Within 60 calendar days of the effective date of this Decision,
4 Respondent shall enroll in a course in ethics, at Respondent's expense, approved in advance by
5 the Board or its designee. Respondent shall successfully complete the course within 6 months of
6 the effective date of the order.

7 An ethics course taken after the acts that gave rise to the charges in the
8 Accusation, but prior to the effective date of the Decision may, in the sole discretion of the Board
9 or its designee, be accepted towards the fulfillment of this condition if the course would have
10 been approved by the Board or its designee had the course been taken after the effective date of
11 this Decision.

12 Respondent shall submit a certification of successful completion to the Board or its
13 designee not later than 15 calendar days after successfully completing the course, or not later than
14 15 calendar days after the effective date of the Decision, whichever is later.

15 Failure to comply with this condition constitutes a material breach of this Order.

16 2. MEDICAL RECORD KEEPING COURSE Within 60 calendar days of the
17 effective date of this decision, Respondent shall enroll in a course in medical record keeping, at
18 Respondent's expense, approved in advance by the Board or its designee. Respondent shall
19 successfully complete the course within 6 months of the effective date of the order.

20 A medical record keeping course taken after the acts that gave rise to the charges
21 in the Accusation, but prior to the effective date of the Decision may, in the sole discretion of the
22 Board or its designee, be accepted towards the fulfillment of this condition if the course would
23 have been approved by the Board or its designee had the course been taken after the effective date
24 of this Decision.

1 Respondent shall submit a certification of successful completion to the Board or its
2 designee not later than 15 calendar days after successfully completing the course, or not later than
3 15 calendar days after the effective date of the Decision, whichever is later.

4 Failure to comply with this condition constitutes a material breach of this Order.

5 4. FAILURE TO COMPLY WITH ORDER A material breach by Respondent of
6 this order shall constitute unprofessional conduct and shall be a basis for further disciplinary
7 action by the Board. In such circumstances, the Complainant may reinstate the Accusation in
8 case number 17-2003-145336 and/or file a supplemental accusation alleging any material breach
9 of this order by Respondent as unprofessional conduct.

11 ACCEPTANCE

12 I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully
13 discussed it with my attorney, Mark B. Connely, Esq.. I understand the stipulation and the effect
14 it will have on my Physician's and Surgeon's Certificate. I enter into this Stipulated Settlement
15 and Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be bound by the
16 Decision and Order of the Medical Board of California.

17
18 DATED:

11/4/2010



CELESTE B. WATERS, M.D.
Respondent

20 I have read and fully discussed with Respondent Celeste B. Waters, M.D. the terms and
21 conditions and other matters contained in the above Stipulated Settlement and Disciplinary Order.

22 I approve its form and content.

23 DATED:

11/4/2010


MARK B. CONNELLY, Esq.
Attorney for Respondent

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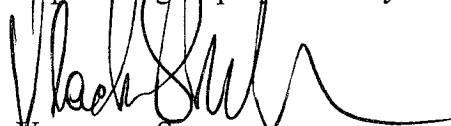
ENDORSEMENT

The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully submitted for consideration by the Medical Board of California of the Department of Consumer Affairs.

Dated: 11-19-2010

Respectfully Submitted,

EDMUND G. BROWN JR.
Attorney General of California
PAUL C. AMENT
Supervising Deputy Attorney General



VLADIMIR SHALKEVICH
Deputy Attorney General
Attorneys for Complainant

LA2010502084
Stipulation.rtf

Exhibit A

Accusation No. 08-2009-198732

1 EDMUND G. BROWN JR.
Attorney General of California
2 PAUL C. AMENT
Supervising Deputy Attorney General
3 VLADIMIR SHALKEVICH
Deputy Attorney General
4 State Bar No. 173955
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Attorneys for Complainant

FILED
STATE OF CALIFORNIA
MEDICAL BOARD OF CALIFORNIA
SACRAMENTO *June 21, 2010*
BY: *[Signature]* ANALYST

BEFORE THE
MEDICAL BOARD OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Accusation Against:
CELESTE B. WATERS, M.D.
1025 Pacific Street
San Luis Obispo, CA 93401

**Physician's and Surgeon's
Certificate No. A 54523**

Respondent.

Case No. 08-2009-198732

ACCUSATION

Complainant alleges:

PARTIES

1. Linda K. Whitney (Complainant) brings this Accusation solely in her official capacity as the Executive Director of the Medical Board of California, Department of Consumer Affairs.
2. On or about August 16, 1995, the Medical Board of California issued Physician's and Surgeon's Certificate Number A 54523 to Celeste B. Waters, M.D. (Respondent). The Physician's and Surgeon's Certificate was in full force and effect at all times relevant to the charges brought herein and will expire on July 31, 2011, unless renewed.

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JURISDICTION

3. This Accusation is brought before the Medical Board of California (Board), Department of Consumer Affairs, under the authority of the following laws. All section references are to the Business and Professions Code, unless indicated otherwise.

4. Business and Professions Code section 2261 provides: "Knowingly making or signing any certificate or other document directly or indirectly related to the practice of medicine or podiatry which falsely represents the existence or nonexistence of a state of facts, constitutes unprofessional conduct."

CAUSE FOR DISCIPLINE

(Knowingly Signing False Documents Related to Practice of Medicine)

5. Respondent is subject to disciplinary action under section 2261 of the Code in that she knowingly made and/or signed documents directly or indirectly related to the practice of medicine which falsely represented the existence of a state of facts. The circumstances are as follows:

6. Atascadero State Hospital (ASH) is an all-male, maximum security, forensic facility serving the entire state of California. It is a completely self-contained psychiatric hospital constructed within a security perimeter. All residents at Atascadero State Hospital are male and have a mental disability and pose a threat to others or themselves. The majority of individuals who are ASH patients are remanded for treatment by the superior courts of the counties of California or by the Department of Corrections pursuant to various sections of the California Penal Code and the Welfare and Institutions Code. The hospital does not accept voluntary admissions.

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1 7. Respondent began working as a contract staff psychiatrist at Atascadero State
2 Hospital on approximately June 25, 2007. Her duties and responsibilities as a contract staff
3 psychiatrist at ASH included conducting Medication Management Group meetings with ASH
4 patients.

5 8. On or about July 9, 2008, July 25, 2008 and August 1, 2008, Respondent cancelled
6 and did not conduct the scheduled Medication Management Group meetings, and left ASH
7 premises during the times when these meetings were scheduled. At or about the time she left
8 ASH premises on the above-referenced dates, Respondent signed and delivered to ASH
9 management documents or records which falsely represented that Respondent fulfilled her
10 responsibilities to conduct the Medication Management Group meetings, when, in fact, these
11 meetings did not take place.

12 DISCIPLINE CONSIDERATIONS

13 9. To determine the degree of discipline, if any, to be imposed on Respondent,
14 Complainant alleges that on or about April 7, 2009, in a criminal proceeding entitled *The People*
15 *of the State of California vs. Celeste Biancha Waters* in San Luis Obispo Superior Court, Case
16 Number M000423867, Respondent was convicted, upon her plea of nolo contendere, of violation
17 of Business and Professions Code sections 2266, and was ordered to pay a fine of \$1000.00, and
18 to undergo one year probation. The facts and circumstances surrounding this conviction are the
19 same as alleged in paragraphs 6 through 8 hereinabove, and are incorporated by reference here.

20 PRAYER

21 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
22 and that following the hearing, the Medical Board of California issue a decision:

23 1. Revoking or suspending Physician's and Surgeon's Certificate Number A 54523,
24 issued to Celeste B. Waters, M.D.

25 2. Revoking, suspending or denying approval of Celeste B. Waters, M.D.'s authority to
26 supervise physician's assistants, pursuant to section 3527 of the Code;

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3. If placed on probation, ordering Celeste B. Waters, M.D. to pay the Medical Board of California the costs of probation monitoring;

4. Taking such other and further action as deemed necessary and proper.

DATED: June 21, 2010.



LINDA K. WHITNEY
Executive Director
Medical Board of California
Department of Consumer Affairs
State of California
Complainant

Exhibit B
Public Letter of Reprimand



MEDICAL BOARD OF CALIFORNIA
Executive Office



January 21, 2011

Celeste B. Waters, M.D.
1025 Pacific Street
San Luis Obispo, CA 93401

RE: Physician's and Surgeon's Certificate Number: A54523
Case Number: 08-2009-198732

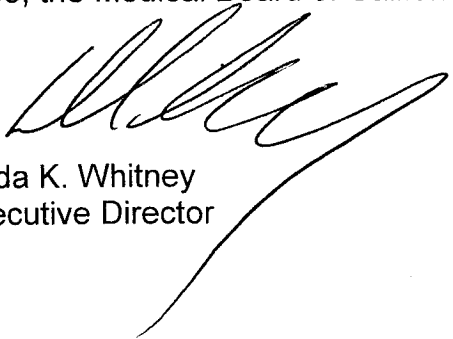
Public Letter of Reprimand

On June 21, 2010, the Medical Board of California filed an accusation against your license to practice medicine for allegedly having violated Business and Professions Code section 2261.

In the summer of 2008 while working as a staff psychiatrist at Atascadero State Hospital (ASH), you were responsible to conduct Medication Management Group meetings with ASH patients. On July 9, July 25, and August 1, 2008, you cancelled the scheduled meetings and left ASH premises. Even though the Medication Management Group meetings were not held on those dates, you signed attendance sheets which falsely represented that the patients attended Medication Management Group meetings on those dates.

These actions are in violation of California Business and Professions Code (B&P) sections 725, 2234(b), and 2234(d).

WHEREFORE, pursuant to the authority of Business and Professions Code section 2233, the Medical Board of California hereby issues you this public letter of reprimand.


Linda K. Whitney
Executive Director