IN THE MATTER OF	§	BEFORE THE ELIGIBILITY
	§	
PERMANENT CERTIFICATE	§	AND DISCIPLINARY
	§	
NUMBER 724702	§	COMMITTEE
	§	
ISSUED TO	§	OF THE TEXAS
	§	
RENE FAZZIO LEBLANC	§	BOARD OF NURSING

I do hereby certify this to be a complete, accurate, and true copy of the document which is on file or is of record in the offices of the Texas Board of Nursing.

Executive Director of the Board

ORDER OF THE BOARD

TO: Rene Fazzio Leblanc
613 Legendre Drive
Slidell, LA 70460

During open meeting held in Austin, Texas, on February 8, 2011, the Eligibility and Disciplinary Committee (hereinafter "Committee") heard the above-styled case, based on the failure of the Respondent to appear as required by 22 TEX. ADMIN. CODE Ch. 213.

The Committee of the Texas Board of Nursing finds that notice of the facts or conduct alleged to warrant disciplinary action has been provided to Respondent in accordance with Texas Government Code § 2001.054(c) and Respondent has been given an opportunity to show compliance with all the requirements of the Nursing Practice Act, Chapter 301 of the Texas Occupations Code, for retention of Respondent's license to practice professional nursing in the State of Texas.

The Committee finds that the Formal Charges were properly initiated and filed in accordance with section 301.458, Texas Occupations Code.

The Committee finds that after proper and timely Notice regarding the violations alleged in the Formal Charges was given to Respondent in this matter, Respondent has failed to appear in accordance with 22 TEX. ADMIN. CODE Ch. 213.

The Committee finds that the Board is authorized to enter a default order pursuant to Texas Government Code § 2001.056.

The Eligibility and Disciplinary Committee, after review and due consideration, adopts the

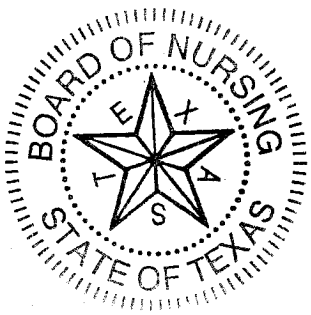
proposed findings of fact and conclusions of law as stated in the Formal Charges which are attached hereto and incorporated by reference for all purposes and the Staff's recommended sanction of revocation by default. This Order will be properly served on all parties and all parties will be given an opportunity to file a motion for rehearing [22 TEX. ADMIN.CODE § 213.16(j)]. All parties have a right to judicial review of this Order.

All proposed findings of fact and conclusions of law filed by any party not specifically adopted herein are hereby denied.

NOW, THEREFORE, IT IS ORDERED that Permanent Certificate Number 724702, previously issued to RENE FAZZIO LEBLANC, to practice professional nursing in the State of Texas be, and the same is hereby, REVOKED.

IT IS FURTHER ORDERED that this Order SHALL be applicable to Respondent's nurse licensure compact privileges, if any, to practice professional nursing in the State of Texas.

Entered this 8th day of February, 2011.



TEXAS BOARD OF NURSING

BY: _____

KATHERINE A. THOMAS, MN, RN
EXECUTIVE DIRECTOR ON BEHALF OF SAID BOARD

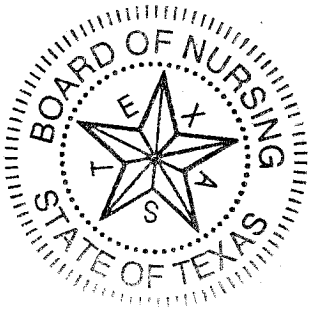
Attachment: Formal Charge filed .

Re: Permanent Certificate Number 724702
Issued to RENEE FAZZIO LEBLANC
DEFAULT ORDER -REVOKE

CERTIFICATE OF SERVICE

I hereby certify that on the 14th day of February, 2011, a true and correct copy of the foregoing DEFAULT ORDER was served by placement in the U.S. Mail via certified mail, and addressed to the following person(s):

Rene Fazzio Leblanc
613 Legendre Drive
Slidell, LA 70460



BY: Katherine A. Thomas

KATHERINE A. THOMAS, MN, RN
EXECUTIVE DIRECTOR ON BEHALF OF SAID BOARD

In the Matter of Permanent License	§	**BEFORE THE TEXAS**
Number 724702, Issued to	§	
RENE FAZZIO LEBLANC, Respondent	§	**BOARD OF NURSING**

FORMAL CHARGES

This is a disciplinary proceeding under Section 301.452(b), Texas Occupations Code. Respondent, RENE FAZZIO LEBLANC, is a Registered Nurse holding license number 724702, which is in current status at the time of this pleading.

Written notice of the facts and conduct alleged to warrant adverse licensure action was sent to Respondent at Respondent's address of record and Respondent was given opportunity to show compliance with all requirements of the law for retention of the license prior to commencement of this proceeding.

CHARGE I.

On or about April 18, 2010, Respondent submitted an online renewal application to the Texas Board of Nursing in which she provided false, deceptive, and/or misleading information, in that she answered "no" to the following questions:

"Are you currently the target or subject of a grand jury or governmental agency investigation?"

On or about April 15, 2010, Respondent spoke with the Louisiana State Board of Nursing and accepted that her license to practice professional nursing in the State of Louisiana would be suspended for failure to enter and complete an Intensive Outpatient Program. On or about April 21, 2010, Respondent's license to practice nursing in the State of Louisiana was suspended, and she was directed to cease and desist the practice of nursing in the State of Louisiana by the Louisiana State Board of Nursing, Baton Rouge, Louisiana.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(2) & (10), Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §217.12(6)(I).

CHARGE II.

On or about April 21, 2010, Respondent's license to practice professional nursing in the State of Louisiana was suspended, and she was directed to cease and desist the practice of nursing in the State of Louisiana by the Louisiana State Board of Nursing, Baton Rouge, Louisiana. A copy of the letter from the Louisiana State Board of Nursing, dated April 21, 2010, suspending Respondent's license and directing her to cease and desist the practice of nursing in the State of Louisiana, is attached and incorporated, by reference, as part of this pleading.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(8), Texas Occupations Code.

NOTICE IS GIVEN that staff will present evidence in support of the recommended disposition of up to revocation of Respondent's license to practice nursing in the State of Texas pursuant to the Board's rules, 22 TEX. ADMIN. CODE §§ 213.27 - 213.33. Additionally, staff will seek to impose on Respondent the administrative costs of the proceeding pursuant to Section 301.461, Texas Occupations Code. The cost of proceedings shall include, but is not limited to, the cost paid by the Board to the State Office of Administrative Hearings and the Office of the Attorney General or other Board counsel for legal and investigative services, the cost of a court reporter and witnesses, reproduction of records, Board staff time, travel, and expenses. These shall be in an amount of at least one thousand two hundred dollars ($1200.00).

NOTICE IS GIVEN that all statutes and rules cited in these Charges are incorporated as part of this pleading and can be found at the Board's website, www.bon.state.tx.us.

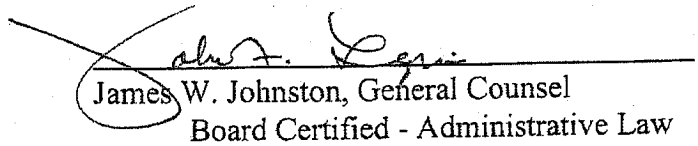
NOTICE IS GIVEN that to the extent applicable, based on the Formal Charges, the Board will rely on Adopted Disciplinary Guidelines for Criminal Conduct and on Adopted Disciplinary Sanction Policies for Nurses with Substance Abuse, Misuse, Substance Dependency, or other Substance Use Disorder, and for Lying and Falsification, which can be found at the Board's website, www.bon.state.tx.us.

NOTICE IS GIVEN that, based on the Formal Charges, the Board will rely on the Disciplinary Matrix, which can be found at www.bon.state.tx.us/disciplinaryaction/discp-matrix.html.

NOTICE IS ALSO GIVEN that Respondent's past disciplinary history, as set out below and described in the letter which is attached and incorporated by reference as part of these charges, will be offered in support of the disposition recommended by staff: Letter from the Louisiana State Board of Nursing dated April 21, 2010.

Filed this 5th day of November, 2010.

TEXAS BOARD OF NURSING



James W. Johnston, General Counsel
Board Certified - Administrative Law
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State Bar No. 24036103
Lance Robert Brenton, Assistant General Counsel
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Robert Kyle Hensley, Assistant General Counsel
State Bar No. 50511847
Nikki Hopkins, Assistant General Counsel
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State Bar No. 00785533
TEXAS BOARD OF NURSING
333 Guadalupe, Tower III, Suite 460
Austin, Texas 78701
P: (512) 305-6824
F: (512) 305-8101 or (512)305-7401

Attachments: Letter from the Louisiana State Board of Nursing dated April 21, 2010.

0999/D

Louisiana State Board of Nursing

17373 Perkins Road
Baton Rouge, LA 70810
Telephone: (225) 755-7500 Fax: (225) 755-7583
http://www.lsbn.state.la.us

Certified Mail
Return Receipt Requested

April 21, 2010

Rene Michele Fazzio
4127 Division St.
Metairie, LA 70002

Dear Ms. Fazzio:

Reference is to the Program Agreement signed with the Recovering Nurse Program, effective June 6, 2007. This Agreement allowed that your Louisiana RN license be retained, contingent upon adherence to stipulations of the Recovering Nurse Program, including but not limited to:

- Before accepting or engaging in professional employment of any kind, whether as an employee or independent contractor and whether on a full-time or part-time basis, the Participant will enter into an agreement with each and any such employer or contractor, in the form and substance prescribed by the Program and incorporated in the Program. The employer's agreement must be completed and returned to the RNP office prior to beginning work.
- Shall work in a restrictive environment as a member of a treatment team rather than alone or with a few employees. Not be employed in agency/staffing/pool, home health services, or nursing homes. Additionally, not be employed in any unsupervised setting involving direct patient care.
- Cause to have submitted written documents on a timely basis to verify compliance with monitoring specifications of the Recovering Nurse Program.

A review of your file on March 22, 2010 reveals you are not in compliance with the aforementioned Agreement, specifically:

- On December 6, 2007, you met in conference with Board staff to discuss, several issues of non-compliance. Specifically, failure to start aftercare and submitting your verification calendars in a timely manner.
- On March 17, 2009, you were notified by Board staff that you had failed to submit verification calendars for the months of April 2008, August 2008, and January 2009. Upon receipt of these calendars, it was found that you falsified the April 2008 calendar (during March 22, 2010 review).
- On February 21, 2010, you resigned from University Hospital, and failed to notify the Board of this change in employment.
- On March 19, 2010, Board staff were informed that you were currently employed and working at Tulane Medical Center and Ochsner in flex/pool positions. You accepted both positions and had begun working before submitting Employer's Agreements to the Board for approval.
- On March 23, 2010, you met in conference with Board staff to discuss the aforementioned noncompliance with RNP employment stipulations during which time you admitted to falsifying your April 2008 Attendance Calendar. You were informed that prior to returning to work you must submit to comprehensive, **in-patient** psychiatric, psychological and substance abuse evaluations by a Board approved treatment center.

- On April 9, 2010, the Board received said evaluations from Pine Grove Professional Enhancement Program. Recommendations were to attend an Intensive Outpatient Program.
- On April 14, 2010, by email, you stated your desire to withdraw yourself from the RNP and forfeit your RN license.
- On April 15, 2010, in a conversation with Board staff, you accepted that your Louisiana RN license would be suspended for failure to enter and complete an Intensive Outpatient Program.

Further review of your file revealed additional areas of noncompliance, specifically:

- From December 2008 – February 2009, you missed ten (10) RNP group meetings.
- From September 2007 – August 2008, you submitted to five (5) random drug screens which were returned with abnormal results.

The Board Agreement provides that failure to comply with the stipulations of RNP will result in the immediate suspension of your license. Therefore, **your Louisiana RN license is suspended and you are directed to return your 2010 license immediately to the Board.**

YOU ARE TO CEASE AND DESIST IMMEDIATELY THE PRACTICE OF NURSING IN LOUISIANA.

This will be reported to Healthcare Integrity and Protection Data Bank (HIPDB) **as F-2 Unable to Practice Safely by Reason of Alcohol or Other Substance Abuse; 99_Other: Failure to comply with Licensing Board Agreement. HIPDB Narrative: On May 19, 2007, Respondent entered into a three (3) year confidential Recovering Nurse Program Agreement for alcohol dependence. On April 14, 2010, Respondent failed to comply with treatment recommendations, which violated her Agreement with the Board.**

If at some time in the future you can present evidence that the cause for the disciplinary action no longer exist and/or no longer affects your ability to practice nursing safely, you may petition the Board to request approval for clinical nursing courses. Prior to requesting reinstatement, you may be required to enter and complete a comprehensive in-patient evaluation at a Board approved evaluation center, followed by full compliance with RNP for an extended period of time. If approval is granted after this, a period of probation with stipulations would be required.

If you are able to show error in the staff's action then you must so notify the Board in writing within ten (10) days of this date.

LOUISIANA STATE BOARD OF NURSING

Barbara L. Morvant

Barbara L. Morvant, MN, RN
Executive Director

BLM/RAC/tme

cc: Paul Schoen, Group Facilitator