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

BEFORE THE TEXAS BOARD OF NURSING

****

In the Matter of Registered Nurse	§	REINSTATEMENT
License Number 724702	§	
issued to RENE MICHELLE FAZZIO	§	AGREED ORDER
aka RENE FAZZIO LEBLANC	§	

On this day came to be considered by the Texas Board of Nursing, hereinafter referred to as the Board, the Petition for Reinstatement of Registered Nurse License Number 724702, held by RENE MICHELLE FAZZIO, hereinafter referred to as Petitioner.

An informal conference was conducted on June 7, 2016, at the office of the Texas Board of Nursing, in accordance with Section 301.464, Texas Occupations Code. Petitioner appeared in person. Petitioner was represented by Tony Bertolino, Attorney at Law.

FINDINGS OF FACT

1. Prior to institution of Agency proceedings, notice of the matters specified below in these Findings of Fact was served on Petitioner and Petitioner was given an opportunity to show compliance with all requirements of the law for retention of the license(s).

2. Petitioner waived notice and hearing, and consented to the entry of this Order.

3. Petitioner received an Baccalaureate Degree in Nursing from William Carey College, New Orleans, Louisiana, on February 14, 2003. Petitioner was licensed to practice professional nursing in the State of Texas on February 13, 2006.

4. Petitioner's nursing employment history includes:

3/03 - 4/04	RN	Tulane University Hospital New Orleans, Louisiana
4/04 - 8/05	RN	Methodist Hospital New Orleans, Louisiana
9/05 - 3/06	Unknown	
4/06	RN	MD Anderson Houston, Texas

Petitioner's nursing employment history continued:

4/06	RN	Texas Women's Hospital Houston, Texas
5/06 - 8/06	Unknown	
9/06 - 9/08	RN	Southeast Louisiana Hospital Mandevilla, Louisiana
9/08 - 2/10	RN	University Hospital New Orleans, Louisiana
3/10 - present	Not employed in nursing	

5. On February 8, 2011, Petitioner's license to practice professional nursing was Revoked by the Texas Board of Nursing. A copy of the February 8, 2011, Order of the Board and Formal Charges is attached and incorporated, by reference, as a part of this Order.

6. On or about February 11, 2016, Petitioner submitted a Petition for Reinstatement of License to practice professional nursing in the State of Texas.

7. Petitioner presented the following in support of her petition:

   7.1. Letter, dated March 25, 2016, from Tammy L. Stineff, New Beginnings at Lake Charles, Lake Charles, Louisiana, stating Petitioner was admitted to New Beginnings on April 24, 2015, for Inpatient treatment and has completed the inpatient detox and stabilization program. Petitioner was discharged on May 4, 2015.

   7.2. Letter, dated May 23, 2016, from Barbara H. McGill, MSN, RN, Director of RNP/Monitoring, Louisiana State Board of Nursing, Baton Rouge, Louisiana, stating Petitioner is currently compliant with her contract and all of her drug screens have been negative.

   7.3. Letter of support, dated May 27, 2016, from Kendall Williams, PhD, LPC-S, Lafayette, Louisiana, stating Petitioner's progress has been commendable, in fact exemplary in most areas of her life, which includes her struggles with alcohol. The changes have produced new directions in her life that are consistent with what is essential to long term recovery. Petitioner has learned that recovery is not only about coping skills, but preventative measures that head off the need for coping mechanisms. Her discoveries and new insight is profound enough that it will become transferrable in her dealings with others and the patients for whom she may be allowed to resume care of. In Dr. Williams' opinion, Petitioner has engaged her recovery better than anyone she has had the opportunity to work with. Petitioner has been seen by Dr. Williams for twenty-two (22) sessions and Dr. Williams is confident in Petitioner's success in her role as a nurse.

7.4. Letter of support, dated December 26, 2013, from Sharon Mayon, Director of Human Resources, Share Care USA, Lafayette, Louisiana, stating Petitioner has been employed with the company since August 18, 2013. She was hired as the Trainer and Quality Improvement Coordinator. Petitioner is the first person that meets potential workers and follows through with the interview and hiring process. Once hired, the Petitioner trains the employee and provides any continuing education they may need. Petitioner has become a great addition to the team at Share Care. She listens carefully and responds professionally and politely to any request made of her. Petitioner's personal goal to regain her RN licensure status is also in line with the company's goal of having a full time RN on staff. They are aware of Petitioner's recovery and are very supportive of her.

7.5. Documentation of thirteen (13) negative drug screens collected from December 11, 2015, through April 27, 2016.

7.6. Documentation of support group attendance dating from December 2015 through May 2016.

7.7. Documentation of the required continuing education contact hours.

8. The Executive Director considered evidence of Petitioner's past behavior in light of the character factors set out in 22 Tex. Admin. Code §213.27 and determined that Petitioner currently demonstrates the criteria required for good professional character and relicensure.

9. Licensure of Petitioner poses no direct threat to the health and safety of patients or the public provided Petitioner complies with the stipulations outlined in this Order.

10. The Executive Director's review of Petitioner's eligibility for relicensure has been made on the basis of Petitioner's disclosures.

CONCLUSIONS OF LAW

1. Pursuant to Texas Occupations Code, Sections 301.451-301.555, the Board has jurisdiction over this matter.

2. Pursuant to Section 301.467, Texas Occupations Code, the Board may refuse to issue or renew a license, and may set a reasonable period that must lapse before reapplication. Pursuant to 22 TEX. ADMIN. CODE §213.26, the Board may impose reasonable conditions that a Petitioner must satisfy before reissuance of an unrestricted license.

3. The Board may license an individual with prior behaviors inconsistent with the Board's character requirements if, upon evaluation of the factors in 22 Tex. Admin. Code §213.27, and pursuant to 22 Tex. Admin. Code §213.33, the Board is satisfied that the individual is able to consistently conform her conduct to the requirements of the Nursing Practice Act, the Board's Rules and Regulations, and generally accepted standards of nursing practice.

4. This Order is conditioned upon the accuracy and completeness of Petitioner's disclosures. Any subsequently discovered discrepancies will result in investigation and possible disciplinary action, up to revocation of Petitioner's license(s).

TERMS OF ORDER

I. REINSTATEMENT OF LICENSURE

IT IS THEREFORE AGREED and ORDERED, subject to ratification by the Texas Board of Nursing, that the petition of RENE MICHELLE FAZZIOfor reinstatement of license to practice nursing in the state of Texas be **GRANTED** and Registered Nurse License Number 724702 is hereby **REINSTATED** in accordance with the terms of this Order.

II. COMPLIANCE WITH LAW AND APPLICABILITY

While under the terms of this Order, PETITIONER agrees to obtain, read, and comply in all respects with the Nursing Practice Act, Texas Occupations Code, §§301.001 et seq., the Rules and Regulations Relating to Nurse Education, Licensure and Practice, 22 Tex. Admin. Code §§211.1 et seq., and this Order.

A. This Order SHALL be applicable to PETITIONER's nurse licensure compact privileges, if any, to practice nursing in the State of Texas.

B. PETITIONER may not work outside the State of Texas in another nurse licensure compact party state without first obtaining the written permission of the Texas Board of Nursing and the Board of Nursing in the nurse licensure compact party state where PETITIONER wishes to work.

III. REQUIREMENTS FOR REFRESHER COURSE, EXTENSIVE ORIENTATION, OR NURSING PROGRAM OF STUDY IN PROFESSIONAL REGISTERED NURSING

Prior to practicing as an registered nurse in the State of Texas, PETITIONER SHALL:

A. **Apply for a Six Month Temporary Permit to Complete Refresher Course, Extensive Orientation, or Nursing Program of Study in Professional Registered Nursing** for the limited purpose of completing a refresher course, extensive orientation, or nursing program of study in

professional registered nursing. The application for the Six Month Temporary Permit is available on the Board's website (www.bon.texas.gov) under Forms / Applications / Six Month Permits. PETITIONER SHALL NOT, in any way, attempt to use the temporary permit for any purpose other than completing the refresher course, extensive orientation, or nursing program of study in professional registered nursing.

B. **Successfully complete a Board approved refresher course, extensive orientation, or nursing program of study for professional registered nursing.** Petitioner MUST obtain Board approval of the nursing refresher course, extensive orientation, or nursing program, as applicable, prior to enrollment. In order for the course to be approved, the target audience shall include registered nurses and the course's content shall, at a minimum, include: 1) Review of NPA, Rules, Position Statements; 2) Determination of Individual Scope of Practice and role in patient safety; 3) Review of the nursing process to include assessment, planning, implementation, and evaluation; 4) Pharmacology review; 5) Medication administration; 6) Documentation, quality assurance, and legal implication for nursing practice; and, 7) Documentation of current CPR certification prior to beginning precepted clinical learning experience. The course must contain no less than a total of 80 hours of clinical practice providing direct patient care supervised by a qualified registered nurse instructor who meets or exceeds the Board's minimum criteria for eligibility as an instructor. Home study courses and video programs will not be approved.

C. **Upon completion of the refresher course, extensive orientation, or nursing program of study for professional registered nursing,** PETITIONER SHALL return the temporary permit to the Board's office and PETITIONER SHALL CAUSE the sponsoring institution to notify the Board, on a form provided by the Board, of Petitioner's successful completion of the refresher course, including the required 80 hours of supervised practice.

D. **Upon verification of successful completion of the conditions** as set out in Paragraphs A through C of this Section, PETITIONER SHALL submit a completed License Reactivation Form for Registered Nurses, which is available on the Board's website (*www.bon.texas.gov*) under Forms / Applications / Renewals / LVN - Reactivation form for a Registered Nurse. PETITIONER shall pay all re-registration fees and, subject to meeting all other requirements for licensure in Texas, shall be issued the applicable license to practice nursing in the State of Texas, which shall be subject to the terms of this Order.

IV. REMEDIAL EDUCATION COURSE(S)

In addition to any continuing education requirements the Board may require for licensure renewal, PETITIONER SHALL successfully complete the following remedial education course(s) **within one (1) year of relicensure, unless otherwise specifically indicated:**

A. **A Board-approved course in Texas nursing jurisprudence and ethics** that shall be a minimum of six (6) hours in length. The course's content shall include the Nursing Practice Act, standards of practice, documentation of care, principles of nursing ethics, confidentiality, professional boundaries, and the Board's Disciplinary Sanction Policies regarding: Sexual Misconduct; Fraud, Theft and Deception; Nurses with Substance Abuse, Misuse, Substance Dependency, or other Substance Use Disorder; and Lying and Falsification. Courses focusing on malpractice issues will not be accepted. Home study courses and video programs will not be approved.

B. **The course "Sharpening Critical Thinking Skills,"** a 3.6 contact hour online program provided by the National Council of State Boards of Nursing (NCSBN) Learning Extension.

In order to receive credit for completion of this/these course(s), PETITIONER SHALL CAUSE the instructor to submit a Verification of Course Completion form or SHALL submit the continuing education certificate, as applicable, to the attention of Monitoring at the Board's office. PETITIONER SHALL first obtain Board approval of any course prior to enrollment if the course is not being offered by a pre-approved provider. *Information about Board-approved courses and Verification of Course Completion forms are available from the Board at www.bon.texas.gov/compliance.*

V. MONITORING FEE

PETITIONER SHALL **pay a monitoring fee in the amount of five hundred dollars ($500.00) within forty-five (45) days of relicensure.** Payment is to be made directly to the Texas Board of Nursing in the form of cashier's check or U.S. money order. Partial payments will not be accepted.

VI. EMPLOYMENT REQUIREMENTS

In order to complete the terms of this Order, PETITIONER must work as a nurse, providing direct patient care in a clinical healthcare setting, for a minimum of sixty-four (64) hours

per month for twelve (12) quarterly periods [three (3) years] of employment. This requirement will not be satisfied until twelve (12) quarterly periods of employment as a nurse have elapsed. Any quarterly period without continuous employment with the same employer for all three (3) months will not count towards completion of this requirement. Periods of unemployment or of employment that do not require the use of a registered nurse (RN) or a professional nurse (LVN) license, as appropriate, will not apply to this period and will not count towards completion of this requirement.

A. **Notifying Present and Future Employers:** PETITIONER SHALL notify each present employer in nursing and present each with a complete copy of this of this Order, including all attachments, if any, within five (5) days of receipt of this Order. While under the terms of this Order, PETITIONER SHALL notify all future employers in nursing and present each with a complete copy of this of this Order, including all attachments, if any, prior to accepting an offer of employment.

B. **Notification of Employment Forms:** PETITIONER SHALL CAUSE each present employer in nursing to submit the Board's "Notification of Employment" form to the Board's office within ten (10) days of receipt of this Order. PETITIONER SHALL CAUSE each future employer to submit the Board's "Notification of Employment form" to the Board's office within five (5) days of employment as a nurse.

C. **Direct Supervision:** For the first year [four (4) quarters] of employment as a Nurse under this Order, PETITIONER SHALL be directly supervised by a Registered Nurse, if licensed as a Registered Nurse, or by a Licensed Professional Nurse or a Registered Nurse, if licensed as a Licensed Professional Nurse. Direct supervision requires another nurse, as applicable, to be working on the same unit as PETITIONER and immediately available to provide assistance and intervention. PETITIONER SHALL work only on regularly assigned, identified and predetermined unit(s). PETITIONER SHALL NOT be employed by a nurse registry, temporary nurse employment agency, hospice, or home health agency. PETITIONER SHALL NOT be self-employed or contract for services. Multiple employers are prohibited.

D. **No Night or Rotating Shifts, Overtime, or On-Call:** For the first year [four (4) quarters] of employment as a Nurse under this Order, PETITIONER SHALL NOT practice as a nurse on the night shift, rotate shifts, work overtime, accept on-call assignments, or be used for coverage on any unit other than the identified, predetermined unit(s) to which PETITIONER is regularly assigned.

E. **No Critical Care:** For the first year [four (4) quarters] of employment as a Nurse under this Order, PETITIONER SHALL NOT practice as a nurse in any critical care area. Critical care areas include, but are not limited to, intensive care units, emergency rooms, operating rooms, telemetry units, recovery rooms, and labor and delivery units.

F. **No Administration of Controlled Medications:** For the first year [four (4) quarters] of employment as a Nurse under this Order, PETITIONER SHALL NOT administer or have any contact with controlled substances, Nubain, Stadol, Dalgan, Ultram, Propofol, or other synthetic opiates.

G. **Indirect Supervision:** For the remainder of the stipulation period, PETITIONER SHALL be supervised by a Registered Nurse, if licensed as a Registered Nurse, or by a Licensed Professional Nurse or a Registered Nurse, if licensed as a Licensed Professional Nurse, who is on the premises. The supervising nurse is not required to be on the same unit or ward as PETITIONER, but should be on the facility grounds and readily available to provide assistance and intervention if necessary. The supervising nurse shall have a minimum of two (2) years experience in the same or similar practice setting to which the PETITIONER is currently working. PETITIONER SHALL work only regularly assigned, identified and predetermined unit(s). PETITIONER SHALL NOT be employed by a nurse registry, temporary nurse employment agency, hospice, or home health agency. PETITIONER SHALL NOT be self-employed or contract for services. Multiple employers are prohibited.

H. **Nursing Performance Evaluations:** PETITIONER SHALL CAUSE each employer to submit, on forms provided to the PETITIONER by the Board, periodic reports as to PETITIONER'S capability to practice nursing. These reports shall be completed by the nurse who supervises the PETITIONER and these reports shall be submitted by the supervising nurse to the office of the Board at the end of each three (3) month quarterly period for twelve (12) quarters [three (3) years] of employment as a nurse.

VII. DRUG AND ALCOHOL RELATED REQUIREMENTS

A. While under the terms of this Order, PETITIONER SHALL **abstain from the use of alcohol, tramadol and all controlled substances,** except as prescribed by a licensed practitioner for a legitimate purpose. If prescribed, PETITIONER SHALL CAUSE the licensed practitioner to submit a written report identifying the medication, dosage and the date the medication was prescribed. The report shall be submitted directly to the office of the Board by the prescribing practitioner, within ten (10) days of the date of the prescription. In the event that prescriptions for controlled substances are required for periods of two (2) weeks or longer, the Board may require and

PETITIONER SHALL submit to a pain management and/or chemical dependency evaluation by a Board approved evaluator. The performing evaluator must submit a written report meeting the Board's requirements to the Board's office within thirty (30) days from the Board's request.

B. While working as a nurse under the terms of this Order, PETITIONER SHALL **submit to random periodic screens for alcohol, tramadol, and controlled substances.** The Board will provide instructions on how to enroll in the Board's drug and alcohol testing program following the entry of this Order and screening will begin when PETITIONER obtains employment and submits the Notification of Employment form to the Board.

- For the first three (3) month [1st quarter] period PETITIONER works as a nurse under the terms of this Order, random screens shall be performed at least once per week.
- For the next three (3) month [2nd quarter] period, random screens shall be performed at least twice per month.
- For the next six (6) month period [3rd & 4th quarters], random screens shall be performed at least once per month.
- For the remainder of the stipulation period, random screens shall be performed at least once every three (3) month quarterly period.

All random screens SHALL BE conducted through urinalysis. Screens obtained through urinalysis are the sole method accepted by the Board. Any test result for a period of time in which the PETITIONER is not working as a nurse under the terms of this Order will not count towards satisfaction of this requirement. All screens shall be properly monitored and produced in accordance with the Board's policy on Random Drug Testing. A complete chain of custody shall be maintained for each specimen obtained and analyzed. PETITIONER SHALL be responsible for the costs of all random drug screening during the stipulation period.

Specimens shall be screened for at least the following substances and their metabolites:

Amphetamines	Meperidine
Barbiturates	Methadone
Benzodiazepines	Methaqualone
Cannabinoids	Opiates
Cocaine	Phencyclidine
Ethanol	Propoxyphene
tramadol hydrochloride (Ultram)	

A Board representative may appear at the PETITIONER'S place of employment at any time during the probation period and require PETITIONER to produce a specimen for screening.

Consequences of Positive or Missed Screens: Any positive result for which PETITIONER does not have a valid prescription or refusal to submit to a drug or alcohol screen may subject PETITIONER to further disciplinary action, including TEMPORARY SUSPENSION pursuant to Section 301.4551, Texas Occupations Code, or REVOCATION of PETITIONER's license(s) and nurse licensure compact privileges, if any, to practice nursing in the State of Texas. Further, failure to report for a drug screen, excessive dilute specimens, or failure to call in for a drug screen may be considered the same as a positive result or refusal to submit to a drug or alcohol screen.

C. While under the terms of this Order, PETITIONER SHALL **attend at least two (2) support group meetings each week,** one of which must be for substance abuse and provided by Alcoholics Anonymous, Narcotics Anonymous, or another comparable recovery program that has been pre-approved by the Board. PETITIONER SHALL provide acceptable evidence of attendance. Acceptable evidence shall consist of a written record of at least: the date of each meeting; the name of each group attended; and the signature and printed name of the chairperson of each group attended by PETITIONER. PETITIONER SHALL submit the required evidence on the forms provided by the Board at the end of every three (3) month quarterly period. No duplications, copies, third party signatures, or any other substitutions will be accepted as evidence.

VIII. THERAPY

While working as a nurse under the terms of this Order, RESPONDENT SHALL **participate in therapy with a professional counselor approved by the Board.** RESPONDENT SHALL CAUSE the therapist to submit written reports, on forms provided by the Board, as to the RESPONDENT'S progress in therapy, rehabilitation and capability to safely practice nursing. The report must indicate whether or not the RESPONDENT'S stability is sufficient to provide direct patient care safely. For the first three (3) month quarterly period RESPONDENT works as a nurse under the terms of this Order, reports are to be submitted to the Board each and every month. If therapy is recommended by the counselor for an additional period of time, the reports shall then be submitted to the Board at the end of each three (3) month quarterly period in which the RESPONDENT is working as a nurse under the terms of this Order, for the remainder of the term of the Order, or until RESPONDENT is dismissed from therapy, whichever is earlier.

IX. RESTORATION OF UNENCUMBERED LICENSE(S)

Upon full compliance with the terms of this Order, all encumbrances will be removed from PETITIONER'S license(s) to practice nursing in the State of Texas and PETITIONER may be eligible for nurse licensure compact privileges, if any.

PETITIONER'S CERTIFICATION

I understand that I have the right to legal counsel prior to signing this Reinstatement Agreed Order. I certify that my past behavior, except as disclosed in my Petition for Reinstatement of Licensure, has been in conformity with the Board's professional character rule. I have provided the Board with complete and accurate documentation of my past behavior in violation of the penal law of any jurisdiction which was disposed of through any procedure short of convictions, such as: conditional discharge, deferred adjudication or dismissal. I have no criminal prosecution pending in any jurisdiction.

I have reviewed this Order. By my signature on this Order, I agree to the Findings of Fact, Conclusions of Law, Order, and any conditions of said Order. I waive judicial review of this Order. I understand that this Order is subject to ratification by the Board. When this Order is ratified, the terms of this Order become effective, and a copy will be mailed to me. I agree to inform the Board of any other fact or event that could constitute a ground for denial of licensure prior to reinstating my license(s) to practice nursing in the state of Texas. I understand that if I fail to comply with all terms and conditions of this Order, my license(s) to practice nursing in the State of Texas will be revoked, as a consequence of my noncompliance.

Signed this 9th day of July, 2016.

RENE MICHELLE FAZZIO, Petitioner

Sworn to and subscribed before me this 9th day of July, 2016.

Document not prepared by notary. Parties herein agree to hold notary Harmless for any errors and omissio

SEAL

Notary Public in and for the State of Louisiana

BRITTANY GRECO
Notary Public ID #139028
State of Louisiana
My Commission is for Life

Approved as to form and substance.

Tony Bertolino, Attorney for Petitioner

Signed this 12th day of July, 2016

WHEREFORE, PREMISES CONSIDERED, the Texas Board of Nursing does hereby ratify and adopt the Reinstatement Agreed Order that was signed on the 9th day of July, 2016, by RENE MICHELLE FAZZIO, Registered Nurse License Number 724702, and said Order is final.

Effective this 9th day of August, 2016.

Katherine A. Thomas, MN, RN, FAAN
Executive Director on behalf
of said Board

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.

BOARD OF NURSING
TEXAS
STATE OF TEXAS

TEXAS BOARD OF NURSING

BY: _____

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

Attachment: Formal Charge filed .

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
Texas Board of Legal Specialization
State Bar No. 10838300
Jena Renee Koslan Abel, Assistant General Counsel
State Bar No. 24036103
Lance Robert Brenton, Assistant General Counsel
State Bar No. 24066924
Robert Kyle Hensley, Assistant General Counsel
State Bar No. 50511847
Nikki Hopkins, Assistant General Counsel
State Bar No. 24052269

John F. Legris, Assistant General Counsel
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

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

BOARD OF NURSING STATE OF TEXAS

BY: Katherine A. Thomas

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