



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.  
*Patricia A. Thomas*  
Executive Director of the Board

BEFORE THE TEXAS BOARD OF NURSING

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In the Matter of Advanced Practice Registered Nurse License Number AP119260 & Registered Nurse License Number 834256 issued to RANDY E. PRESLEY § AGREED § § ORDER §

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of RANDY E. PRESLEY, Advanced Practice Registered Nurse License Number AP119260 and Registered Nurse License Number 834256, hereinafter referred to as Respondent.

This action was taken in accordance with Section 301.453(c), Texas Occupations Code.

Respondent waived notice and hearing and agreed to the entry of this Order.

The Board makes the following Findings of Fact and Conclusions of Law.

FINDINGS OF FACT

- 1. Prior to the institution of Agency proceedings, notice of the matters specified below in these Findings of Fact was served on Respondent and Respondent was given an opportunity to show compliance with all requirements of the law for retention of the license(s).
- 2. Respondent waived notice and hearing and agreed to the entry of this Order.
- 3. Respondent's license to practice as a professional nurse in the State of Texas is in current status. Respondent's license to practice as an advanced practice registered nurse in the State of Texas is in current status.
- 4. Respondent received a/an Baccalaureate Degree from Vanderbilt University, Nashville Tennessee in 1996, and received a Masters Degree in Nursing from Vanderbilt University on August 8, 1997. Respondent was licensed to practice professional nursing in the State of Texas on March 22, 2013, and was licensed to practice advanced practice registered nursing in the role of Family Nurse Practitioner with prescription authorization in the State of Texas on August 12, 2010.

5. Respondent's nursing employment history includes:

9/97-9/99	Nurse Practitioner	Correctional Medical Services Little Rock, Arkansas
4/99-6/00	Nurse Practitioner	Prison Health Services Nashville, Tennessee
4/00-4/03	Nurse Practitioner	Health Essentials Inc. Memphis, Tennessee
11/02-1/07	CEO/Nurse Practitioner	Healthy Choices of Tennessee Memphis, Tennessee
1/07-7/11	Nurse Practitioner	Correct Car Solutions Memphis, Tennessee
3/07-5/09	Nurse Practitioner	Monumental Developmental Corp Memphis, Tennessee
6/09-7/10	Nurse Practitioner	Inspiris of Tennessee Memphis, Tennessee
11/09-12/10	Owner/Nurse Practitioner	Primary Healthcare Management LLC Memphis, Tennessee
8/11-11/12	Nurse Practitioner	TLC Preventive & General Med Clinic Houston, Texas
11/12-2015	Ownder/Nurse Practitioner	Med Plus Health & Rehab Clinic Houston, Texas
Present	Unknown	

7. At the time of the initial incident, Respondent was employed as a Nurse Practitioner with Med Pul Health & Rehab Clinic, Houston, Texas, and had been in that position for approximately one (1) month.

8. On or about December 2012, through March 2014, Respondent, while employed as a Family Nurse Practitioner, and the owner of Med Plus Healthcare & Rehab, Houston, Texas, Respondent's practice fell below the minimum standards of nursing practice in that he engaged in non-therapeutic prescribing practices. Respondent prescribed controlled substances to patients without conducting appropriate assessments to justify the

Respondent's prescribing practices. Respondent continually prescribed controlled substances without regard to therapeutic benefit. Respondent failed to exhaust low-risk, evidence-based treatments before resorting to high-risk, non-evidence based treatments. This type of prescribing falls below the standard of care in that the combination of Central Nervous System (CNS) depressants in such unsupported quantities has more risks than therapeutic benefit. Respondent's practice of prescribing controlled substances falls below the standard of care in that such quantities and combinations of controlled substances creates an unacceptable risk to patients and the public, which outweighs any therapeutic benefit.

Additionally, on or about February 1, 2011, through February 1, 2012, Respondent issued two thousand one hundred ninety-three (2,193) prescriptions for controlled substances. On or about January 1, 2013, through February 20, 2015, Respondent issued five thousand six hundred eighty (5,680) prescriptions for controlled substances.

Further, Respondent failed to adequately collaborate with a delegating/collaborating physician and/or failed to accurately/completely document such collaboration in the patients' medical records, as required by law.

Further, Respondent failed to appropriately monitor patients for abusive and/or drug seeking behavior.

Further, Respondent failed to completely, and/or accurately, document in the patient's medical records, including documentation of a complete and appropriate assessment/evaluation of the patient(s), sufficient, individualized treatment plans, informed consent, agreements for treatment of chronic pain, periodic review of treatment, consultation and referral, and medical justification for the prescribing of dangerous controlled substances.

Further, Respondent's conduct was outside his authorized scope of practice in that Respondent does not have sufficient formalized education and/or training in pain management to prescribe dangerous controlled substances, or "medication cocktails," which are known to be abusable and carry a serious risk of lethal accidental overdose.

Further, Respondent failed to practice in accordance with state and federal laws and regulations in that he prescribed narcotics for patients from a location not licensed by the Texas Medical Board, as required.

Respondent's conduct, as outlined above, affected the following patients: BN, BP, CJ, DW, CR, DR, DW, JA, JC, JR, LC, ML, MT, NR, SC, and NT.

9. On or about November 2012, through January 2015, while employed as a Family Nurse Practitioner and owner of Med Plus Healthcare & Rehab, Houston, Texas Respondent violated state laws, rules, and regulations. Specifically, Respondent owned and operated a pain clinic. Additionally, Respondent issued prescriptions from a location not registered with the Texas Medical Board.

10. On or about June 20, 2016, Respondent entered a plea of Guilty, to PRACTICE MEDICINE IN VIOLATION OF SUBTITLE, a 3rd Degree Felony offense, committed on January 31, 2014, in the 184th District Court, Harris County, Texas, under Cause No. 146208701010. As a result of the plea, the proceedings against Respondent were deferred, without entering an adjudication of guilt, and Respondent was placed on Community Supervising for a period of five (5) years, and ordered to pay a fine in the amount of five hundred dollars (\$500).
11. Formal Charges were filed on March 26, 2016.
12. Formal Charges were mailed to Respondent on March 26, 2015.
13. First Amended Formal Charges were filed on February 18, 2016.
14. First Amended Formal Charges were mailed to Respondent on February 18, 2016.
15. Second Amended Formal Charges were filed on September 22, 2016.
16. Second Amended Formal Charges were mailed to Respondent on September 22, 2016.
17. Respondent, by his signature to this Order, expresses his desire to voluntarily surrender his license(s) to practice nursing in the State of Texas.

#### CONCLUSIONS OF LAW

1. Pursuant to Texas Occupations Code, Sections 301.451-301.555 , the Board has jurisdiction over this matter.
2. Notice was served in accordance with law.
3. The evidence received is sufficient to prove violation(s) of 22 TEX. ADMIN. CODE 217.11(1)(A), (1)(B),(1)(C),(1)(D), (4)(A)&(4)(B), 22 TEX. ADMIN. CODE §217.12(1)(A),(1)(B),(1)(C), (4),(11)(B)&(13), 22 TEX. ADMIN. CODE Chapters 221, 222, and 228.1(i)(5), as well as Sections 168.101(a) and 168.102(a)&(b) of the Texas Occupations Code and Federal laws regarding the prescribing of controlled substances.
4. The evidence received is sufficient cause pursuant to Section 301.452(b)(3),(10), & (13), and Sections 168.202 and 301.452(b)(1) of the Texas Occupations Code, to take disciplinary action against Advanced Practice Registered Nurse License Number AP119260 and Registered Nurse License Number 834256, heretofore issued to RANDY E. PRESLEY, including revocation of Respondent's license(s) to practice nursing in the State of Texas.
5. Pursuant to Section 301.463(d), Texas Occupations Code, this Agreed Order is a settlement agreement under Rule 408, Texas Rules of Evidence, in civil or criminal litigation.

6. Under Section 301.453(c), Texas Occupations Code, the Board has the authority to accept the voluntary surrender of a license.
7. Under Section 301.453(d), Texas Occupations Code, as amended, the Board may impose conditions for reinstatement of licensure.
8. Any subsequent reinstatement of this license will be controlled by Section 301.453(d), Texas Occupations Code, and 22 TEX. ADMIN. CODE §213.26-.29, and any amendments thereof in effect at the time of the reinstatement.

### **TERMS OF ORDER**

NOW, THEREFORE, IT IS AGREED and ORDERED that the **VOLUNTARY SURRENDER** of Advanced Practice Registered Nurse License Number AP119260 and Registered Nurse License Number 834256, heretofore issued to RANDY E. PRESLEY, to practice nursing in the State of Texas, is accepted by the Texas Board of Nursing. In connection with this acceptance, the Board imposes the following conditions:

1. RESPONDENT SHALL NOT practice advanced practice registered nursing, use the title "advanced practice registered nurse" or the abbreviation "APRN" or wear any insignia identifying himself as an advanced practice registered nurse or use any designation which, directly or indirectly, would lead any person to believe that RESPONDENT is an advanced practice registered nurse during the period in which the license is surrendered.
2. RESPONDENT SHALL NOT practice professional/registered nursing, use the title "registered nurse" or the abbreviation "RN" or wear any insignia identifying himself as a registered nurse or use any designation which, directly or indirectly, would lead any person to believe that RESPONDENT is a registered nurse during the period in which the license is surrendered.
3. RESPONDENT SHALL NOT petition for reinstatement of licensure until at least one (1) year has elapsed from the date of this Order.
4. Upon petitioning for reinstatement, RESPONDENT SHALL satisfy all then existing requirements for relicensure.

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

RESPONDENT'S CERTIFICATION

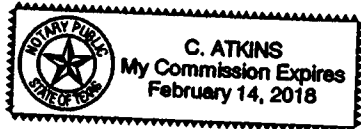
I understand that I have the right to legal counsel prior to signing this Agreed Order. I have reviewed this Order. I neither admit nor deny the violation(s) alleged herein. By my signature on this Order, I agree to the entry of this Order, and any conditions of said Order, to avoid further disciplinary action in this matter. I waive judicial review of this Order. I understand that this Order becomes final when accepted by the Executive Director at which time the terms of this Order become effective and a copy will be mailed to me.

Signed this 24 day of October, 2016.

Randy E. Presley  
RANDY E. PRESLEY, Respondent

Sworn to and subscribed before me this 24<sup>th</sup> day of October, 2016.

SEAL



C. Atkins

Notary Public in and for the State of Texas

Approved as to form and substance.

Don E. Lewis  
DON E. LEWIS, Attorney for Respondent

Signed this 24 day of October, 2016.

WHEREFORE, PREMISES CONSIDERED, the Executive Director, on behalf of the Texas Board of Nursing, does hereby accept the voluntary surrender of Advanced Practice Registered Nurse License Number AP119260 and Registered Nurse License Number 834256, previously issued to RANDY E PRESLEY.

Effective this 24th day of October, 2016.



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