



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.  
*Stephanie P. Thomas*  
Executive Director of the Board

**In the Matter of  
Permanent Vocational Nurse  
License Number 352218  
Issued to CORY ALAN BENGEL,  
Respondent**

**§ BEFORE THE TEXAS  
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§  
§ BOARD OF NURSING**

**ORDER OF TEMPORARY SUSPENSION**

TO: Cory Bengel  
P.O. Box 1  
Caldwell, TX 77836

A public meeting of the Texas Board of Nursing was held on June 2, 2022 at 333 Guadalupe, Room 3-460, Austin, Texas, in which the Temporary Suspension of Permanent Vocational Nurse License Number 352218, issued to CORY ALAN BENGEL was considered pursuant to Section 301.4551, TEXAS OCCUPATIONS CODE. Staff of the Texas Board of Nursing presented evidence and information concerning the conduct of CORY ALAN BENGEL and whether his continued practice as a nurse would constitute a continuing and imminent threat to the public welfare.

After review and due consideration of the evidence and information presented, the Board finds that the following charges are substantiated:

**CHARGE I.**

On or about April 23, 2021, Respondent became noncompliant with the Agreed Order for Peer Assistance Program issued to him by the Texas Board of Nursing on September 16, 2020. Noncompliance is the result of his failure to comply with all the requirements of the Texas Peer Assistance Program for Nurses (TPAPN) participation agreement, in that he failed to obtain job approval prior to accepting employment with Hudson Creek Alzheimer's Special Care Center, Bryan, Texas. Section I, Stipulation E of the Agreed Order for Peer Assistance Program dated September 16, 2020, which states, in pertinent part:

"(E) RESPONDENT SHALL comply with all requirements of the TPAPN participation agreement during its term..."

On or about June 23, 2021, Respondent was dismissed from TPAPN and referred back to the Board.

A copy of the Findings of Fact, Conclusions of Law, and Order for Peer Assistance Program dated September 16, 2020, 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)(1)&(10), Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §217.12(9)&(11)(B).

#### **CHARGE II.**

On or about May 22, 2021, while employed as a Licensed Vocational Nurse (LVN) with Hudson Creek Alzheimer's Special Care Center, Bryan, Texas, Respondent left his nursing assignment/shift without notifying management and/or reporting off to another nurse. Respondent's conduct exposed the patients unnecessarily to risk of harm in that leaving the nursing assignment could have resulted in the patients not getting the care needed.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(10)&(13), Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §217.11(1)(A),(1)(B)&(1)(I), and 22 TEX. ADMIN. CODE §217.12(1)(A),(1)(B),(4),(6)(C)&(12).

#### **CHARGE III.**

On or about May 22, 2021, while employed as a Licensed Vocational Nurse (LVN) with Hudson Creek Alzheimer's Special Care Center, Bryan, Texas, Respondent misappropriated two (2) sets of keys belonging to the facility. Respondent's conduct exposed the patients to risk of harm or injury.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(10)&(13), Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §217.11(1)(A)&(1)(B), and 22 TEX. ADMIN. CODE §217.12(1)(A),(1)(B),(4)&(6)(G).

#### **CHARGE IV.**

On or about May 22, 2021, while employed as a Licensed Vocational Nurse (LVN) with Hudson Creek Alzheimer's Special Care Center, Bryan, Texas, Respondent failed to administer medications Multaq 400 mg PO BID to Resident RM per physician orders. Respondent failed to administer medications Seroquel 25 mg PO BID, Citalopram 10 mg PO BID, and Docusate 100 mg BID to Resident JS per physician orders. Respondent failed to administer Lisinopril 2.5 mg PO BID to Resident FR per physician orders. Respondent failed to administer Amlodipine 10 mg PO BID and Losartan 100 mg PO BID to Resident AM per physician orders. Respondent failed to administer medications ASA 325 mg PO BID, Amlodipine 10 mg PC BID, Hydralazine 25 mg PO BID, Pantoprazole 40 mg PO BID, Memantine 10 mg PO BID, Quietiapine 25 mg PO, and Metoprolol 25 mg PO BID to Resident EC per physician orders. Respondent's conduct was likely to injure the residents in that failure to administer medications as ordered by a physician could have resulted in non-efficacious treatment.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(10)&(13), Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §217.11(1)(A),(1)(B)&(1)(C), and 22 TEX. ADMIN. CODE §217.12(1)(A),(1)(B)&(4).

#### **CHARGE V.**

On or about February 25, 2021, March 8, 2021, March 15, 2021 and May 25, 2021, Respondent became noncompliant with the Agreed Order for Peer Assistance Program issued to him by the Texas Board of Nursing on September 16, 2020. Noncompliance is the result of his failure to comply with all requirements of the Texas Peer Assistance Program for Nurses (TPAPN) participation agreement, in that he failed to check into the program's drug testing administration system and missed four (4) drug screens. Section I, Stipulation E of the Agreed Order for Peer Assistance Program dated September 16, 2020, which states, in pertinent part:

“(E) RESPONDENT SHALL comply with all requirements of the TPAPN participation agreement during its term..”

On or about June 23, 2021, Respondent was dismissed from TPAPN and referred back to the Board.

A copy of the Findings of Fact, Conclusions of Law, and Order for Peer Assistance Program dated September 16, 2020, 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)(1)&(10), Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §217.12(9)&(11)(B).

The Texas Board of Nursing further finds that, given the nature of the charges concerning his fitness to practice, the continued practice of nursing by CORY ALAN BENGEL constitutes a continuing and imminent threat to public welfare and that the temporary suspension of Permanent Vocational Nurse License Number 352218, is justified pursuant to Section 301.4551, TEXAS OCCUPATIONS CODE.

NOW, THEREFORE, IT IS ORDERED that Permanent Vocational Nurse License Number 352218, issued to CORY ALAN BENGEL, to practice nursing in the State of Texas be, and the same is/are, hereby SUSPENDED IMMEDIATELY in accordance with Section 301.4551, TEXAS OCCUPATIONS CODE.

This Order SHALL be applicable to RESPONDENT'S nurse licensure compact privileges, if any, to practice nursing in the State of Texas. Further, RESPONDENT'S license(s)

will be designated "single state" as applicable and RESPONDENT may not work outside the State of Texas in another nurse licensure compact party state using a Texas compact license.

IT IS FURTHER ORDERED that a probable cause hearing be conducted in accordance with Section 301.455(c) not later than seventeen (17) days following the date of the entry of this order, and a final hearing on the matter be conducted in accordance with 301.455(d) not later than the 61<sup>st</sup> day following the date of the entry of this order.

Entered this 2 day of June, 2022.

TEXAS BOARD OF NURSING

BY:

A handwritten signature in black ink, appearing to read "Katherine A. Thomas", written over a horizontal line.

KATHERINE A. THOMAS, MN, RN, FAAN  
EXECUTIVE DIRECTOR

D4551(2022.04.13)

**In the Matter of  
Permanent Vocational Nurse  
License Number 352218  
Issued to CORY ALAN BENGEL,  
Respondent**

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§** BEFORE THE TEXAS  
**BOARD OF NURSING**

### **FORMAL CHARGES**

This is a disciplinary proceeding under Section 301.452(b), Texas Occupations Code. Respondent, CORY ALAN BENGEL, is a Vocational Nurse holding license number 352218, 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 23, 2021, Respondent became noncompliant with the Agreed Order for Peer Assistance Program issued to him by the Texas Board of Nursing on September 16, 2020. Noncompliance is the result of his failure to comply with all the requirements of the Texas Peer Assistance Program for Nurses (TPAPN) participation agreement, in that he failed to obtain job approval prior to accepting employment with Hudson Creek Alzheimer's Special Care Center, Bryan, Texas. Section I, Stipulation E of the Agreed Order for Peer Assistance Program dated September 16, 2020, which states, in pertinent part:

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The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(10)&(13), Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §217.11(1)(A)&(1)(B), and 22 TEX. ADMIN. CODE §217.12(1)(A),(1)(B),(4)&(6)(G).

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The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(10)&(13), Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §217.11(1)(A),(1)(B)&(1)(C), and 22 TEX. ADMIN. CODE §217.12(1)(A),(1)(B)&(4).

### **CHARGE V.**

On or about February 25, 2021, March 8, 2021, March 15, 2021 and May 25, 2021, Respondent became noncompliant with the Agreed Order for Peer Assistance Program issued to him by the Texas Board of Nursing on September 16, 2020. Noncompliance is the result of his failure to comply with all requirements of the Texas Peer Assistance Program for Nurses (TPAPN) participation agreement, in that he failed to check into the program's drug testing administration system and missed four (4) drug screens. Section I, Stipulation E of the Agreed Order for Peer Assistance Program dated September 16, 2020, which states, in pertinent part:

“(E) RESPONDENT SHALL comply with all requirements of the TPAPN participation agreement during its term..”

On or about June 23, 2021, Respondent was dismissed from TPAPN and referred back to the Board.

A copy of the Findings of Fact, Conclusions of Law, and Order for Peer Assistance Program dated September 16, 2020, 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)(1)&(10), Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §217.12(9)&(11)(B).

NOTICE IS GIVEN that staff will present evidence in support of the recommended disposition of up to, and including, revocation of Respondent's license(s) and/or privilege(s) to practice nursing in the State of Texas pursuant to the Nursing Practice Act, Chapter 301, Texas Occupations Code and the Board's rules, 22 TEX. ADMIN. CODE §§ 213.27 - 213.33.

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.texas.gov](http://www.bon.texas.gov).

NOTICE IS GIVEN that, based on the Formal Charges, the Board will rely on adopted policies related to Behavior Involving Lying and Falsification, and on adopted policies related to Behavior Involving Fraud, Theft, and Deception, which can be found under the "Discipline & Complaints; Board Policies & Guidelines" section of the Board's website, [www.bon.texas.gov](http://www.bon.texas.gov).

NOTICE IS GIVEN that, based on the Formal Charges, the Board will rely on the Disciplinary Matrix, located at 22 TEX. ADMIN. CODE §213.33(b), which can be found under the "Discipline & Complaints; Board Policies & Guidelines" section of the Board's website, [www.bon.texas.gov](http://www.bon.texas.gov).

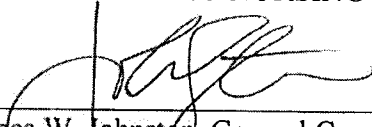
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NOTICE IS ALSO GIVEN that Respondent's past disciplinary history, as set out below and described in the Order(s) which is/are attached and incorporated by reference as part of these charges, will be offered in support of the disposition recommended by staff: Order(s) of the Board dated December 1, 2017, December 16, 2019, and September 16, 2020.

Filed this 2 day of June, 2022.

TEXAS BOARD OF NURSING



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James W. Johnston, General Counsel  
Board Certified - Administrative Law  
Texas Board of Legal Specialization  
State Bar No. 10838300

Jena Abel, Deputy General Counsel  
Board Certified - Administrative Law  
Texas Board of Legal Specialization  
State Bar No. 24036103

Brian L. Miller, Jr., Assistant General Counsel  
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333 Guadalupe, Tower III, Suite 460  
Austin, Texas 78701  
P: (512) 305-8657  
F: (512) 305-8101 or (512) 305-7401

Attachment(s): Order(s) of the Board dated December 1, 2017 and September 16, 2020.

D(2022.04.13)





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

BEFORE THE TEXAS BOARD OF NURSING

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In the Matter of  
Vocational Nurse License Number 352218  
issued to CORY ALAN BENGEL

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AGREED ORDER

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of CORY ALAN BENGEL, Vocational Nurse License Number 352218, hereinafter referred to as Respondent.

Information received by the Board produced evidence that Respondent may be subject to discipline pursuant to Section 301.452(b)(1)&(10), Texas Occupations Code.

Respondent waived notice and hearing and agreed to the entry of this Agreed Order approved by Katherine A. Thomas, MN, RN, FAAN, Executive Director, on August 10, 2020.

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 Agreed Order.
3. Respondent's license to practice as a vocational nurse in the State of Texas is in current status.
4. Respondent received a Certificate in Vocational Nursing from Galen College of Nursing, San Antonio, Texas, on March 26, 2019. Respondent was licensed to practice vocational nursing in the State of Texas on January 29, 2020.
5. Respondent's complete vocational nursing employment history is unknown.
6. On or about December 1, 2017, Respondent was required to successfully complete the Texas Peer Assistance Program for Nurses (TPAPN) through a Confidential Eligibility

Agreed Order of the Board. A copy of the December 1, 2017, Order is attached and incorporated herein by reference as part of this Agreed Order.

7. On or about December 16, 2019, Respondent was issued an Eligibility Agreed Order through an Order of the Board. A copy of the December 16, 2019, Order is attached and incorporated herein by reference as part of this Agreed Order.
8. On or about April 29, 2020, Respondent became noncompliant with the Confidential Eligibility Agreed Order for the Texas Peer Assistance Program for Nurses (TPAPN) issued to him by the Texas Board of Nursing on December 1, 2017. Noncompliance is the result of his failure to comply with all requirements of the Texas Peer Assistance Program for Nurses (TPAPN) participation agreement, in that he failed to return the items necessary to initiate participation in the Texas Peer Assistance Program for Nurses (TPAPN) within the required time frame. Section III, Stipulations A, B, and D of the Confidential Eligibility Agreed Order for the Texas Peer Assistance Program for Nurses (TPAPN) dated December 1, 2017, state:

"(A) Within forty-five (45) days of licensure, PETITIONER SHALL apply to TPAPN";

"(B) Within ninety (90) days of licensure, PETITIONER SHALL sign and execute the TPAPN participation agreement and complete the enrollment process, which SHALL include payment of a non-refundable participation fee payable to TPAPN in the amount of five hundred dollars (\$500.00);

"(D) RESPONDENT SHALL comply with all requirements of the TPAPN participation agreement during its term..."

9. In response to Finding of Fact Number Eight (8), Respondent states on May 23, 2020, he decided to enroll in a six-month discipleship home in Abilene, Texas. Respondent states the home is an inpatient program that helps men struggling with life-controlling issues. Respondent states he chose to come on his own will and wanted to build a good foundation for his life.
10. Formal Charges were filed on June 29, 2020.
11. Respondent's compliance with the terms of a Board approved peer assistance program should be sufficient to protect patients and the public.

#### 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 §217.12(9)&(11)(B).
4. The evidence received is sufficient cause pursuant to Section 301.452(b)(1)&(10), Texas Occupations Code, to take disciplinary action against Vocational Nurse License Number 352218, heretofore issued to CORY ALAN BENGEL.
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. The Board may, in its discretion, order a nurse to participate in a peer assistance program approved by the Board if the nurse would otherwise have been eligible for referral to peer assistance pursuant to Section 301.410, Texas Occupations Code.

### **TERMS OF ORDER**

#### **I. SANCTION AND APPLICABILITY**

IT IS THEREFORE AGREED and ORDERED that Vocational Nurse License Number 352218, previously issued to CORY ALAN BENGEL, to practice nursing in the State of Texas is/are hereby **SUSPENDED** and said suspension is **ENFORCED** until RESPONDENT:

- A. **Applies to, is accepted into, and completes enrollment in the Texas Peer Assistance Program for Nurses (TPAPN), including payment of a non-refundable participation fee to TPAPN in the amount of five hundred dollars (\$500.00), if licensed as a registered nurse, or in the amount of three hundred fifty dollars (\$350.00), if licensed as a vocational nurse;**
- B. **Is cleared to safely practice as a nurse** based on a fitness evaluation, as may be required by TPAPN; and
- C. **Waives confidentiality and provides a copy of the fully executed TPAPN participation agreement to the Board.**

IT IS FURTHER AGREED, upon verification of successful completion of the above requirements, the Suspension will be **STAYED**, and RESPONDENT will be placed

on **PROBATION** for such time as is required for RESPONDENT to successfully complete the TPAPN **AND** until RESPONDENT fulfills the additional requirements of this Order.

- D. RESPONDENT SHALL pay all re-registration fees, if applicable, and RESPONDENT'S licensure status in the State of Texas will be updated to reflect the applicable conditions outlined herein.
- E. RESPONDENT SHALL comply with all requirements of the TPAPN participation agreement during its term and SHALL keep all applicable licenses to practice nursing in the State of Texas in current status.
- F. RESPONDENT SHALL CAUSE the TPAPN to notify the Texas Board of Nursing of any violation of the TPAPN participation agreement.
- G. This Order SHALL apply to any and all future licenses issued to RESPONDENT to practice nursing in the State of Texas.
- H. This Order SHALL be applicable to RESPONDENT'S nurse licensure compact privileges, if any, to practice nursing in the State of Texas.
- I. As a result of this Order, RESPONDENT'S license(s) will be designated "single state" as applicable and RESPONDENT may not work outside the State of Texas in another nurse licensure compact party state using a Texas compact license.

## **II. COMPLIANCE WITH LAW**

While under the terms of this Order, RESPONDENT agrees to comply in all respects with the Nursing Practice Act, Texas Occupations Code, §§301.001 *et seq.*, the Rules and Regulations Relating to Nursing Education, Licensure and Practice, 22 TEX. ADMIN. CODE §§211.1 *et seq.*, and this Agreed Order.

## **III. SUPERSEDING ORDER**

IT IS FURTHER AGREED and ORDERED that the sanction and conditions of this Agreed Order SHALL supersede all previous stipulations required by any Order entered by the Texas Board of Nursing.

**IV. REMEDIAL EDUCATION COURSE(S)**

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

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 and video programs will not be approved.

In order to receive credit for completion of this/these course(s), RESPONDENT 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. RESPONDENT 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](http://www.bon.texas.gov/compliance).*

**V. EFFECT OF NONCOMPLIANCE**

SHOULD RESPONDENT fail to comply with this Order or the terms of the participation agreement with the TPAPN, such noncompliance will result in further disciplinary action including TEMPORARY SUSPENSION pursuant to Section 301.4551, Texas Occupations Code, or REVOCATION of RESPONDENT'S license(s) and nurse licensure compact privileges, if any, to practice nursing in the State of Texas.

**VI. RESTORATION OF UNENCUMBERED LICENSE(S)**

Upon full compliance with the terms of this Agreed Order, all encumbrances will be removed from RESPONDENT'S license(s) and/or privilege(s) to practice nursing in the

State of Texas and, subject to meeting all existing eligibility requirements in Texas Occupations Code Chapter 304, Article III, RESPONDENT may be eligible for nurse licensure compact privileges, if any.

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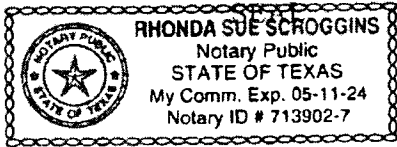
**RESPONDENT'S CERTIFICATION**

I understand that I have the right to legal counsel prior to signing this Order. I waive representation by counsel. I have reviewed this Order. I neither admit nor deny the violation(s) alleged herein. I do acknowledge possessing a diagnosis that deems me eligible to participate in the Texas Peer Assistance Program for Nurses. By my signature on this Order, I agree to the entry of this Order and all conditions of said Order to obtain disposition of the allegations through peer assistance and to avoid further disciplinary action in this matter. I waive judicial review of this Order. I understand that this Order becomes effective upon acceptance by the Executive Director on behalf of the Texas Board of Nursing and a copy will be mailed to me. I understand that if I fail to comply with all terms and conditions of this Order, I will be subject to investigation and disciplinary sanction, including TEMPORARY SUSPENSION pursuant to Section 301.4551, Texas Occupations Code, and/or possible revocation of my license(s) and/or privileges to practice nursing in the State of Texas, as a consequence of my noncompliance.

Signed this 14<sup>th</sup> day of September, 2020.

Cory Alan Bengel  
CORY ALAN BENGEL, RESPONDENT

Sworn to and subscribed before me this 14<sup>th</sup> day of Sept., 2020.



Rhonda Sue Scroggins  
Notary Public in and for the State of Texas

WHEREFORE, PREMISES CONSIDERED, the Executive Director, on behalf of the Texas Board of Nursing does hereby ratify and adopt the Agreed Order that was signed on the 14<sup>th</sup> day of September, 2020, by CORY ALAN BENGEL, Vocational Nurse License Number 352218, and said Agreed Order is final.

Effective this 16<sup>th</sup> day of September, 2020.



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



BEFORE THE TEXAS BOARD OF NURSING

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In the Matter of	§	CONFIDENTIAL ELIGIBILITY
CORY ALAN BENGEL,	§	AGREED ORDER FOR
PETITIONER for Eligibility for Licensure	§	PEER ASSISTANCE PROGRAM

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the Petition for Declaratory Order, hereinafter referred to as the Petition, and supporting documents filed by CORY ALAN BENGEL, hereinafter referred to as PETITIONER, together with any documents and information gathered by staff and Petitioner's Certification contained herein.

Information received by the Board produced evidence that PETITIONER may be ineligible for licensure pursuant to Sections 301.452(b)(12) and 301.453, Texas Occupations Code.

PETITIONER waived notice and hearing, and agreed to the entry of this Order approved by Katherine A. Thomas, MN, RN, FAAN, Executive Director, on September 28, 2017.

FINDINGS OF FACT

1. On or about July 12, 2017, Petitioner submitted the Petition requesting a determination of eligibility for licensure.
2. Petitioner was not enrolled in a Professional Nursing Program at the time of this petition.
3. Petitioner completed the Petition and answered "Yes" to the question which reads as follows:  
*"For any criminal offense, including those pending appeal, have you:*
  - A. *been convicted of a misdemeanor?*
  - B. *been convicted of a felony?*
  - C. *pled nolo contendere, no contest, or guilty?*
  - D. *received deferred adjudication?*
  - E. *been placed on community supervision or court-ordered probation, whether or not adjudicated guilty?*
  - F. *been sentenced to serve jail or prison time? court-ordered confinement?*
  - G. *been granted pre-trial diversion?*
  - H. *been arrested or have any pending criminal charges?*

- I. *been cited or charged with any violation of the law?*
  - J. *been subject of a court-martial; Article 15 violation; or received any form of military judgment/punishment/action?*
- (You may only exclude Class C misdemeanor traffic violations.)"*

4. Petitioner disclosed the following criminal history, to wit:
  - A. On or about October 21, 2013, Petitioner entered a plea of Guilty and was convicted of DRIVING WHILE INTOXICATED-FIRST, a Class B misdemeanor offense committed on December 29, 2009, in the County Court at Law No. 2, Brazos County, Texas, under Cause No. 10-01099-CRM-CCL1. As a result of the conviction, Petitioner was sentenced to confinement in the Brazos County Jail for a period of one hundred twenty (120) days, and was ordered to pay a fine and court costs.
  - B. On or about March 24, 2017, Petitioner entered a plea of Guilty and was convicted of DRIVING WHILE INTOXICATED, a misdemeanor offense committed on June 24, 2016, in the County Court No. 6, Bexar County, Texas, under Cause No. 520941. As a result of the conviction, Petitioner was sentenced to confinement in the Bexar County Jail for a period of six (6) months; however, imposition of the sentence of confinement was suspended, and Petitioner was placed on probation for a period of one (1) year, and was ordered to pay a fine and court costs.
5. There is no evidence of any subsequent criminal conduct.
6. Petitioner completed the Petition and answered "Yes" to the question which reads as follows: *"Within the past five (5) years have you been addicted to and/or treated for the use of alcohol or any other drug?"*
7. On or about June 28, 2017, Petitioner successfully completed the service plan at the Palmer Drug Abuse Program, San Antonio, Texas.
8. The safety of patients and the public requires that all persons licensed to practice nursing be fit, sober, and able to consistently practice nursing in autonomous roles under demanding and stressful conditions.
9. Petitioner has sworn that, with the exception of matters disclosed in connection with the Petition, his past behavior conforms to the Board's professional character requirements at 22 TEX. ADMIN. CODE §213.27.
10. 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.
11. The Executive Director considered evidence of Petitioner's past criminal conduct in light of the considerations and criteria provided in 22 TEX. ADMIN. CODE §§213.28 & 213.33, and, if applicable, Chapter 53, Section 53.001 *et seq.*, Texas Occupations Code.

12. The Executive Director considered evidence of Petitioner's substance use disorder, and subsequent rehabilitation as provided in 22 TEX. ADMIN. CODE §213.29 and in accordance with 22 TEX. ADMIN. CODE §213.33.
13. Petitioner's compliance with the terms of a Board approved peer assistance program should be sufficient to protect patients and the public.
14. The Executive Director's review of the grounds for potential ineligibility has been made on the basis of Petitioner's disclosures.
15. Petitioner has been advised by the Board that any information found to be incomplete, incorrect or misleading to the Board or a subsequent discovery of a basis of ineligibility will be considered by the Board and may result in an ultimate determination of ineligibility or the later revocation of a license obtained through fraud or deceit.
16. Petitioner shall immediately notify the Board of any fact or event that could constitute a ground of ineligibility for licensure under Section 301.452(b), Texas Occupations Code.

#### CONCLUSIONS OF LAW

1. The Board has jurisdiction over this matter pursuant to Sections 301.452 and 301.453, Texas Occupations Code.
2. On or about July 12, 2017, Petitioner submitted the Petition requesting a determination of eligibility for licensure in compliance with Sections 301.252, 301.253, 301.257 and 301.258, Texas Occupations Code, and the Board's Rules at 22 TEX. ADMIN. CODE §213.30.
3. Petitioner's history reflects conduct which may constitute grounds for denial of a license under Section 301.452(b)(12), Texas Occupations Code.
4. The Board may probate the denial of a license under conditions for a specified term pursuant to Section 301.453, Texas Occupations Code.
5. The Board may license an individual who has been previously convicted, adjudged guilty by a court, pled guilty or pled nolo contendere to any crime whether or not a sentence was imposed upon consideration of the factors set out in 22 TEX. ADMIN. CODE §213.28 and evaluating the direct relationship to nursing according to 22 TEX. ADMIN. CODE §213.28 and, if applicable, Chapter 53, Section 53.001 *et seq.*, Texas Occupations Code.
6. The Board may license an individual who has a history of substance use disorder after consideration of the criteria set out in 22 TEX. ADMIN. CODE §213.29 if the Board determines the individual does not pose a direct threat to the health and safety of patients or the public.
7. 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 his conduct to the requirements of the Nursing Practice Act, the Board's Rules and Regulations, and generally accepted standards of nursing practice.

8. The Board may, in its discretion, order a nurse to participate in a peer assistance program approved by the Board if the nurse would otherwise have been eligible for referral to peer assistance pursuant to Section 301.410, Texas Occupations Code.
9. 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. ELIGIBILITY FOR LICENSURE

IT IS THEREFORE AGREED and ORDERED that the application/petition of PETITIONER is hereby GRANTED, and upon meeting the requirements for graduation of an appropriate program in nursing education and payment of any required fees, PETITIONER is ELIGIBLE to sit for the National Council Licensure Examination for Practical Nurses (NCLEX-PN® Examination) and/or the National Council Licensure Examination for Registered Nurses (NCLEX-RN® Examination), as applicable.

- A. PETITIONER SHALL NOT be eligible for temporary authorization to practice as a Graduate Vocational Nurse (GVN) and/or as a Graduate Nurse (GN), as applicable, in the State of Texas.
- B. Upon payment of any required fees and upon attaining a passing grade on the applicable National Council Licensure Examination, PETITIONER shall be issued the applicable license(s) to practice nursing in the State of Texas.

#### II. COMPLIANCE WITH LAW AND APPLICABILITY

While under the terms of this Order, PETITIONER agrees to 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. Until successfully completed, any and all licenses issued to Petitioner shall be subject to the terms of this Order.
- B. This Order SHALL be applicable to PETITIONER'S nurse licensure compact privileges, if any, to practice nursing in the State of Texas.

- C. As a result of this Order, PETITIONER'S license will be designated "single state" and 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. PEER ASSISTANCE PROGRAM REQUIREMENTS

IT IS THEREFORE AGREED and ORDERED that PETITIONER SHALL comply with the following conditions for such a time as is required for PETITIONER to successfully complete the Texas Peer Assistance Program for Nurses (TPAPN):

- A. Within forty-five (45) days of licensure, PETITIONER SHALL apply to TPAPN;
- B. Within ninety (90) days of licensure, PETITIONER SHALL sign and execute the TPAPN participation agreement and complete the enrollment process, which SHALL include payment of a non-refundable participation fee payable to TPAPN in the amount of five hundred dollars (\$500.00);
- C. Upon acceptance into the TPAPN, PETITIONER SHALL waive confidentiality and provide a copy of the executed TPAPN participation agreement to the Texas Board of Nursing;
- D. PETITIONER SHALL comply with all requirements of the TPAPN participation agreement during its term and SHALL keep all applicable license(s) to practice nursing in the State of Texas current; and
- E. PETITIONER SHALL CAUSE the TPAPN to notify the Texas Board of Nursing of any violation of the TPAPN participation agreement.

### 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 licensure:

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.

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](http://www.bon.texas.gov/compliance).*

**V. CONFIDENTIALITY REQUIREMENTS**

While PETITIONER remains in compliance with the terms of this Order, this Order shall remain confidential in accordance with the authority outlined in Section 301.466(d), Texas Occupations Code. However, should PETITIONER fail to successfully complete the terms of this Order or should PETITIONER commit a subsequent violation of the Nursing Practice Act or Board Rules, this Order shall be treated as prior disciplinary action and will become public information.

**VI. EFFECT OF NONCOMPLIANCE**

SHOULD PETITIONER fail to comply with this Order or the terms of the participation agreement with the TPAPN, such noncompliance will result in 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.

**VII. 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.

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PETITIONER'S CERTIFICATION

I am the Petitioner in this matter. I have fully and truthfully disclosed all of my past conduct which could constitute grounds for licensure ineligibility, and I have caused a complete and accurate criminal history to be submitted to the Texas Board of Nursing from each jurisdiction in which I have been adjudged guilty by way of conviction or deferred order. I certify that my past behavior, except as disclosed in my application/petition, has been in conformity with the Board's character rule. I have provided the Board with complete and accurate documentation of my past conduct in violation of the penal law of any jurisdiction which was disposed of through any procedure short of conviction, such as: conditional discharge, deferred adjudication or dismissal. I have no criminal prosecution pending in any jurisdiction.

In connection with my application, I acknowledge that I have read and I understand Sections 301.157(d), 301.252, 301.253, 301.257, 301.258, 301.260, 301.452, and 301.453, Texas Occupations Code, and Chapter 53, Section 53.001 *et seq.*, Texas Occupations Code, and 22 TEX. ADMIN. CODE §§213.27, 213.28, 213.29, and 213.30. I agree with all terms of this Order, including the Findings of Fact and Conclusions of Law and any stipulations as set out in this Order. I acknowledge that this Order is stipulated and I understand that I am not eligible to receive a Temporary Permit to practice nursing. I agree to inform the Board of any other fact or event that could constitute a ground for denial of licensure prior to accepting any license from the Texas Board of Nursing.

I do acknowledge possessing a diagnosis that deems me eligible to participate in the Texas Peer Assistance Program for Nurses. By my signature on this Order, I agree to the Findings of Fact, Conclusions of Law, and Conditions One (I) through Seven (VII) of this Order to obtain disposition of my potential ineligibility for licensure through peer assistance.

I understand that if I fail to comply with all terms and conditions of this Order, I will be subject to investigation and disciplinary sanction, including TEMPORARY SUSPENSION pursuant to Section 301.4551, Texas Occupations Code, or REVOCATION of my license(s) and nurse licensure compact privileges, if any, to practice nursing in the State of Texas, as a consequence of my noncompliance.

I understand that I can be represented by an attorney in this matter. I waive representation by counsel, notice, administrative hearing, and judicial review of this Order and request that the Texas Board of Nursing ratify this Order.

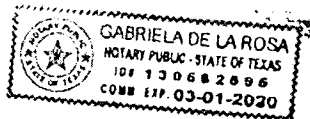
Signed this 25 day of October, 2017.

[Signature]  
CORY ALAN BENDEL, PETITIONER

Sworn to and subscribed before me this 25<sup>th</sup> day of October, 2017,  
g.d.t.A.

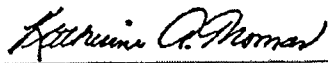
[Signature]  
Notary Public in and for the State of Texas

SEAL



WHEREFORE PREMISES CONSIDERED, the Executive Director, on behalf of the Texas Board of Nursing, does hereby accept and enter the Confidential Eligibility Agreed Order for Peer Assistance Program that was signed on the 25th day of October, 2017, by CORY ALAN BENGEL, PETITIONER for Eligibility for Licensure, and said Order is final.

Effective this 1st day of December, 2017.



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