



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

In the Matter of § AGREED
Registered Nurse License Number 864064 §
issued to SONNY RAY LLAGAS AYUBO § ORDER

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of SONNY RAY LLAGAS AYUBO, Registered Nurse License Number 864064, 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)(10)&(13), Texas Occupations Code. Respondent waived notice and hearing and agreed to the entry of this Order approved by Katherine A. Thomas, MN, RN, FAAN, Executive Director, on July 14, 2017.

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.
4. Respondent received a Baccalaureate Degree from The University of Saint Anthony, Iriga City, Camarines Sur, Philippines, on March 28, 2010. Respondent was licensed to practice professional nursing in the State of Texas on September 4, 2014.
5. Respondent's nursing employment history includes:
09/14 Unknown

Respondent's nursing employment history continued:

10/14 - 06/16 RN East Texas Medical Center
Tyler, Texas

06/16 - Present Unknown

6. At the time of the initial incident, Respondent was employed as a Registered Nurse with East Texas Medical Center, Tyler, Texas, and had been in that position for one (1) year and eight (8) months.
7. On or about June 12, 2016, while employed as a Registered Nurse with East Texas Medical Center, Tyler, Texas, Respondent inappropriately touched Patient Medical Record Number 1397176, in that he fondled the patient's genitals while the patient was sleeping. Additionally, Respondent admitted to touching the patient's genitals when questioned by the police. Respondent's conduct was likely to cause emotional, physical, and/or psychological harm to the patient and could have interfered or disrupted this patient's treatment.
8. On or about June 12, 2016, while employed as a Registered Nurse with East Texas Medical Center, Tyler, Texas, Respondent violated the professional boundaries of the nurse/client relationship, in that he texted Patient Medical Record Number 1397176 after the patient had self-discharged from the facility. Respondent's conduct violated the professional boundaries of the nurse-client relationship and was likely to injure the patient in that it could have resulted in confusion between the needs of the nurse and those of the patient. In addition, Respondent's conduct may have caused delayed distress for the patient, which may not be recognized or felt by the patient until harmful consequences occur.
9. On or about January 18, 2017, Respondent entered a plea of Guilty to PUBLIC LEWDNESS, a Class A misdemeanor offense, in the County Court at Law, Smith County, Texas. As a result of the plea, the proceedings against Respondent were deferred without entering an adjudication of guilt and Respondent was placed on probation for a period of eighteen (18) months and ordered to pay a fine and court costs.
10. In response to Findings of Fact Numbers Seven (7) through Nine (9), Respondent denies the allegations.
11. Formal Charges were filed on March 7, 2017.
12. Formal Charges were mailed to Respondent on March 9, 2017.

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)(J) and 22 TEX. ADMIN. CODE §217.12(1)(A), (1)(A), (1)(B), (4), (6)(C), (6)(D), (6)(E) & (13).
4. The evidence received is sufficient cause pursuant to Section 301.452(b)(10)&(13), Texas Occupations Code, to take disciplinary action against Registered Nurse License Number 864064, heretofore issued to SONNY RAY LLAGAS AYUBO, 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.

TERMS OF ORDER

I. SANCTION

IT IS THEREFORE AGREED and ORDERED, subject to ratification by the Texas Board of Nursing, that Registered Nurse License Number 864064, previously issued to SONNY RAY LLAGAS AYUBO, to practice nursing in Texas is hereby **SUSPENDED** and said suspension is **ENFORCED** until Respondent:

Completes a sex offender evaluation that meets the requirements specified by the Board in its adopted Guidelines for Physical and Psychological Evaluations, which may be found at the following web address: <http://www.bon.texas.gov/pdfs/eval-guidelines.pdf>. **RESPONDENT SHALL:**

- Notify the performing evaluator of this Order of the Board prior to completing the evaluation;
- Cause the performing evaluator to send a report of the evaluation to the Board's office; and
- Comply with any recommendations made by the evaluator for therapy or other follow-up, in addition to the probationary terms stated herein.

If the evaluation states that the RESPONDENT currently lacks fitness to practice nursing, RESPONDENT'S license(s) to practice nursing SHALL

remain **SUSPENDED** until such time as the same evaluator deems the **RESPONDENT** safe to return to direct patient care.

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**, in accordance with the terms of this Order, for a minimum of three (3) years **AND** until Respondent fulfills the additional requirements of this Order.

II. COMPLIANCE WITH LAW AND APPLICABILITY

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 Nurse Education, Licensure and Practice, 22 TEX. ADMIN. CODE §§211.1 *et seq.*, and this Order.

- **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.
- This Order **SHALL** apply to any and all future licenses issued to Respondent to practice nursing in the State of Texas.
- This Order **SHALL** be applicable to Respondent's nurse licensure compact privileges, if any, to practice nursing in the State of Texas.
- Respondent 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 Respondent wishes to work.

III. UNDERSTANDING BOARD ORDERS

Within thirty (30) days of entry of this Order, **RESPONDENT** must successfully complete the Board's online course, "Understanding Board Orders," which can be accessed on the Board's website from the "Discipline & Complaints" drop-down menu or directly at:

<http://www.bon.texas.gov/UnderstandingBoardOrders/index.asp>. Upon successful completion, RESPONDENT must submit the course verification at the conclusion of the course, which automatically transmits the verification to the Board.

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 courses within one (1) year of the suspension being stayed, unless otherwise specifically indicated:

- A. Successfully completes 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), 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.*

V. EMPLOYMENT REQUIREMENTS

In order to complete the terms of this Order, RESPONDENT must work as a nurse

in the State of Texas, 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. Periods of unemployment or of employment that do not require the use of a registered nurse (RN) or a vocational 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:** RESPONDENT SHALL notify each present employer in nursing and present each with a complete copy of this Order, including all attachments, if any, within five (5) days of receipt of this Order. While under the terms of this Order, RESPONDENT SHALL notify all future employers in nursing and present each with a complete copy of this Order, including all attachments, if any, prior to accepting an offer of employment.
- B. **Notification of Employment Forms:** RESPONDENT 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. RESPONDENT 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, RESPONDENT SHALL be directly supervised by a Registered Nurse, if licensed as a Registered Nurse, or by a Licensed Vocational Nurse or a Registered Nurse, if licensed as a Licensed Vocational Nurse. Direct supervision requires another nurse, as applicable, to be working on the same unit as RESPONDENT and immediately available to provide assistance and intervention. RESPONDENT SHALL work only on regularly assigned, identified and predetermined unit(s). RESPONDENT SHALL NOT be employed by a nurse registry, temporary nurse employment agency, hospice, or home health agency. RESPONDENT SHALL NOT be self-employed or contract for services. Multiple employers are prohibited.
- D. **Indirect Supervision:** For the remainder of the stipulation/probation period, RESPONDENT SHALL be supervised by a Registered Nurse, if licensed as a Registered Nurse, or by a Licensed Vocational Nurse or a Registered Nurse, if licensed as a Licensed Vocational Nurse, who is on the premises. The supervising nurse is not required to be on the same unit or ward as

RESPONDENT, 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 Respondent is currently working. RESPONDENT SHALL work only regularly assigned, identified and predetermined unit(s). RESPONDENT SHALL NOT be employed by a nurse registry, temporary nurse employment agency, hospice, or home health agency. RESPONDENT SHALL NOT be self-employed or contract for services. Multiple employers are prohibited.

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

VI. FURTHER COMPLAINTS

If, during the period of probation, an additional allegation, accusation, or petition is reported or filed against the Respondent's license(s), the probationary period shall not expire and shall automatically be extended until the allegation, accusation, or petition has been acted upon by the Board.

VII. RESTORATION OF UNENCUMBERED LICENSE(S)

Upon full compliance with the terms of this Order, all encumbrances will be removed from RESPONDENT'S license(s) to practice nursing in the State of Texas and 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 before signing this Answered Order. I have reviewed this Order. I am not asking to deny the violations alleged herein by my signature on this Order. I agree to the terms of this Order and any conditions of said Order are a void further disciplinary action in the future. I will accept the review of this Order. I understand that with this Order becomes final and irrevocable. I understand that a copy will be made of this Order and that I will be required to comply with all the terms and conditions of this Order. I will be subject to investigation and discipline, and I understand that I will be subject to the revocation of my license to practice nursing in the State of Texas as a result of my non-compliance.

Signed this _____ day of _____, 20____.

Witness my hand and seal of the State of Texas at _____

Notary Public in and for the State of Texas, My Commission Expires _____



Notary Public in and for the State of Texas, My Commission Expires _____

Notary Public in and for the State of Texas, My Commission Expires _____

Notary Public in and for the State of Texas, My Commission Expires _____

WHEREFORE, PREMISES CONSIDERED, the Texas Board of Nursing does hereby ratify and adopt the Agreed Order that was signed on the 3rd day of August, 2017, by SONNY RAY LLAGAS AYUBO, Registered Nurse License Number 864064, and said Order is final.

Effective this 12th day of September, 2017.



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