

**Nursing and Midwifery Council  
Fitness to Practise Committee**

**Substantive Order Review Meeting  
Monday 13 November 2023**

Virtual Meeting

**Name of Registrant:** Miss Pauline Moran

**NMC PIN** 88C0481E

**Part(s) of the register:** Nursing, Sub part 1  
RN1, Registered Nurse – Adult (9 July 1991)

**Relevant Location:** Nottingham

**Type of case:** Misconduct

**Panel members:** Nicholas Rosenfeld (Chair, Lay member)  
Kathryn Smith (Registrant member)  
Paul Leighton (Lay member)

**Legal Assessor:** Gillian Hawken

**Hearings Coordinator:** Anya Sharma

**Order being reviewed:** Conditions of practice order (9 months)

**Fitness to practise:** Impaired

**Outcome:** **Suspension order (6 months) to come into effect at the end of 29 December 2023 in accordance with Article 30 (1)**

## **Decision and reasons on service of Notice of Meeting**

The panel noted at the start of this meeting that the Notice of Meeting had been sent to Miss Moran's registered email address by secure email on 11 October 2023.

The panel took into account that the Notice of Meeting provided details of the review that the review meeting would be held no sooner than 13 November 2023 and inviting Miss Moran to provide any written evidence seven days before this date.

The panel accepted the advice of the legal assessor.

In the light of all of the information available, the panel was satisfied that Miss Moran has been served with notice of this meeting in accordance with the requirements of Rules 11A and 34 of the Nursing and Midwifery Council (Fitness to Practise) Rules 2004 (as amended) (the Rules).

## **Decision and reasons on review of the current order**

The panel decided to replace the current conditions of practice order with a suspension order for a period of 6 months. This order will come into effect at the end of 29 December 2023 in accordance with Article 30(1) of the Nursing and Midwifery Order 2001 (as amended) (the Order).

This is the second review of a substantive conditions of practice order originally imposed for a period of 9 months by a Fitness to Practise Committee panel on 31 May 2022. This was reviewed on 15 February 2023, where the panel decided to extend the conditions of practice order for a period of 9 months.

The current order is due to expire at the end of 29 December 2023.

The panel is reviewing the order pursuant to Article 30(1) of the Order.

The charges found proved by way of admission which resulted in the imposition of the substantive order were as follows:

### **Details of charge**

*'That you a registered nurse;*

1. *On 29 December 2020 failed to administer to Resident A;*
  - (a) Clopidogrel 75mg. **[Proved by admission]***
  - (b) Atorvastatin 40mg. **[Proved by admission]***
  
2. *On 29 December 2020 incorrectly entered on Resident A's MAR chart that you had administered Clopidogrel and Atorvastatin to Resident A. **[Proved by admission]***
  
4. *On 1 January 2021 failed to administer to Resident B;*
  - (a) Thiamine 100mg. **[Proved by admission]***
  - (b) Vitamin D3 tablets. **[Proved by admission]***
  
5. *On 1 January 2021 incorrectly entered on Resident B's MAR chart that you had administered Thiamine and Vitamin D3 tablets to Resident B. **[Proved by admission]***
  
7. *On 1 January 2021 failed to administer Resident C's lunch time and/or teatime dose of Pivmecillenam tablets. **[Proved by admission]***
  
8. *On 24 February 2021 failed to administer to Resident D;*
  - (a) Pregabalin 75mg. **[Proved by admission]***
  - (b) Brimodinine eye drops. **[Proved by admission]***
  
9. *On 24 February 2021 incorrectly entered on Resident D's MAR Chart that you had administered Pregabalin and Brimodinine eye drops to Resident D. **[Proved by admission]***

*In light of the above your fitness to practise is impaired by reason of your misconduct.'*

The first reviewing panel determined the following with regard to impairment:

*'The panel considered whether Miss Moran's fitness to practise remains impaired.*

*The panel noted that the original panel found that:*

*'The panel considered Miss Moran to have only demonstrated limited insight in relation to the charges found proved. Whilst Miss Moran had admitted to the charges, the panel was not satisfied that she fully understood or appreciated the consequences of her actions. Miss Moran has not provided any reflections as to how her actions impacted the residents under her care, her colleagues, the nursing profession and the wider public as a whole.*

*Furthermore, Miss Moran did not provide any evidence of any safeguarding or training she has undertaken or provided an explanation as to what she would do differently if she were to be faced with a similar set of circumstances in future. The panel noted that Miss Moran accepts that her fitness to practise is impaired. In taking account of the above, the panel did not consider Miss Moran to have made any progress in developing her insight since the incidents in question. It found it to be insufficient.'*

*The original panel determined that it had insufficient evidence before it to allay its concerns that Miss Moran currently poses a risk to patient safety. It found there to be a real risk of repetition.*

*At this meeting, the panel has had regard to all of the documentation before it, including the NMC bundle, which contained two telephone call logs of Miss Moran's telephone call with her NMC monitoring and compliance officer on 1 July 2022 and 6 July 2022. The panel considered that this was the only evidence it had before it of Miss Moran's engagement with the NMC and that it had no evidence of steps Miss*

*Moran had taken to strengthen her practice such as: a reflective piece, evidence of training undertaken, or any references relating to any relevant paid or voluntary work undertaken. In the absence of such information, the panel determined that a risk of harm to the public remained, were Miss Moran allowed to practise without restriction.*

*The panel found that Miss Moran had not remediated the charges found proved by way of her admission at the original substantive hearing.*

*The panel has borne in mind that its primary function is to protect patients and the wider public interest which includes maintaining confidence in the nursing profession and upholding proper standards of conduct and performance. The panel determined that, in this case, a finding of continuing impairment on public interest grounds is also required.*

*For these reasons, the panel finds that Miss Moran's fitness to practise remains impaired.'*

The first reviewing panel determined the following with regard to sanction:

*' The panel next considered whether to extend the current conditions of practice order on Miss Moran's registration and whether this would still be a sufficient and appropriate response. The panel is mindful that any conditions imposed must be relevant, proportionate, measurable and workable.*

*The panel considered that the public would remain sufficiently protected by appropriate conditions. The panel was of the view that it remains in the public interest that, with appropriate safeguards, Miss Moran should be able to return to practice as a nurse if she wishes to do so. The panel noted that Miss Moran had expressed her wish to leave the nursing profession in July 2022. Therefore, this further period of a substantive conditions of practice order would allow time for Miss Moran to sufficiently evidence her intentions to move away from nursing practice to the NMC, so that a future reviewing panel may consider the alternative course of allowing the order to lapse. If, however, Miss Moran decided that she wishes to*

*continue in the nursing profession a future panel would then consider the extent to which she has shown sufficient steps to strengthen her practice and comply with the indications of the earlier panel.*

*The panel was of the view that to impose a suspension order or a striking-off order would be wholly disproportionate and would not be a reasonable response in the circumstances.*

*Accordingly, the panel determined, pursuant to Article 30(1), to extend the conditions of practice order for a period of 9 months to allow Miss Moran enough time to address the matters identified and properly meet the conditions, which will come into effect on the expiry of the current order, namely at the end of 29 March 2023. It decided to continue the following conditions which it considered are appropriate and proportionate in this case:*

*For the purposes of these conditions, 'employment' and 'work' mean any paid or unpaid post in a nursing, midwifery, or nursing associate role. Also, 'course of study' and 'course' mean any course of educational study connected to nursing, midwifery, or nursing associates.*

- 1. You must ensure that you are supervised by your line manager, or another registered nurse designated by your line manager, any time you are administering medication. This must consist of:*
  - Working at all times while being directly observed by another registered nurse until your line manager or supervisor assesses you as competent to do so without supervision.*
  - Once you are deemed competent, your supervision must consist of working at all times on the same shift as, but not always directly observed by, another registered nurse.*
- 2. You must work with your line manager or supervisor to create a personal development plan (PDP). Your PDP must address the*

*concerns about medication administration and record keeping.*

*Your PDP must also include a reflection regarding your failings in medication administration and record keeping, the risk that was posed, the impact on patients, colleagues and the profession, and the steps you have taken to address and strengthen your practice since.*

*You must:*

- a) Send your case officer a copy of your PDP within three months of starting employment.*
  - b) Send your case officer a copy of your reflective piece before the next review hearing.*
  - c) Meet with your line manager or supervisor every month to discuss your progress towards achieving the aims set out in your PDP.*
  - d) Send your case officer a report from your line manager or supervisor before any review hearing. This report must show your progress towards achieving the aims set out in your PDP.*
- 3. You must keep the NMC informed about anywhere you are working by:*
- a) Telling your case officer within seven days of accepting or leaving any employment.*
  - b) Giving your case officer your employer's contact details.*
- 4. You must keep the NMC informed about anywhere you are studying by:*
- a) Telling your case officer within seven days of accepting any course of study.*
  - b) Giving your case officer the name and contact details of the organisation offering that course of study.*

5. *You must immediately give a copy of these conditions to:*
  - a) *Any organisation or person you work for.*
  - b) *Any agency you apply to or are registered with for work.*
  - c) *Any employers you apply to for work (at the time of application).*
  - d) *Any establishment you apply to (at the time of application), or with which you are already enrolled, for a course of study.*
  - e) *Any current or prospective patients or clients you intend to see or care for on a private basis when you are working in a self-employed capacity.*
  
6. *You must tell your case officer, within seven days of your becoming aware of:*
  - a) *Any clinical incident you are involved in.*
  - b) *Any investigation started against you.*
  - c) *Any disciplinary proceedings taken against you.*
  
7. *You must allow your case officer to share, as necessary, details about your performance, your compliance with and / or progress under these conditions with:*
  - a) *Any current or future employer.*
  - b) *Any educational establishment.*
  - c) *Any other person(s) involved in your retraining and/or supervision required by these conditions.*

*Before the end of the period of the order, a panel will hold a review to see how well Miss Moran has complied with the order. At the review the panel may revoke the order or any condition of it, it may confirm the order or vary any condition of it, or it may replace the order with another order.*

*Any future panel reviewing this case may be assisted by:*

- *Evidence of a clear explanation of Miss Moran's plans for her future away from nursing;*



- *Miss Moran's engagement with the NMC and her attendance at any future hearing;*
- *A reflective piece from Miss Moran demonstrating insight into the concerns in line with the conditions above;*
- *Evidence of any relevant training completed by Miss Moran; and*
- *A report from Miss Moran's employer detailing her progress, and any other testimonials from employment.*

## **Decision and reasons on current impairment**

The panel has considered carefully whether Miss Moran's fitness to practise remains impaired. Whilst there is no statutory definition of fitness to practise, the NMC has defined fitness to practise as a registrant's suitability to remain on the register without restriction. In considering this case, the panel has carried out a comprehensive review of the order in light of the current circumstances. Whilst it has noted the decision of the last panel, this panel has exercised its own judgement as to current impairment.

The panel has had regard to all of the documentation before it, including the NMC bundle.

The panel heard and accepted the advice of the legal assessor.

In reaching its decision, the panel was mindful of the need to protect the public, maintain public confidence in the profession and to declare and uphold proper standards of conduct and performance.

The panel considered whether Miss Moran's fitness to practise remains impaired.

This panel noted that it had no new information before it. The panel further noted that Miss Moran's most recent engagement with the NMC was in July 2022, that it had no evidence of steps Miss Moran has taken to strengthen her practice such as a reflective piece, evidence of training undertaken, or any references relating to any relevant paid or voluntary work undertaken. In the absence of such information, this panel determined that there was a risk of harm to the public if Miss Moran were allowed to practise as a nurse without restriction. The panel could not be assured that Miss Moran was not liable to

repeat matters of the kind found proved. In light of the above, the panel therefore determined that a finding of continuing impairment is necessary on the grounds of public protection.

The panel has borne in mind that its primary function is to protect patients and the wider public interest which includes maintaining confidence in the nursing profession and upholding proper standards of conduct and performance. The panel determined that, in this case, a finding of continuing impairment on public interest grounds is also required.

For these reasons, the panel finds that Miss Moran's fitness to practise remains impaired.

### **Decision and reasons on sanction**

Having found Miss Moran's fitness to practise currently impaired, the panel then considered what, if any, sanction it should impose in this case. The panel noted that its powers are set out in Article 30 of the Order. The panel has also taken into account the 'NMC's Sanctions Guidance' (SG) and has borne in mind that the purpose of a sanction is not to be punitive, though any sanction imposed may have a punitive effect.

The panel first considered whether to take no action and to allow the conditions of practice order to lapse on expiry. In this regard, the panel considered the NMC Guidance '*Allowing nurses, midwives or nursing associates to be removed from the register when there is a substantive order in place*' Reference REV-3h Last Updated 24 April 2023:

*'Because nurses, midwives and nursing associates can apply for readmission to the register as soon as their registration lapses, it is important that the panel is sure that the nurse, midwife or nursing associate no longer wants to practise before it decides to let an order expire.'*

The very limited information before the panel was that, as of July 2022, Miss Moran did not wish to return to practice as a registered nurse. The panel had no further update, and as such, was not satisfied that it was sure that Miss Moran no longer wishes to practise as a registered nurse. The panel concluded that it would neither proportionate nor in the public interest, given that there is no information before it in relation to Miss Moran's future

intentions with regard to her nursing practice, to allow the conditions of practice order to lapse. The panel was of the view that to allow the order to lapse would not protect the public, nor address the public interest considerations

It then considered the imposition of a caution order but again determined that, due to the seriousness of the case, and the public protection issues identified, an order that does not restrict Miss Moran's practice would not be appropriate in the circumstances. The SG states that a caution order may be appropriate where *'the case is at the lower end of the spectrum of impaired fitness to practise and the panel wishes to mark that the behaviour was unacceptable and must not happen again.'* The panel considered that Miss Moran's misconduct was not at the lower end of the spectrum and that a caution order would be inappropriate in view of the issues identified. The panel decided that it would be neither proportionate nor in the public interest to impose a caution order.

The panel next considered whether imposing a conditions of practice order on Miss Moran's registration would still be a sufficient and appropriate response. The panel is mindful that any conditions imposed must be proportionate, measurable and workable.

The panel considered the continuation of the current conditions of practice order. The panel noted that Miss Moran has not provided the NMC with any evidence of compliance with the current conditions of practice order, nor has she provided any information in relation to what the last reviewing panel directed that any future panel reviewing the case would be assisted by, as follows:

- *'Evidence of a clear explanation of Miss Moran's plans for her future away from nursing;*
- *Miss Moran's engagement with the NMC and her attendance at any future hearing;*
- *A reflective piece from Miss Moran demonstrating insight into the concerns in line with the conditions above;*
- *Evidence of any relevant training completed by Miss Moran; and*
- *A report from Miss Moran's employer detailing her progress, and any other testimonials from employment.'*

The panel was therefore of the view that a further conditions of practice order would be unworkable in the circumstances. The panel was concerned in relation to Miss Moran's continued lack of engagement with the NMC and noted her duty to respond to the NMC's request for information. The panel noted that Miss Moran has not engaged with the NMC since July 2022 and there is no information before it to conclude that Miss Moran is willing to comply with any further conditions imposed upon her nursing practice.

On this basis, the panel concluded that a conditions of practice order is no longer practicable or the appropriate order in this case. The panel concluded that no workable conditions of practice could be formulated which would protect the public or satisfy the wider public interest.

The panel determined therefore that a suspension order is the appropriate sanction which would both protect the public and satisfy the wider public interest. Accordingly, the panel determined to impose a suspension order for a period of 6 months which would provide Miss Moran with an opportunity to engage with the NMC and to provide the NMC with an update on her intentions in relation to whether she wants to continue to practise. It considered this to be the most appropriate and proportionate sanction available.

The panel was of the view that to impose a striking-off order would be disproportionate at this stage and would not be a reasonable response in the circumstances.

This suspension order will take effect upon the expiry of the current conditions of practice order, namely the end of 29 December 2023 in accordance with Article 30(1).

Before the end of the period of suspension, another panel will review the order. At the review hearing the panel may revoke the order, or it may confirm the order, or it may replace the order with another order.

Any future panel reviewing this case would be assisted by:

- Miss Moran's engagement with the NMC and her attendance at any future hearing;
- Evidence of a clear explanation of Miss Moran's plans for her future away from nursing;

- A reflective piece from Miss Moran demonstrating insight into the concerns;
- Evidence of any relevant training completed by Miss Moran; and
- Any testimonials from employment.

This will be confirmed to Miss Moran in writing.