

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

**Substantive Order Review Meeting  
Monday, 13 May 2024**

Virtual Meeting

**Name of Registrant:** Pauline Moran

**NMC PIN:** 88C0481E

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

**Relevant Location:** Nottinghamshire

**Type of case:** Misconduct

**Panel members:** Paul Grant (Chair, lay member)  
Vivienne Stimpson (Registrant member)  
Clare Taggart (Lay member)

**Legal Assessor:** Ruth Mann

**Hearings Coordinator:** Ruth Bass

**Order being reviewed:** Suspension order (6 months)

**Fitness to practise:** Impaired

**Outcome:** **Striking-Off order to come into effect at the end of 29 June 2024 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 4 April 2024.

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 May 2024 and inviting Miss Moran to provide any written evidence seven days before this date.

The panel also noted that the Notice of Meeting indicated the review would be undertaken at a meeting unless Miss Moran requested a hearing seven days before the scheduled meeting date. She did not request a hearing.

The panel accepted the advice of the legal assessor.

In 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 suspension order with a strike off order. This order will come into effect at the end of 29 June 2024 in accordance with Article 30(1) of the Nursing and Midwifery Order 2001 (as amended) (the Order).

This is the third 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 order was reviewed again on 13 November 2023 and replaced with an interim suspension order for a period of 6 months.

The current order is due to expire at the end of 29 June 2024.

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:

*'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 second reviewing panel determined the following with regard to impairment:

*'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.'*

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

*'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.'*

## **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 ability to practise kindly, safely and professionally. 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 and the telephone call logs between Miss Moran and the NMC dated 1 and 6 July 2022.

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 had regard to the decision at the substantive hearing as well as the first and second reviewing panels' decision and noted that Miss Moran had not provided any information for those reviewing panels to consider in respect of her fitness to practise.

This panel further noted that Miss Moran had not provided any information for its own consideration either.

The panel had regard to the telephone attendance notes dated 1 and 6 July 2022 between Miss Moran and the NMC setting out that she had no desire to return to nursing practise. It noted that this was Ms Moran's last record of communication with the NMC and found that there had been no meaningful engagement, with regard to the issues found proved at the substantive hearing, by Miss Moran since the imposition of the substantive order on 31 May 2022. Miss Moran has not provided any evidence of insight into her misconduct, record of safe practise, nor any evidence that she has strengthened her practice or attempted to do so since 31 May 2022. The panel therefore had no information before it to find that Ms Moran had remediated the concerns identified in her nursing practice.

Having received no information from Miss Moran to evidence adequate insight into her misconduct, nor evidence of her practise having been strengthened, the panel was of the view that a risk of repetition remained. It was not satisfied that Miss Moran can practise safely and professionally in light of the information before it and therefore decided that a finding of current 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 was satisfied that the public interest is engaged as Miss Moran's nursing practice has been deemed a risk to the public, and she has chosen not to engage with her regulator to address these risks for a period of just under two years. The panel therefore 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. It noted that Miss Moran had advised the NMC on 1 July 2022 that she had no desire to continue nursing. However, the panel noted that Miss Moran had not engaged with the NMC since 6 July 2022 despite a recommendation by the last reviewing panel for her to set out her future intentions.

The panel took account of the NMC's guidance on allowing orders to lapse, REV -3h updated 24 April 2023. It reached the view that it could not allow the current order to lapse as Miss Moran has not given the panel a clear explanation of her plans for her future, nor any up-to-date information as to her current or future intentions in relation to her nursing career. Miss Moran has not engaged with the fitness to practice process and in absence of up to date submissions from Miss Moran regarding her future career intentions, the panel concluded that taking no action is not appropriate in all the circumstances.

The panel then considered the imposition of a caution order but determined that, due to the seriousness of the case, and the public protection issues identified, an order that does not restrict Miss Moran's ability to practise would not be appropriate in the circumstances. It therefore decided that it would be neither proportionate nor in the public interest to impose a caution order.

The panel next considered whether placing conditions of practice on Miss Moran's registration would be a sufficient and appropriate response. The panel is mindful that any conditions imposed must be proportionate, measurable and workable. The panel was of the view that the misconduct was capable of remediation, however, the

impairment is directly linked to fundamental aspects of Miss Moran's practice. The panel had regard to the fact that Miss Moran has not engaged with the NMC since 31 May 2022, and had failed to engage with previous conditions of practice that had been put in place. The panel was therefore of the view that a conditions of practice order was not workable on the basis that Miss Moran has not demonstrated any willingness to respond to the imposition of conditions of practice. Accordingly, the panel concluded that a conditions of practice order would not be proportionate, measurable or workable.

The panel next considered imposing a further suspension order. The panel noted that Miss Moran has failed to provide any evidence of insight or remediation into her misconduct since the 31 May 2022. Further, Miss Moran has made no effort to engage with the NMC, address the concerns relating to her nursing practise, or follow the recommendations of the substantive hearing panel or the two previous reviewing panels.

Furthermore, Miss Moran has been suspended for a period of 6 months and has had sufficient opportunities to demonstrate insight and remediate her practice, which she has chosen not to do, despite having been prompted by the last reviewing panel. This panel was therefore of the view that a further period of suspension would not satisfy the wider public interest. The panel bore in mind that Ms Moran's case did not involve findings of dishonesty and that the issues previously identified were remediable. The panel also bore in mind that striking off orders were usually reserved for the most serious cases. However, given the length of time that had now passed without engagement on behalf of Ms Moran and without any current information speaking to her future intentions, the panel reached the view that a striking-off order was now the appropriate sanction.

It determined that it was necessary to take action to prevent Miss Moran from practising in the future and concluded that, despite the punitive effect it may have on Miss Moran, on balance the only sanction that would adequately protect the public and serve the public interest, in light of her failure to engage meaningfully with the process, was a striking-off order.

This striking-off order will take effect upon the expiry of the current suspension order, namely the end of 29 June 2024 in accordance with Article 30(1).

This decision will be confirmed to Miss Moran in writing.

That concludes this determination.