

**Nursing and Midwifery Council
Fitness to Practise Committee
Substantive Order Review Hearing
2 March 2020**

Nursing and Midwifery Council, 2 Stratford Place, Montfichet Road, London, E20 1EJ

Name of registrant:	Cristina Di Blasi
NMC PIN:	15A0520C
Part of the register:	Registered Nurse (Sub Part 1) Adult Nursing – January 2015
Area of Registered Address:	England
Type of Case:	Lack of Competence
Panel Members:	Jane Davis (Chair, Registrant member) Kevin Hope (Registrant member) David Boyd (Lay member)
Legal Assessor:	Barrie Searle
Panel Secretary:	Caroline Pringle
Miss Di Blasi:	Not present and not represented
Nursing and Midwifery Council:	Represented by Charles Drinnan, NMC Case Presenter
Order being reviewed:	Suspension order (3 months)
Fitness to Practise:	Impaired
Outcome:	Striking-off order to come into effect at the end of 10 April 2020 in accordance with Article 30(1)

Service of notice of hearing

This reviewing panel was informed at the start of this hearing that Miss Di Blasi was not in attendance, nor was she represented in her absence.

The panel was informed that the notice of this hearing was sent to Miss Di Blasi on 10 January 2020. The panel noted that notice of this hearing was delivered and signed for at Miss Di Blasi's registered address on 22 January 2020.

The panel accepted the advice of the legal assessor.

In the light of the information available the panel was satisfied that notice had been served in accordance with Rules 11 and 34 of The Nursing and Midwifery Council (Fitness to Practise) Rules Order of Council 2004 (as amended February 2012) (the Rules).

Proceeding in absence

The panel then considered proceeding in the absence of Miss Di Blasi. The panel was mindful that the discretion to proceed in absence is one which must be exercised with the utmost care and caution.

The panel considered all of the information before it, together with the submissions made by Mr Drinnan on behalf of the Nursing and Midwifery Council (NMC). The panel accepted the advice of the legal assessor.

Mr Drinnan submitted that there has been no engagement from Miss Di Blasi with these proceedings. She has not responded to the notice of hearing and has not requested an adjournment. Mr Drinnan submitted that there was no good reason not to proceed in Miss Di Blasi's absence.

The panel noted that there had been no response from Miss Di Blasi in relation to the notice of hearing. It considered that her non-attendance today was a continuation of a pattern of behaviour which has been ongoing since 2017. She has not attended any of the previous hearings and there has been no communication from her. The panel

therefore concluded that her absence today was deliberate and voluntary. The panel had no reason to believe that an adjournment would result in Miss Di Blasi's attendance. Having weighed the interests of Miss Di Blasi with those of the NMC and the public interest in an expeditious disposal of this hearing the panel determined to proceed in Miss Di Blasi's absence.

Decision and reasons on review of the current order

This reviewing panel decided to make a striking-off order. This order will come into effect at the end of 10 April 2020 in accordance with Article 30(1) of the Nursing and Midwifery Order 2001 (as amended) (the Order).

This is the third review of an order, originally imposed as a conditions of practice order by a Fitness to Practise panel on 7 December 2017 for a period of 12 months. The order was reviewed on 19 December 2018 and replaced with a suspension order for a period of 12 months. This suspension order was reviewed again on 27 November 2019 where it was extended for a further three months. The current order is due to expire at the end of 10 April 2020.

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

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

That you, between 02 February 2015 and 30 August 2015 whilst working at Cambridge University Hospital NHS Foundation Trust, failed to demonstrate the standards, knowledge, skill, and judgement required to practise without supervision as a Band 5 nurse as follows:

1. ...
2. *On 08 April 2015, in respect of an unknown patient, did not scan the patient's wristband to confirm the patient electronically*

3. *On 05 May 2015, failed to document hourly urine output in respect of an unknown patient*
4. ...
5. *On 03 July 2015:*
 - 5.1...
 - 5.2 *When undertaking IV administration medication, did not check the monograph*
6. ...
7. *On an unknown date in July 2015, did not administer moderate release Oxycodone to an unknown patient*
8. ...
9. ...
- 10....
11. *On an unknown date in respect of an unknown patient who was pyrexial:*
 - 11.1 *Failed to escalate and/or report the patient to the Junior Sister*
 - 11.2 *Failed to monitor and/or take observations for at least 4.5 hours*

That you, between 12 September 2016 and 18 November 2016 whilst working at Peterborough and Stamford Hospitals NHS Foundation Trust, failed to demonstrate the standards, knowledge, skill, and judgement required to practise without supervision as a Band 5 nurse as follows:

12. *On 17 October 2016, when admitting an unknown patient to the ward:*

12.1 *Obtained an MRSA sample from the patient without identification labels*

12.2 *Took 1 hour to complete the admission*

13. ...

14. *On 04 November 2016 failed an action plan in respect of one or more of the following areas:*

14.1 *Provide personal care*

14.2 *Leadership/team working*

14.3 *Self-development/clinical competence*

14.4 ...

14.5 ...

14.6 *Documentation*

15. *Did not provide adequate patient care, in that you:*

15.1 ...

15.2 *On an unknown date in September 2016, having identified an unknown patient to have a NEWS of 7;*

15.2.1 *Failed to escalate the NEWS to the Nurse in Charge and/or your mentor and/or the ward medical team*

15.2.2 *Did not carry out an assessment of the patient*

15.2.3 *Did not carry out any additional observations on the patient and/or review the patient following identity of the NEWS*

15.3 ...

15.4 *On 20 October 2016, did not correctly position ECG electrodes on a patient*

15.5 ...

16....

17. *Did not ensure documentation was complete and/or correct, in that you:*

17.1 *On 22 September 2016:*

17.1.1 *Did not complete an unknown patient's admission documentation*

17.1.2 *Signed to say risk assessments had been completed when they had not*

17.2 *On 20 September 2016, did not complete the fluid balance charts correctly*

17.3 *On 22 September 2016, incorrectly completed one or more fluid balance charts – fluid input/output*

17.4 *On 27 September 2016, incorrectly calculated the fluid input and output and/or plotted this in the wrong place on one or more unknown patient's fluid balance charts*

17.5 *On an unknown date in September 2016:*

17.5.1 *for one or more patients did not complete the fluid balance charts*

17.5.2 *Incorrectly calculated one or more fluid balance charts*

17.6 ...

17.7 *On 31 October 2016:*

17.7.1 Did not fully complete an unknown patient's admission paperwork

17.7.2 Did not handover that the admission paperwork in respect of charge 17.7.1 was not complete

AND in light of the above, your fitness to practise is impaired by reason of your lack of competence.

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

The panel considered whether Ms Di Blasi's fitness to practise remains currently impaired. Ms Di Blasi has not engaged with the NMC proceedings for some time. This panel had no new information from Ms Di Blasi since her previous review hearing to demonstrate that the concerns of the previous reviewing panel have been addressed. Ms Di Blasi has not provided any information as to what she has been doing since the previous review hearing, whether she has been working, or whether she has taken any steps to remediate her practice. In light of this lack of information and Ms Di Blasi's lack of engagement, the panel determined that there remains a risk of harm to the public if Ms Di Blasi was permitted to practise as a nurse without restriction, and concluded that her fitness to practise remains impaired on the grounds of public protection.

The panel also had regard to the wider public interest, which includes declaring and upholding proper professional standards and maintaining public confidence in the regulatory process. The panel considered that public confidence in the profession and the regulatory process would be undermined if there were no finding of impairment. The panel therefore concluded that a finding of current impairment also remained necessary on wider public interest grounds.

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

The panel first considered whether to take no action but concluded that, in light of the ongoing public protection concerns and lack of information from Ms Di Blasi, this would be inappropriate and insufficient in the light of the risk identified in this case.

The panel then considered whether to impose a caution order but concluded that, for the same reasons, this too would be inappropriate and insufficient.

The panel next considered the imposition of a conditions of practice order. As Ms Di Blasi has not engaged with the NMC process since her previous review hearing, and the panel has no knowledge of her current circumstances, the panel could not be satisfied that she would be willing to engage with a conditions of practice order. As a result, the panel considered that a conditions of practice order is not workable in this case.

The panel carefully considered a further period of suspension. It concluded that a suspension order for a period of three months would be the appropriate, proportionate, and sufficient sanction. The panel noted Ms Di Blasi's apparent disengagement from NMC proceedings. The panel considered that suspension for a period of three months would be appropriate to protect the public and satisfy the wider public interest.

The panel gave serious consideration to a striking off order, particularly in the light of Ms Di Blasi's lack of engagement. However, as the concerns in this case related to lack of competence, a striking off order was not available to the panel at this stage. However, this panel sought to remind Ms Di Blasi that a striking off order will be available to any future reviewing panel.

Therefore, the panel concluded that a further period of suspension is appropriate and proportionate at this time, and would give Ms Di Blasi a further opportunity to re-engage.

Any future reviewing panel may be assisted by the following:

- *Ms Di Blasi's attendance, whether in person or by telephone;*
- *Information about all work, paid or unpaid, that Ms Di Blasi has undertaken since the date of this hearing.*

Decision on current fitness to practise

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

The panel had regard to all of the documentation before it, including the decision and reasons of the previous panels. It also took account of the submissions made by Mr Drinnan on behalf of the NMC.

Mr Drinnan outlined the background of the case. He submitted that there has been a total lack of engagement from Miss Di Blasi throughout these proceedings. He reminded the panel that a striking-off order is now available to this panel, as Miss Di Blasi has been subject to a substantive order for over two years, and invited the panel to impose this sanction.

The panel 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 Di Blasi's fitness to practise remains impaired. It noted that it was in the same situation as the last reviewing panel in November 2019. Miss Di Blasi has not engaged with these proceedings. As a result, this panel, as with all of the previous panels, had no evidence that Miss Di Blasi has remediated her practice, nor taken any steps to do so. In light of this lack of information and Ms Di Blasi's lack of engagement, the panel determined that there remains a risk of harm to the public if Ms Di Blasi was permitted to practise as a nurse without restriction, and concluded that her fitness to practise remains impaired on the grounds of public protection.

It also determined that a finding of current impairment continued to be required on public interest grounds. It considered that public confidence in the nursing profession and the regulatory process would be undermined if a finding of current impairment were not made.

Determination on sanction

Having found Miss Di Blasi'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 Articles 29 and 30 of the Order. The panel also took account of the NMC's Sanctions Guidance and bore 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 but concluded that this would be inappropriate in view of the risk of repetition identified. Taking no further action would not restrict Miss Di Blasi's practice and would therefore not protect the public. The panel decided that it would be neither proportionate nor in the public interest to take no further action.

The panel then considered whether to impose a caution order but concluded that this would be inappropriate for the same reasons.

The panel next considered substituting the current suspension order for a conditions of practice order. It noted that the concerns in this case are remediable and could have

been addressed through conditions imposed by the original panel, if Miss Di Blasi had been willing to engage. However, Miss Di Blasi did not engage with the conditions of practice order imposed in 2017. This lack of engagement has persisted and the panel had no reason to believe that imposing a conditions of practice order now would produce any different result. The panel therefore determined that a conditions of practice order would not be workable or satisfy the public interest.

The panel next considered the imposition of a further period of suspension. The panel noted that, with the exception of two emails regarding her non-attendance at the substantive hearing, there has been a total lack of engagement from Miss Di Blasi. In these circumstances, the panel had no reason to believe that a further period of suspension would serve any useful purpose.

The panel therefore determined that a striking-off order was now the only sanction which would adequately protect the public and satisfy the public interest. It recognised that the purpose of sanction is not to be punitive. However the NMC can only be an effective regulator if the individuals on its register respect and comply with the NMC's requirements. It was of the view that Miss Di Blasi's persistent lack of engagement with the regulatory process had reached a stage where her behaviour was fundamentally incompatible with remaining on the NMC register, and that public confidence in the NMC and its processes could only be maintained by a striking-off order.

Accordingly, the panel determined to make a striking-off order. This will come into effect upon the expiry of the existing suspension order, namely at the end of 10 April 2020.

This decision will be confirmed to Miss Di Blasi in writing.

That concludes this determination.