

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

**Substantive Order Review Meeting
Monday 1 February 2021**

Virtual Meeting

Name of registrant: Miss Maria Mcgeachan

NMC PIN: 05B0186S

Part(s) of the register: Registered Nurse – sub part 1
Adult Nursing (11 August 2008)

Area of Registered Address: County Cork

Type of Case: Misconduct

Panel members: Mary Hattie (Chair, registrant member)
Amy Lovell (Registrant member)
Nicola Dale (Lay member)

Legal Assessor: Andrew Reid

Panel Secretary: Catherine Acevedo

Order being reviewed: Suspension order (6 months)

Fitness to practise: Impaired

Outcome: Striking-off order to come into effect on 13 March
2021 in accordance with Article 30

Decision and reasons on service of Notice of Meeting

This panel noted at the start of this meeting that Miss Mcgeachan was not in attendance and that the Notice of Meeting had been sent to Miss Mcgeachan's registered email address on 11 December 2020.

The panel took into account that the Notice of Meeting provided details of the substantive order being reviewed, the time, date and venue of the meeting.

The panel accepted the advice of the legal assessor.

In the light of all of the information available, the panel was satisfied that Miss Mcgeachan 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 substantive order

The panel decided to replace the current suspension order with a striking-off order.

This order will come into effect at the end of 13 March 2021 in accordance with Article 30(1) of the 'Nursing and Midwifery Order 2001' (the Order).

This is the third review of a substantive order. On 15 August 2018 a panel of the Fitness to Practise Committee imposed a suspension order for a period of 12 months. This order was reviewed on 1 August 2019 and a conditions of practice order was imposed for a period of 12 months. The order was reviewed on 10 August 2020 and a suspension order was imposed for a period of 6 months.

The current order is due to expire at the end of 13 March 2021.

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 a Registered Nurse,

1. *On 22 June 2017 having administered medication to 3 Residents, failed to complete the MAR Charts confirming the said administration in a timely manner.*
2. *On 7 July 2017 in relation to the administration of a second dose of Midazolam to Resident A,*
 - (a) ...*
 - (b) Failed to sign that you had removed the Midazolam in the Controlled Drug Book;*
 - (c) Failed to administer the Midazolam in the presence of a suitably qualified member of staff;*
 - (d) Failed to complete the MAR chart confirming you had administered the Midazolam.*
3. *On or after the 7 July 2017 sent two mobile phone text messages to Colleague A.*
4. *...*

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

“The panel considered whether Miss Mcgeachan’s fitness to practise remains impaired.

The panel noted that Miss Mcgeachan had not engaged at all with these proceedings. There was therefore no information before the panel to suggest that Miss Mcgeachan had been able to address the ongoing concerns with her practice, specifically in relation to medicines administration. The panel noted that the previous panel had imposed a conditions of practice order, to give Miss Mcgeachan the opportunity to remediate the clinical concerns in a nursing setting. There was no

information before the panel to suggest that Miss Mcgeachan had obtained employment within a nursing setting, nor anything to suggest she had been able to comply with the current conditions of practice order.

The panel considered that Miss Mcgeachan had a duty to engage with her regulator, and there was an onus on her to demonstrate evidence of remediation, and that she was capable of working safely and effectively. Miss Mcgeachan had not engaged at all with these proceedings since the previous review. In the absence of any evidence to suggest that Miss Mcgeachan had had a period of safe and effective practice and that she had been able to remediate the concerns, the panel considered that a risk of repetition remains. The panel considered that patients would be placed at risk of harm if Miss Mcgeachan were able to practise without restriction. The panel therefore determined that a finding of impairment remains necessary on the grounds of public protection.

The panel bore 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 noted that the previous reviewing panel had determined that the public interest had been satisfied, on that occasion, by Miss Mcgeachan serving a 12 month suspension order, as well as by her engagement and demonstration of insight at that review. However, since that occasion, Miss Mcgeachan had not engaged at all with these proceedings, nor had she provided any evidence of attempting to address the outstanding concerns with her practice. The panel considered that members of the public would be concerned to hear of a nurse who had failed to engage with their regulator in such circumstances. The panel considered that Miss Mcgeachan's lack of engagement with these proceedings was serious, and that it was necessary to make a finding of impairment on public interest grounds, in order to maintain confidence in the nursing profession and in the NMC as a regulator.

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

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

“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 action would fail to restrict Miss Mcgeachan’s practice. The panel determined that taking no action would not protect the public and it would not satisfy the public interest.

The panel then considered whether to impose a caution order but concluded that this would also be inappropriate in view of the risk of repetition identified. Imposing a caution order would also fail to restrict Miss Mcgeachan’s practice. The panel determined that imposing a caution order would not protect the public and it would not satisfy the public interest.

The panel next considered the imposition of a further conditions of practice order. The panel bore in mind that any conditions imposed must be workable, practicable, measurable and proportionate. The panel noted that the previous reviewing panel had imposed conditions, given Miss Mcgeachan’s demonstration of insight and willingness to remediate the concerns with her practice, on that occasion. Conditions were formulated to give Miss Mcgeachan the opportunity to address her clinical failings in a nursing setting. Since that occasion, Miss Mcgeachan had not engaged at all with these proceedings. Miss Mcgeachan had put forward no positive evidence to demonstrate compliance with the conditions of practice order, nor had she provided any information about her circumstances or any attempts to demonstrate remediation. In these circumstances, the panel considered it no longer had any evidence that Miss Mcgeachan would be able or willing to comply with conditions, nor that conditions could be imposed which would protect the public. The panel also considered that were it to impose conditions, given Miss Mcgeachan’s lack of engagement, it would be difficult to measure and monitor her compliance with them. The panel therefore determined that it would not be possible to formulate measurable, practicable, workable and proportionate conditions of practice, which would suitably protect the public and satisfy the wider public interest.

The panel next considered whether to impose a suspension order. The panel considered that a suspension order would protect the public and satisfy the wider public interest. It considered that this would give Miss Mcgeachan an opportunity to re-engage with these proceedings, and to provide information about what she has

been doing to address the clinical concerns and to demonstrate evidence of remediation. The panel also considered that it would give Miss Mcgeachan time to think about her future intentions in relation to working as a nurse, and to provide information about this to a future reviewing panel.

The panel considered whether to impose a striking-off order. The panel noted at the previous review, Miss Mcgeachan had engaged, demonstrated evidence of insight and a commitment on that occasion to return to being a safe and effective nurse. Since that occasion, Miss Mcgeachan had not engaged and provided any further evidence of remediation. The panel considered that Miss Mcgeachan should be given a further, and perhaps final, opportunity to engage and provide information regarding her intentions in relation to nursing. It considered that a suspension order would allow her such opportunity, and that it was in the public interest to support Miss Mcgeachan in this manner, in order to facilitate her return to safe and effective nursing practice. In these circumstances, the panel concluded that a striking-off order would be disproportionate and punitive at this stage.

The panel therefore determined that a suspension order is appropriate and proportionate in the circumstances of this case. The panel considered that a suspension order for a period of six months would provide Miss Mcgeachan with the opportunity to think about her intentions in relation to nursing, and to re-engage with the NMC, in order to provide information about such intentions. If Miss Mcgeachan still wishes to continue to practise as a nurse in the future, a suspension order will give her time to reflect on that, and think about how she will address the concerns and remediate her practice. It will also provide her with adequate time to evidence that she has or is keeping her clinical skills up to date and to provide evidence of this to a future reviewing panel.

In accordance with Article 30(1), this suspension order will come into effect upon the expiry of the current conditions of practice order, namely at the end of 13 September 2020.

Prior to its expiry, another panel will review the order. That panel may revoke the order, allow the order to lapse on expiry, extend the order or replace the order with another order.

A future reviewing panel may be assisted by evidence of the following:

- *Miss Mcgeachan's engagement with these proceedings and her attendance at the review hearing;*
- *Information about how Miss Mcgeachan has kept her clinical skills up to date and how she has kept up to date with current nursing practice;*
- *Testimonials from any employment Miss Mcgeachan has undertaken, whether paid or unpaid;*
- *A reflective piece regarding Miss Mcgeachan's future intentions in relation to nursing. If Miss Mcgeachan still intends to return to nursing, this reflection should cover any barriers she may face, how she will overcome these and how she intends to remediate her practice. If Miss Mcgeachan no longer intends to return to nursing, this reflection should include a clear statement about her intentions and plans for the future".*

Decision and reasons on current impairment

This panel has considered carefully whether Miss Mcgeachan'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 Mcgeachan's fitness to practise remains impaired.

The panel noted that Miss Mcgeachan had not engaged at all with these proceedings. There was therefore no information before the panel to suggest that Miss Mcgeachan had addressed the ongoing concerns with her practice, specifically in relation to medicines administration.

The panel considered that Miss Mcgeachan had a duty to engage with her regulator, and there was an onus on her to demonstrate evidence of insight and remediation. In the absence of any evidence that she had remediated the concerns, the panel considered that a risk of repetition remains. The panel considered that patients would be placed at risk of harm if Miss Mcgeachan were able to practise without restriction. The panel therefore determined that a finding of impairment remains 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 considered that members of the public would be concerned to hear of a nurse who had failed to engage with their regulator in such circumstances. The panel considered that Miss Mcgeachan's lack of engagement with these proceedings was serious, and that it was necessary to make a finding of impairment on public interest grounds, in order to maintain confidence in the nursing profession and in the NMC as a regulator.

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

Decision and reasons on sanction

Having found Miss Mcgeachan'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 but concluded that this would be inappropriate in view of the risk of repetition identified. Taking no action would fail to restrict Miss Mcgeachan's practice. The panel determined that taking no action would not protect the public and it would not satisfy the public interest.

The panel then considered whether to impose a caution order but concluded that this would also be inappropriate in view of the risk of repetition identified. Imposing a caution order would also fail to restrict Miss Mcgeachan's practice. The panel determined that imposing a caution order would not protect the public and it would not satisfy the public interest.

The panel next considered whether a conditions of practice order would be a sufficient and appropriate response. The panel noted that conditions had previously been imposed to give Miss Mcgeachan the opportunity to address her clinical failings in a nursing setting. Miss Mcgeachan has not engaged at all with these proceedings. Miss Mcgeachan did not demonstrate compliance with the conditions of practice order, nor did she provide any information about her circumstances or any attempts to demonstrate remediation. The panel therefore determined that it would not be possible to formulate measurable, practicable, workable and proportionate conditions of practice, which would suitably protect the public and satisfy the wider public interest.

The panel next considered imposing a further suspension order. The panel noted the decision of the last reviewing panel:

"The panel considered that Miss Mcgeachan should be given a further, and perhaps final, opportunity to engage and provide information regarding her intentions in relation to nursing".

Since the last review, Miss Mcgeachan has not engaged with these proceedings nor has she provided any evidence of remediation. Miss Mcgeachan has not demonstrated any insight into her previous failings. The panel was of the view that considerable evidence would be required to show that she no longer posed a risk to the public. The panel determined that a further period of suspension would not serve any useful purpose in all of the circumstances. The panel determined that it was necessary to take action to prevent

Miss Mcgeachan from practising in the future and concluded that the only sanction that would adequately protect the public and serve the public interest was a striking-off order.

This striking-off order will take effect upon the expiry of the current suspension order, namely the end of 13 March 2021 in accordance with Article 30(1).

This decision will be confirmed to Miss Mcgeachan in writing.

That concludes this determination.