

# Nursing and Midwifery Council

## Voluntary Removal Decision

7 July 2021

**Registrant:** Orla Murphy

**PIN:** 95F0131E

**Part(s) of the register:** Registered Nurse - Adult Nursing

**Area of Registered Address:** Wales

**Type of case:** Misconduct and health

### REGISTRAR'S DECISION

A decision has been made by the Registrar to approve the application for voluntary removal based on the assessment of the relevant criteria. The reasons for the decision to grant voluntary removal from the Register are below.

#### Details of charge

That you, a registered nurse:

- 1 [PRIVATE]
- 2 Have suffered from and/or are currently suffering from the health condition set out in Schedule 1.

AND in light of charge 1 above, your fitness to practise is impaired by reason of your misconduct.

AND in light of charge 2 above, your fitness to practise is impaired by reason of your health.

#### Schedule - Private

1. [PRIVATE]

### REGISTRAR'S REASONS

The following documents were considered when assessing this voluntary removal application:

- Voluntary removal application form, dated 30 March 2021
- Orla Murphy's response to the charges, dated 30 March 2021
- Letter from Orla Murphy, dated 30 March 2021
- Letters from GP, dated 30 April 2019 and 3 September 2020
- Letter from the University Health Board, dated 23 March 2021
- Response from Lesley McCann, the maker of the allegation, dated 10 June 2021
- Case Examiner Report and Bundle
- Case Examiner decision letter dated 21 January 2021
- Draft charge

## **Background**

Orla Murphy became a registered nurse in adult nursing in 1999. Most recently she worked at Fairways Nursing Home in Trearddur Bay from about 2011 until her resignation in February 2019.

[PRIVATE]

Orla Murphy was immediately suspended on full pay. Orla Murphy handed in her resignation with immediate effect on 11 February 2019, so no local investigation could be undertaken. [PRIVATE]. She stated that she did not feel that she was able to work any longer in healthcare.

The matter was referred to the NMC by a manager at Fairways Nursing Home on 21 February 2019. [PRIVATE]

[PRIVATE].

## **Public interest considerations**

[PRIVATE].

Although Orla Murphy's decision [PRIVATE] was an extremely poor decision, it's apparent that it's unlikely to have been made if it wasn't for her health condition. Given this, it is more appropriate to consider Orla Murphy's fitness to practise being impaired by reason of her health and not misconduct.

When an individual's fitness to practise is impaired on the grounds of their health, a Fitness to Practise panel is not able to issue the sanction of striking off at the first hearing. It is only after someone has been subject to a suspension order and/or conditions of practise order for two years or more that the sanction of strike off becomes available.

There are incidents when the conduct associated with health is so serious that it's considered that it's incompatible for the individual to remain on the register. This is only in a small number of exceptional cases, such as when a nurse, midwife or nursing

associate deliberately harms a patient, and the matter would be treated as misconduct in those instances. Although Orla Murphy's actions are considered serious, due to the risk of harm posed, they don't meet this high threshold. I don't consider Orla Murphy's actions to mean that it is fundamentally incompatible for her to remain on the register.

Orla Murphy has admitted the charges and accepts that her fitness to practise is impaired.

Orla Murphy has written to us to acknowledge that her behaviour was dangerous and unacceptable and has apologised for the impact of her behaviour. She maintains that her behaviour is due to her health condition and she is actively working on addressing her health condition.

[PRIVATE].

Orla Murphy has signed a declaration to say that she won't reapply to be admitted to the register until at least 5 years from the date of this voluntary removal decision. She has also told us that she is [PRIVATE] not working.

Fairways Nursing Home have told us that they have no objection to Orla Murphy being voluntarily removed from the register.

I have considered the public interest in having this matter determined by a Fitness to Practise panel, our duty to protect the public and Orla Murphy's interests.

There would be a risk of harm to the public if Orla Murphy were allowed to continue to practise without restriction at this time. I find that the risk of harm will be fully addressed by Orla Murphy's immediate removal from the register, which will prevent her from practising as a nurse.

I find that the public interest in this case isn't so high that a hearing and Fitness to Practise panel determination is required. Although the concerns are serious due to the risk of harm, they arise due to Orla Murphy's health condition, which she fully recognises and is attempting to address. There aren't any particular aggravating factors, beyond the risk of harm, and no indication that there is a serious underlying lack of professionalism, which might need to be considered by a panel. I find that public confidence in the profession will be maintained by Orla Murphy's voluntary removal from the register. Public confidence will be supported by the processes we have in place to ensure someone is safe to practice if they want to return to the register.

I also find that it is in Orla Murphy's interest to be removed from the register to allow her time to address her health concerns [PRIVATE].

### **Registrar's decision**

The public interest in having this matter determined by a Fitness to Practise panel does not outweigh the public interest in immediate removal of Orla Murphy from the register. It is best for all parties concerned that this matter is dealt with by way of voluntary removal, subject to the current interim conditions of practice order being revoked by a panel. Consequently, I grant Orla Murphy's application for voluntary removal.

