

Nursing and Midwifery Council

Voluntary Removal Decision

11 April 2022

Registrant: Norma Kraus

PIN: 76A0377S

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

Area of Registered Address: England

Type of case: Misconduct

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 whilst working at Ann Charlton Lodge ("the Home")

1 Between 22 October 2018 and 7 July 2019:-

1.1 Failed to ensure that Resident A's care plans were signed on one or more occasions;

1.2 Failed to escalate to a member of the management team or the Clinical Lead at the Home that one or more of Resident A's care plans were unsigned.

2 Between 19 May 2019 and 21 June 2019:-

2.1 Failed to update one or more care plans within Resident A's care file to an adequate standard following their discharge from hospital on 19 May 2019;

2.2 Failed to escalate to a member of the management team or Clinical Lead at the Home that Resident A's care plans did not reflect their needs.

3 On or around 10 May 2019 failed to ensure that Resident B's care plan in respect of their lower spine pressure ulcer was

3.1 recorded in the correct place in that it was recorded on a Resident Journal form rather than on a care plan;

3.2 accurate and/or complete.

- 4 Between 10 May 2019 and 19 May 2019 failed to ensure that Resident B's dressings were changed every two to three days as directed by Resident B's G.P. or failed to record that the said dressings had been changed as directed on one or more occasions.
- 5 Between 3 February 2019 and 25 April 2019 failed to ensure that Resident B's blood sugar levels were being adequately monitored or failed to record their blood sugar levels on one or more occasions.
- 6 By 2 July 2019 failed to ensure that a care plan was in place for Resident B's grade four pressure sore.
- 7 In or around 29 May 2019 failed to ensure that care plans were in place for Resident B with respect to:-
 - 7.1 Diabetes;
 - 7.2 Contenance;
 - 7.3 Eating and drinking;
 - 7.4 Mobility and transfers;
 - 7.5 Recurring infections;
 - 7.6 Oxygen therapy;
 - 7.7 Personal care;
 - 7.8 Capacity assessment.
- 8 On an unknown date between 1 May 2019 and 31 July 2019 failed to record that you had administered 12.5mgs of morphine to Resident C.

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

REGISTRAR'S REASONS

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

- Voluntary removal application form
- Draft charges
- Supporting documents
 - Character reference dated 6 August 2019
 - Employment status email dated 11 November 2020

Reflective account (undated)
Case Management Form dated 23 February 2022
Reflective account (undated)
Retirement details
Personal Contact and Employer Details form

- Case Examiner decision letter dated 15 November 2021

Background

We've received an application to remove Norma Kraus' name from our nursing register through our voluntary removal process.

Ms Kraus last practised as a nurse in July 2019 and received her P45 in August 2019 after 40 years of working as a nurse. Ms Kraus says she wants to remove her name from our register because she has retired and doesn't intend to practise again.

Ms Kraus is currently awaiting hearing before our Fitness to Practise Committee. This follows concerns we were told about on 26 July 2019 by PW, Chairman of the Trustees, Ann Charlton Lodge ('the Home'). At the time of the concern raised in the referral, Ms Kraus was working as a staff nurse for the Home. Ms Kraus had worked at the Home since 2004 until she resigned in August 2019.

We've identified and investigated the following regulatory concern: failure to ensure that clinical records were completed to an adequate standard.

The background to the allegations is as follows:

In May 2018, significant concerns were identified at the Home by safeguarding and visiting professionals. The Home was placed on "*Significant Concern*" level by the local authority. A number of meetings and managers were put in place at the Home to rectify the significant concerns. One of the key concerns was record keeping and care planning. At the same time, the Care Quality Commission ('CQC') inspected the Home. The CQC rated the Home as "*Requires Improvement*".

In October 2018, the local authority saw improvements at the Home and removed the "*Significant Concern*" level. However, in April 2019, the local authority identified a repetition of the previous concerns of record keeping and care planning and raised the Home back to a level of "*Significant Concern*". At the same time, the CQC carried out a further inspection of the Home and maintained that it "*requires improvement*". The Home Manager resigned from their role.

The Home was given a high level of support over the following months to rectify the concerns with record keeping and care planning to ensure the residents were safe. During this support, it was identified that Ms Kraus failed to maintain appropriate levels of record keeping and had failed to update care plans for residents, for example failing to document when medication had been

administered. When asked about this, Ms Kraus said that it wasn't a necessity as she knew she'd administered the medication.

Ms Kraus was given a high level of personal support to get her record keeping and care planning skills up to the required standard. However, there wasn't any improvements over the following three months. An investigation was carried out into the nurses at the Home. Ms Kraus was issued with a final written warning.

Public interest considerations

The Case Examiners referred the concerns to the Fitness to Practise Committee having decided there's a realistic prospect of impairment on the basis of public protection.

As part of her application to remove her name from our register, Ms Kraus signed a declaration to say that she won't reapply to our register for a period of at least 5 years. If an application is made in the future, we have a robust procedure for considering an application for readmission to our register.

We've received a reflective piece from Ms Kraus, explaining that since she's discussed matters with outside agencies she realises and acknowledges that her documentation was poor. Ms Kraus admits the facts of the allegations and accepts that her practice is impaired as a result of the concerns raised. Ms Kraus says she is aware that documenting inadequately or in the wrong place can lead to confusion. Following on from this matter, Ms Kraus explains that she's lost her confidence to work as a nurse and decided to retire. Ms Kraus has submitted evidence of her retirement fund which was issued in September 2019. Ms Kraus was asked to work as a bank nurse at the Home in March and November 2021 but declined to do so.

We contacted the maker of the allegation to seek their comments on Ms Kraus' application for voluntary removal, although we've not received a response.

Our guidance says the only circumstances in which we'll accept applications for voluntary removal are:

- the nurse, midwife or nursing associate accepts the regulatory concern(s);
- the regulatory concerns are not so serious that they are fundamentally incompatible with being a registered professional; and
- the nurse, midwife or nursing associate provides evidence that they do not intend to continue practising.

Ms Kraus accepts the concern that has been made about her practice. The evidence shows that the Home was being mismanaged and that different agencies were involved in supporting the Home. It appears that Ms Kraus was provided with differing advice as to how to complete documentation. Ms Kraus also appears to have had limited training from the Home with respect to care planning and received no supervision or appraisals.

While I note that system issues were a concern around the time that Ms Kraus's practice fell below what was required of her, I'm mindful that measures were put into place to rectify concerns around her poor practice in April 2018. Nevertheless, Ms Kraus' poor record keeping persisted for a further 12 months.

It's unlikely that Ms Kraus will be struck-off our register as a result of the concerns raised. These are clinical concerns that aren't so serious that they can't be put right, and taking action on these solely to maintain public confidence or uphold standards is unlikely. The concerns aren't so serious that a finding by the Fitness to Practise Committee is required.

This matter is suitable for voluntary removal from the nursing register. In making my decision I've balanced Ms Kraus' interest in being removed from the register through the voluntary removal process, against the wider public interest in this matter being heard by the Fitness to Practise Committee.

In the circumstances of this case, the balance lies in favour of removing Ms Kraus' name from the nursing register through the voluntary removal process. I'm satisfied that the public are best protected at the earliest opportunity by the immediate removal of Ms Kraus' name from the register. The NMC's overarching objective is one of public protection and removing Ms Kraus' name from the register achieves this.

Registrar's decision

I've concluded that the public are best protected at the earliest opportunity by granting this application to remove Ms Kraus' name from our register.