

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

**Substantive Order Review Meeting
Wednesday 19 January 2022**

Virtual Meeting

Name of registrant: Mrs Rita Josephine Hand

NMC PIN: 84A3529E

Part(s) of the register: Registered Nurse
Adult Nursing – March 1987
Community Practitioner Nurse Prescriber – 17
November 2003
Nurse Independent Prescriber – 20 February
2007

Area of Registered Address: Hertfordshire

Type of Case: Misconduct

Panel members: Derek McFaul (Chair, Lay member)
Dr Natasha Duke (Registrant member)
Richard Bayly (Lay member)

Legal Assessor: Michael Levy

Hearings Coordinator: Graeme King

Order being reviewed: Suspension order (6 months)

Fitness to practise: Impaired

Outcome: **Striking off order to come into effect at the
end of 27 February 2022, in accordance with
Article 30 (1)**

Service of Notice of Meeting

The panel noted that a Notice of Meeting was sent by email to Mrs Hand's registered email address on 15 September 2021. The Notice of Meeting informed Mrs Hand that her case would be considered at a meeting on or after 17 January 2022.

The panel accepted the advice of the legal assessor.

The panel considered whether notice of this meeting had been served in accordance with Rules 11a and 34 of the Nursing and Midwifery Council (Fitness to Practise) Rules 2004, as amended (the Rules). It noted that the email address to which the Notice of Meeting was sent, is the one that Mrs Hand has provided on the Nursing and Midwifery Council's (NMC) register.

In the light of all of the information available, the panel was satisfied that Mrs Hand has been served with notice of this meeting in accordance with the requirements of Rules 11A and 34 of the Rules. The panel was also satisfied that it was appropriate to proceed with this review at a meeting, given that Mrs Hand has not requested a hearing nor has she engaged with these regulatory proceedings since July 2020.

Decision and reasons on review of the substantive order

The panel decided to impose a striking off order. This will come into effect at the end of 27 February 2022 in accordance with Article 30(1) of the 'Nursing and Midwifery Order 2001' (the Order).

This is the third review of a suspension order imposed for a period of six months on 30 January 2020 by a Fitness to Practise panel. The order was reviewed on 22 July 2020 and extended for a further 12 months. The order was most recently reviewed on 23 July 2021 when it was extended for a further 6 months.

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 9 August 2016:

- a) Administered Tramadol 100mg to Patient A, when it had not been prescribed.*
- b) Administered Oramorph 20mg to Patient B, when it had been discontinued.*

2 Whilst subject to clinical practice restrictions imposed by your employer you, without authorisation:

- a) On 25 October 2016 administered intravenous solution to Patient C.*
- b) On 22 March 2017 administered Oramorph to Patient F.*
- c) On 23 March 2017 administered Oramorph to Patient E.*

And in light of the above your fitness to practice is impaired by reason of your misconduct.'

The most recent reviewing panel determined the following with regard to impairment:

'The substantive panel and the last reviewing panel decided that Mrs Hand had demonstrated a lack of insight and remediation, and therefore posed a high risk of repeating her misconduct. This panel considered that the position remained unchanged. The panel noted that Mrs Hand is currently not able to work as a nurse due to the suspension order and, in any event, she has indicated that she does not intend to nurse [PRIVATE]. However, the panel considered that these circumstances have now changed as there is a Covid 19 vaccine readily available to the majority and even more specifically nurses. In any event the panel formed the

view that Mrs Hand was not prevented from developing her insight, or undertaking remediation such as online e-learning or further reading.

Despite this, the panel has no evidence that Mrs Hand has taken any steps to remediate her medicines administration skills or to develop her insight. The only information Mrs Hand has provided is that she does not intend to return to nursing until the Covid-19 vaccine is available.

In the absence of any evidence of further insight or remediation, this panel determined that Mrs Hand continued to pose a high risk of repetition. Consequently, it determined that a finding of current impairment continued to be required on both public protection and public interest grounds for the reasons identified by the substantive panel in January 2020 and the last reviewing panel in July 2020.'

The same panel determined the following with regard to sanction:

'The panel first considered whether to take no action but concluded that this would be inappropriate. Taking no further action would not restrict Mrs Hand's practice and would therefore not protect patients. The panel decided that it would be neither proportionate nor in the public interest to take no further action.

The panel also decided that a caution order would be inappropriate for the same reasons.

The panel next considered a conditions of practice order. It was of the view that Mrs Hand's misconduct could, in theory, be addressed by conditions of practice. However, it bore in mind that Mrs Hand failed to comply with the restrictions imposed on her by her employer when the concerns first arose and further Mrs Hand has not engaged with the NMC since the last review hearing. The panel could therefore not be satisfied that Mrs Hand would comply with any conditions imposed by this panel. The panel also considered that conditions of practice would not be practicable or workable, given that Mrs Hand is not currently working as a registered nurse and has no plans to return to practice in the foreseeable future.

The panel therefore moved on to consider a further period of suspension. It noted that a suspension order would protect patients for the time it was in force, as well as giving Mrs Hand an opportunity to resume engagement with the NMC and these proceedings, reflect on her failings and take steps to remediate them.

The panel was aware that a striking-off order was an available sanction and gave consideration to this. However, it decided that a striking-off order would be disproportionate at this time given that Mrs Hand's misconduct is capable of remediation and she has indicated that she currently [PRIVATE] which may be impacting on her ability to remediate.

Taking all of these factors into account, the panel decided that a further suspension order was the appropriate and proportionate sanction. The panel determined that a suspension order for six months would be appropriate. This would give Mrs Hand the opportunity to provide evidence of any remediation and insight or provide an indication of her intentions regarding returning to nursing practice.

At the end of the period of suspension, another panel will review the order. At the review hearing the panel may revoke the order, or it may confirm the order, or it may replace the order with another order. Any future panel may be assisted by evidence of:

- Mrs Hand's attendance at the review hearing;*
- An indication of whether Mrs Hand has any intention of return to nursing, either in the short or long-term;*
- A reflective piece considering Mrs Hand's failings with medicines management and medicines administration using a recognised model of reflection, for example the Gibbs reflective cycle;*
- Evidence of any remediation e.g. medicines management e-learning or further reading;*
- Any references or testimonials from paid or unpaid work.'*

Decision and reasons on current impairment

The panel has considered carefully whether Mrs Hand'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 had regard to all of the documentation before it 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 was of the view that there has not been any material change in circumstance since the order was last reviewed in August 2021. It had no evidence before it of any steps Mrs Hand has taken to strengthen her practice or to address the concerns raised at the substantive hearing.

As a result of Mrs Hand not having worked as a nurse since January 2020, and in the absence of any evidence to demonstrate a willingness to address the concerns raised, the panel determined that there remains a significant risk of harm to patients. It noted that the previous reviewing panel made recommendations as to what Mrs Hand could provide to this panel but noted that no such information had been provided. The panel noted that Mrs Hand has not engaged with the NMC in any capacity since July 2020.

With regard to the panel having found that Mrs Hand poses a significant risk of harm to patients, it 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, taking into account the seriousness of the concerns, a finding of continuing impairment on public interest grounds is also required.

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

Decision and reasons on sanction

Having found Mrs Hand'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 sanction guidance 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 further action would not restrict Mrs Hand's practice and therefore would 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 next considered whether to impose a caution order but concluded that this would also be inappropriate for the same reasons.

The panel next considered replacing the suspension order with a conditions of practice order. While it considered that the concerns raised could potentially be addressed by such an order, it had no information before to satisfy itself that conditions of practice would be workable. Mrs Hand has not provided any indication of her future nursing plans or intentions. The panel therefore concluded that a conditions of practice order would be inappropriate.

The panel therefore moved on to consider a further period of suspension. It bore in mind that Mrs Hand has now been subject to a suspension order since January 2020. During this time she has provided no evidence of efforts made to strengthen her practice or

develop her insight into the impact of her actions on the nursing profession. The panel considered that Mrs Hand is no closer to remediating her misconduct now than she was at her original substantive hearing in 2020. While Mrs Hand had indicated in July 2020 that she would not return to nursing until a Covid-19 vaccine was available, the panel did not consider this to be an acceptable reason to have disengaged from her regulator for 18 months. The panel considered that Mrs Hand has not provided any meaningful update or evidence to this or previous panels, despite specifically being invited to do so.

The panel was mindful that, at this stage in the regulatory process, the burden is on Mrs Hand to satisfy this panel that she is no longer currently impaired and that she has a commitment to the nursing profession. The panel considered that Mrs Hand cannot remain suspended indefinitely. While the panel wholly acknowledges the impact that the Covid-19 pandemic has had on the nursing profession, Mrs Hand has not sufficiently persuaded the panel that she has a genuine commitment to the profession and an intention to strengthen her practice.

In these circumstances, the panel considered that a further period of suspension would serve no useful purpose. It considered that it was highly unlikely to result in the next reviewing panel being in a different position, and that public confidence in the regulatory process would be undermined if this were to continue any longer.

For these reasons, the panel decided that a suspension order was not an appropriate sanction and that the only sanction that would adequately protect the public and uphold the public interest was a striking-off order. The panel therefore directs the registrar to strike Mrs Hand's name from the register.

In accordance with Article 30(1) of the Order, this striking-off order will come into effect upon the expiry of the existing suspension order, namely at the end of 27 February 2022.

This decision will be confirmed to Mrs Hand in writing.

That concludes this determination.