

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

**Substantive Order Review Hearing
30 April 2024**

Virtual Hearing

Name of Registrant: Jay Linus Fuentes

NMC PIN 18A01470

Part(s) of the register: Registered Nurse – Sub Part 1
Adult Nursing - January 2018

Relevant Location: Stockton-on-Tees

Type of case: Lack of competence/Misconduct

Panel members: Rachel Robertson (Chair, lay member)
Hannah Harvey (Registrant member)
Catherine Devonport (Registrant member)

Legal Assessor: Gerard Coll

Hearings Coordinator: Leigham Malcolm

Nursing and Midwifery Council: Represented by Mr Ben Edwards, NMC Case Presenter

Mr Fuentes: Not present or represented in absence

Order being reviewed: Conditions of Practice Order (18 months)

Fitness to practise: Impaired

Outcome: **Conditions of Practice Order (18 months) to come into effect at the end of 8 June 2024 in accordance with Article 30 (1)**

Decision and reasons on service of Notice of Hearing

The panel was informed at the start of this hearing that Mr Fuentes was not in attendance and that the Notice of Hearing had been sent to his registered email on 28 March 2024.

Mr Edwards, on behalf of the Nursing and Midwifery Council (NMC), submitted that it had complied with the requirements of Rules 11 and 34 of the 'Nursing and Midwifery Council (Fitness to Practise) Rules 2004', as amended (the Rules).

The panel accepted the advice of the legal assessor.

The panel took into account that the Notice of Hearing provided details of the substantive order being reviewed, including the date, time and instructions on how to join the virtual hearing. Amongst other things the notice of hearing included information about Mr Fuentes' right to attend, be represented and call evidence, as well as the panel's power to proceed in his absence.

In the light of all of the information available, the panel was satisfied that Mr Fuentes has been served with notice of this hearing in accordance with the requirements of Rules 11 and 34.

Decision and reasons on proceeding in the absence of Mr Fuentes

The panel next considered whether it should proceed in the absence of Mr Fuentes. The panel had regard to Rule 21 and heard the submissions of Mr Edwards who invited the panel to continue in the absence of Mr Fuentes.

Mr Edwards referred the panel to an email dated 18 April 2024 in which Mr Fuentes stated:

"I would like to sadly express that I could not be able to attend the substantive order review on April 30, as I am not confident to attend at this time as the manager of Askham Village Community have recently resigned. Our previous manager, Ms [] resigned from work last April 12, 2024 while the new manager will be reporting to

work on June 6, 2024. As such , no one from the management can represent me should I attend this coming April 30 . As achieving my goal to regain my nursing license will only be possible with the support of our management , i feel it necessary that I attend the review with my manager to represent me. Even in this situation, I hope that the Nursing and Midwifery Council will excuse my absence and recognize my commitment to continue and follow conditions of practice order to the best of my capacity. It is hoped further that I would merit lenience in the next conditions of practice order.”

Mr Edwards highlighted to the panel that the current order was due to expire at the end of 8 June 2024. He submitted that there was nothing within the information received from Mr Fuentes to suggest that an adjournment would secure his attendance in the near future and that Mr Fuentes had effectively voluntarily absented himself from today’s hearing.

In all the circumstances, Mr Edwards invited the panel to proceed in his absence.

The panel accepted the advice of the legal assessor.

The panel has decided to proceed in the absence of Mr Fuentes. In reaching this decision, the panel has considered the submissions of Mr Edwards and the advice of the legal assessor. It noted that:

- The current order is due to expire at the end of 8 June 2024.
- No application for an adjournment has been made by Mr Fuentes.
- There is no reason to suppose that adjourning would secure his attendance at some future date; and
- There is a strong public interest in the expeditious review of the case.

In these circumstances, the panel has decided that it is fair to proceed in the absence of Mr Fuentes.

Decision and reasons on review of the substantive order

The panel decided to confirm the current conditions of practice order.

This order will come into effect at the end of 8 June 2024 in accordance with Article 30(1) of the 'Nursing and Midwifery Order 2001' (the Order).

This is the third review of a substantive order originally imposed on 8 March 2021 for a period of 3 months by a Fitness to Practise Committee panel. The substantive suspension order imposed on 8 March 2021 was first reviewed on 8 June 2021 when it was replaced with a conditions of practice order for a period of 18 months. The order was reviewed again on 8 November 2022 when further conditions were imposed for a period of 18 months.

The current order is due to expire at the end of 8 June 2024. The panel is reviewing the order pursuant to Article 30(1)/30(2) of the Order.

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

'That you, a registered nurse failed to demonstrate the standards of knowledge, skill and experience required to practise safely as a Band 5 nurse

1. *Whilst subject to an Action Plan between 11 April –14 November 2018 (as updated in June 2018), you failed to demonstrate that you were competent in the following areas: **[PROVED IN ITS ENTIRETY BY ADMISSION]***
 - a. *preparation/ administration of medication*
 - b. *infection control*
 - c. *lack of leadership / ability to supervise*
 - d. *communication skills*
 - e. *patient admissions and discharges*
 - f. *provision of care to patients and treating patients with dignity*

- g. record keeping*
 - h. time management and organisation*
 - i. handovers*
- 2. *Between approximately February 2018 and November 2018 you failed to complete and/or pass your Preceptorship Programme. **[PROVED BY ADMISSION]***
- 3. *On 4 June 2018, you: **[PROVED IN ITS ENTIRETY BY ADMISSION]***
 - a. failed to complete the discharge documentation including the Continuing Healthcare (CHC) documentation for Patient D*
 - b. manually moved Patient T on your own, when the move required two members of staff to complete the task safely*
 - c. inappropriately informed Patient J's family that Patient J would be "up and walking around in no time" or words to that effect, when Patient J was at high risk of falls and was for 'bed to chair transfers' only.*
- 4. *On 6 June 2018, in respect of an unknown patient you: **[PROVED IN ITS ENTIRETY BY ADMISSION]***
 - a. weighed the patient with the incorrect scale settings applied*
 - b. failed to repeat the procedure and obtain the correct weight*
 - c. asked a new nurse to step on the scales and worked out the difference between the nurse's weight and the patient's weight*
- 5. *On 20 June 2018, when preparing Patient C for discharge, you: **[PROVED IN ITS ENTIRETY BY ADMISSION]***
 - a. failed to ensure Patient C had blood tests*
 - b. failed to fill out the nutritional and fluid balance sheet*
 - c. failed to take action and/or escalate that Patient C had not passed urine for 6 hours*
 - d. failed to administer IV fluids*
- 6. *On 29 June 2018, following an unsuccessful attempt to insert a catheter into an unknown patient, you: **[PROVED IN ITS ENTIRETY BY ADMISSION]***

- a. *attempted to re-insert the catheter a second time, when you ought to have obtained a new catheter*
 - b. *failed to engage or communicate with the patient during the procedure*
7. *On an unknown date around July 2018, upon being instructed by Nurse HJ to prepare a trolley for an aseptic dressing technique you:*
- a. *grabbed the first available trolley without disinfecting the trolley*
[PROVED]
 - b. *upon being instructed to rub down/disinfect the trolley, you took an inordinate length of time to complete the task* **[PROVED]**
 - c. *required Nurse HJ to explain the process of the aseptic technique of the umbilical dressing* **[PROVED BY ADMISSION]**
 - d. *had to be reminded to dispose of the gauze after cleaning the wound*
[PROVED BY ADMISSION]
 - e. *had to be reminded to not repeatedly rub the wound clean.* **[PROVED BY ADMISSION]**
8. *On 30 August 2018, whilst assisting Patient U to the toilet, you walked in front of Patient U when you ought to have walked to the side of the patient and supported her* **[PROVED BY ADMISSION]**
9. *In August 2018, you failed to escalate to a doctor or senior nurse that Patient F had not passed urine for 8 hours* **[PROVED BY ADMISSION]**
10. *On 20 September 2018, whilst caring for an unknown patient whose intravenous cannula line had fallen out you:* **[PROVED IN ITS ENTIRETY BY ADMISSION]**
- a. *attempted to re-connect the IV line which had become unsterile from contact with the bed*
 - b. *did not understand why your actions could put the patient at risk of infection*
 - c. *when questioned about your actions, you stated that you had panicked “because of all the blood” when there was no visible blood present*

11. On 15 October 2018, you: **[PROVED IN ITS ENTIRETY BY ADMISSION]**
- a. prepared to administer Patient M a PRN laxative when her nursing records indicated that the patient was opening her bowels regularly over the last few days.
 - b. prepared to administer Patient N Digoxin when it was recorded in the nursing records/ prescription script that the patient's heartrate was within normal range
 - c. upon being informed by an unknown healthcare assistant (HCA) that Patient O had raised blood pressure, reduced blood oxygen saturations and a NEWS score of 2 you failed to:
 - i) take any action
 - ii) ensure the patient had a nasal cannula in situ
 - d. failed to wake an unknown patient to provide nursing care
12. On 16 October 2018, you lost your handover sheet in the canteen **[PROVED BY ADMISSION]**
13. On a number of unknown dates in 2018 you failed to complete the pre-operative theatre checklist for a number of unknown patients. **[PROVED BY ADMISSION]**
14. On a number of unknown dates in 2018, in respect of one or more unknown patients you: **[PROVED IN ITS ENTIRETY BY ADMISSION]**
- a. failed to complete various risk assessments (including MUST assessments and SSKins pressure assessments)
 - b. failed to carry out observations and/or record NEWS scores
 - c. failed to fill out fluid balance charts
15. On a number of unknown dates in 2018, you failed to wake patients up to provide nursing care. **[PROVED BY ADMISSION]**
16. On a number of unknown dates in 2018, you inappropriately giggled in front of patients and their families. **[PROVED BY ADMISSION]**

17. On a number of unknown dates in 2018, you failed to demonstrate competency in moving and handling patients and used prohibited techniques. **[PROVED BY ADMISSION]**

18. On an unknown shift in 2018: **[PROVED IN ITS ENTIRETY BY ADMISSION]**

- a. upon being informed by Nurse SF to administer medication to an unknown patient you failed to administer the medication
- b. incorrectly informed Nurse SF that you had asked Nurse RW to administer the medication when you had not done so.
- c. your actions as described at Charge 18b were dishonest in that you attempted to cover up that you did not administer medication to the patient.

19. On an unknown date in 2018, upon being informed that Colleague MW had hurt her leg you: **[PROVED IN ITS ENTIRETY BY ADMISSION]**

- a. gave her a commode and got her to sit down and spun her round on the commode in front of patients.

20. Whilst subject to a formal capability plan between August and September 2018 you failed to demonstrate competency in the following areas:

[PROVED IN ITS ENTIRETY BY ADMISSION]

- a. practice autonomously with legal and ethical professional competencies recognise and promote patient safety
- b. complete a medicines management course

AND in light of the above, your fitness to practise is impaired by reason of your lack of competence in respect to charges 1- 18(a), 19 and 20, and your misconduct in respect of charge 18(b) and (c).'

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

'The panel has considered carefully whether your fitness to practise remains impaired. Whilst there is no statutory definition of fitness to practise, the Nursing

and Midwifery Council (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, and the on-table bundle. It has also taken account of the submissions made by you. Ms Muir provided the panel with the background facts of the case and directed the panel to the relevant pages in the NMC bundles.

Ms Muir submitted that you have been engaging with the conditions of practice order in place. She presented to the panel the on-table documents and reflective pieces given by you which demonstrated engagement with the conditions. Ms Muir submitted that the positive feedback in the PDP demonstrates some progress. She submitted that this demonstrates reflection, progress and developing insight into your past failings.

Ms Muir submitted that although there has been progress in your clinical practice, there is still room for you to continue to remediate and address your previous failings. She submitted that whilst you have continued to engage with the NMC and continue working within a healthcare capacity, an order still remains necessary to ensure that you are safe to practise moving forward.

Ms Muir submitted that the charges relate to a lack of competence, and that misconduct no longer applied. Ms Muir submitted that you would be assisted by more training shifts and shadowing work for additional support. Ms Muir submitted that there have been difficulties for you to undertake the training and extending the current order would give further time to complete the necessary training.

Ms Muir suggested that a future panel would be assisted by your attendance, engagement with the NMC, testimonials and a further reflective piece. Ms Muir invited the panel to continue the current conditions of practice order for a further 18 months on the grounds of public protection and the wider public interest.

The panel had regard to your oral evidence. You told the panel that you have shown engagement through your reflective pieces presented in the on-table bundle. You told the panel that you required more training and being under more supervision would be helpful for you to improve your practice.

You said that you agreed with extending the current conditions of practice order and that extending the order would be helpful with your training. You said that your leadership skills would be further improved by engagement with your colleagues and staff. You said that you would aim to engage yourself with the staff by spending more time with them.

You stated that you have been engaging with the order and have completed further online training to further improve. You said that you have learnt from the experiences and agree that there is a lot more to improve in terms of your competency.

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 your fitness to practise remains impaired.

In reaching its decision, the panel recognised your engagement with the conditions and it also took into account the steps you have taken in relation to nursing which includes your reflective piece and updated PDP plan.

The panel noted that the last reviewing panel found that you have not sufficiently developed your level of insight. At this hearing the panel noted that you have shown some insight through your reflective pieces, PDP plans and your engagement with the NMC. However, the panel considered that more reflection is required to

demonstrate insight into the competencies, roles and responsibilities expected of a registered nurse.

The panel noted that you still require support to deliver the fundamental skills that are required of a qualified nurse and that you still need to demonstrate further significant progress in developing these skills and becoming an independent practitioner. It noted that your reflective piece focuses mainly on your ability to use an online record system and you have not yet demonstrated full competency in skills as outlined in Condition 2. The panel noted that in your reflective statement, you refer to working as a supernumerary nurse. The panel consider that as a qualified nurse, you should not be supernumerary but should be working as an independent practitioner. This raises further concerns about your insight and understanding of the role of a registered nurse.

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, in this case, a finding of continuing impairment on public interest grounds is also required.

For these reasons, the panel finds that your fitness to practise remains impaired.'

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

'Having found your 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 seriousness of the case. The panel decided that it would be neither proportionate nor in the public interest to take no further action.

It then considered the imposition of a caution order but again determined that, due to the public protection issues identified, an order that does not restrict your practice would not be appropriate in the circumstances. The SG states that a caution order may be appropriate where ‘the case is at the lower end of the spectrum of impaired fitness to practise and the panel wishes to mark that the behaviour was unacceptable and must not happen again.’ The panel considered that your case was not at the lower end of the spectrum and that a caution order would be inappropriate in view of the issues identified. The panel decided that it would be neither proportionate nor in the public interest to impose a caution order.

The panel next considered whether imposing a conditions of practice order on your registration would still be a sufficient and appropriate response. The panel is mindful that there has been limited progress in your practice so far and any conditions imposed must be proportionate, measurable and workable.

The panel determined that it would be possible to impose varied conditions which would address the failings highlighted in this case.

The panel was of the view that a varied conditions of practice order is sufficient to protect patients and the wider public interest. In this case, there are conditions that could be formulated which would protect patients during the period they are in force. The panel was of the view that to impose a suspension order or a striking-off order would be wholly disproportionate and would not be a reasonable response in the circumstances of your case.

Accordingly, the panel determined, pursuant to Article 30(1)(c) to vary the conditions of practice order for a period of 18 months, which will come into effect on the expiry of the current order, namely at the end of 8 December 2022. It decided to vary the following conditions which it considered are appropriate and proportionate in this case:

'For the purposes of these conditions, 'employment' and 'work' mean any paid or unpaid post in a nursing, midwifery or nursing associate role. Also, 'course of study' and 'course' mean any course of educational study connected to nursing, midwifery or nursing associates.'

1. *You must confine yourself to one employer which must not be an agency.*

2. *You must ensure that you are supervised by a registered nurse any time you are working. Your supervision must consist of:*
 - a) *Working at all times in a non-supernumerary capacity on the same shift as your line manager;*
 - b) *If you do work in a supernumerary capacity, those tasks carried out in that capacity would not form part of the assessment for your PDP;*
 - c) *Meeting with your line manager, mentor or supervisor (or their nominated deputy) at least monthly, to discuss your clinical practice and performance and your progress towards achieving the aims set out in your PDP.*

3. *You must work with your line manager, mentor, or supervisor (or their nominated deputy) to create a personal development plan (PDP). Your PDP must address the concerns identified in the substantive hearing as follows:*
 - a) *Preparation/ administration of medication*
 - b) *Infection prevention and control*
 - c) *Lack of leadership/ability to supervise*
 - d) *Communication skills*
 - e) *Patient admissions and discharges*
 - f) *Provision of care to patients and treating patients with dignity*
 - g) *Record keeping*
 - h) *Time management and organisation*
 - i) *Handovers*

4. *You must:*

- a) *Send your case officer a copy of your PDP within three months from the start of this order.*
 - b) *Send your case officer a report from your line manager, mentor or supervisor (or their nominated deputy) every six months during the period of the order and before any NMC review hearing or meeting. This report must show your progress towards achieving the aims set out in your PDP.*
5. *You must keep the NMC informed about anywhere you are working by:*
- a. *Telling your case officer within seven days of accepting or leaving any employment.*
 - b. *Giving your case officer your employer's contact details.*
6. *You must keep the NMC informed about anywhere you are studying by:*
- a. *Telling your case officer within seven days of accepting any course of study.*
 - b. *Giving your case officer the name and contact details of the organisation offering that course of study.*
7. *You must immediately give a copy of these conditions to:*
- a. *Any organisation or person you work for.*
 - b. *Any employers you apply to for work (at the time of application).*
 - c. *Any establishment you apply to (at the time of application), or with which you are already enrolled, for a course of study.*
8. *You must tell your case officer, within seven days of your becoming aware of:*
- a. *Any clinical incident you are involved in.*
 - b. *Any investigation started against you.*
 - c. *Any disciplinary proceedings taken against you.*
9. *You must allow your case officer to share, as necessary, details about your performance, your compliance with and / or progress under these conditions with:*
- a. *Any current or future employer.*

b. Any educational establishment.

Any other person(s) involved in your retraining and/or supervision required by these conditions.

The period of this order is for 18 months.

This conditions of practice order will take effect upon the expiry of the current conditions of practice order, namely the end of 8 December 2022 in accordance with Article 30(1).

Before the end of the period of the order, a panel will hold a review hearing to see how well you have complied with the order. At the review hearing the panel may revoke the order or any condition of it, it may confirm the order or vary any condition of it, or it may replace the order for another order.

Any future panel reviewing this case would be assisted by:

- Your attendance at a future review hearing*
- Testimonials from your current employer*
- A further reflective piece on your progress to date which references all of the concerns identified in Condition 3.*

Submissions on current impairment

Mr Edwards referred the panel to a PDP dated 18 August 2023 and two reflective statements from Mr Fuentes dated 24 July 2023 and 2 February 2024. He submitted that the reflective statements before the panel indicated only developing insight, and not fully developed insight. He submitted that the information before the panel indicated that Mr Fuentes was making good progress, however, it did not evidence that he was yet capable of unrestricted, safe, and effective nursing practice.

Mr Edwards submitted that the current conditions of practice order appeared to be beneficial to Mr Fuentes as it appeared to be supporting him in strengthening his practice and improving his confidence.

In view of Mr Fuentes' partial compliance with the current conditions, Mr Edwards stated that the panel could not be satisfied that he is capable of unrestricted nursing practice. Therefore, there remained a risk of repetition and an order remained necessary for the protection of the public and was otherwise in the public interest.

In these circumstances, Mr Edwards invited the panel to confirm and continue the current conditions of practice order. He did not propose a length of time for which the order should run.

Decision and reasons on current impairment

The panel has considered carefully whether Mr Fuentes' 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. The question that will help decide whether a professional's fitness to practise is impaired is:

'Can the nurse, midwife or nursing associate practise kindly, safely and professionally?'

If the answer to this question is yes, then the likelihood is that the professional's fitness to practise is not impaired.

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. It has taken account of the submissions made by Mr Edwards and it has 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 Mr Fuentes fitness to practise remains impaired.

The panel had regard to the documents provided by Mr Fuentes, namely, two PDPs dated 18 August 2023 and 11 February 2024 respectively, and two reflective statements dated 24 July 2023 and 2 February 2024 respectively. It also took account of the NMC's guidance (REV-3a) on substantive order reviews, which sets out the following:

- *Has the nurse, midwife or nursing associate complied with any conditions imposed? What evidence has the nurse, midwife or nursing associate provided to demonstrate this? What is the quality of that evidence and where does it come from?*
- *Does the nurse, midwife or nursing associate show insight into their failings or the seriousness of any past misconduct? Has their level of insight improved, or got worse, since the last hearing?*
- *Has the nurse, midwife or nursing associate taken effective steps to maintain their skills and knowledge?*
- *Does the nurse, midwife or nursing associate have a record of safe practice without further incident since the last hearing?*
- *Does compliance with conditions or the completion of required steps demonstrate that the nurse, midwife or nursing associate is now safe to practise unrestricted, or does any risk to patient safety still remain?*

The panel determined that Mr Fuentes had only partially complied with the current conditions of practice order. Whilst there was evidence of good progress, there was not sufficient evidence before the panel that Mr Fuentes was capable of working in a non-supernumerary capacity.

The panel had limited information before it as to the extent to which Mr Fuentes had improved his clinical skills in relation to preparation/administration of medication, infection prevention and control, lack of leadership/ability to supervise, communication skills, patient admissions and discharges, provision of care to patients and treating patients with dignity, record keeping, time management and organisation or handovers.

The panel therefore decided 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, in this case, a finding of continuing impairment on public interest grounds is also required.

For these reasons, the panel finds that Mr Fuentes' fitness to practise remains impaired.

Decision and reasons on sanction

Having found Mr Fuentes' 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 in this case and the public protection concerns. The panel decided that it would be neither proportionate nor in the public interest to take no further action.

It then considered the imposition of a caution order but again determined that, due to the risk of repetition in this case, an order that does not restrict Mr Fuentes' practice would not be appropriate in the circumstances. The SG states that a caution order may be appropriate where *'the case is at the lower end of the spectrum of impaired fitness to practise and the panel wishes to mark that the behaviour was unacceptable and must not*

happen again.' The panel considered that Mr Fuentes' lack of competence was not at the lower end of the spectrum and that a caution order would be inappropriate in view of the issues identified. The panel decided that it would be neither proportionate nor in the public interest to impose a caution order.

The panel next considered whether imposing a further conditions of practice order on Mr Fuentes' registration would still be a sufficient and appropriate response. The panel is mindful that any conditions imposed must be proportionate, measurable and workable.

The panel determined that it would be possible to formulate appropriate and practical conditions which would address the failings highlighted in this case. The panel accepted that Mr Fuentes has been partially complying with current substantive conditions of practice.

The panel was of the view that a further conditions of practice order is sufficient to protect patients and the wider public interest, noting that Mr Fuentes had only partially complied with the current conditions of practice order and had made good progress. In this case, there are conditions could be formulated which would protect patients during the period they are in force.

The panel was of the view that to impose a suspension order or a striking-off order would be wholly disproportionate and would not be a reasonable response in the circumstances of Mr Fuentes' case because there was evidence of some positive progress.

Accordingly, the panel determined, pursuant to Article 30(1)(c) to make a conditions of practice order for a period of 18 months, which will come into effect on the expiry of the current order, namely at the end of 8 June 2024. It decided to impose the following conditions which it considered are appropriate and proportionate in this case:

'For the purposes of these conditions, 'employment' and 'work' mean any paid or unpaid post in a nursing, midwifery or nursing associate role. Also, 'course of study' and 'course' mean any course of educational study connected to nursing, midwifery or nursing associates.'

1. You must confine yourself to one employer which must not be an agency.
2. You must ensure that you are supervised by a registered nurse any time you are working. Your supervision must consist of:
 - a) Working at all times in a non-supernumerary capacity on the same shift as your line manager;
 - b) If you do work in a supernumerary capacity, those tasks carried out in that capacity would not form part of the assessment for your PDP;
 - c) Meeting with your line manager, mentor or supervisor (or their nominated deputy) at least monthly, to discuss your clinical practice and performance and your progress towards achieving the aims set out in your PDP.
3. You must work with your line manager, mentor, or supervisor (or their nominated deputy) to create a personal development plan (PDP). Your PDP must address the concerns identified in the substantive hearing as follows:
 - a) Preparation/ administration of medication
 - b) Infection prevention and control
 - c) Lack of leadership/ability to supervise
 - d) Communication skills
 - e) Patient admissions and discharges
 - f) Provision of care to patients and treating patients with dignity
 - g) Record keeping
 - h) Time management and organisation
 - i) Handovers
4. You must:
 - a) Send your case officer a copy of your PDP within three months from the start of this order.
 - b) Send your case officer a report from your line manager, mentor or supervisor (or their nominated deputy) every six months during the period of the order and before any NMC review hearing or meeting. This report must show your progress towards achieving the aims set out in your PDP.

5. You must keep the NMC informed about anywhere you are working by:
 - a) Telling your case officer within seven days of accepting or leaving any employment.
 - b) Giving your case officer your employer's contact details.

6. You must keep the NMC informed about anywhere you are studying by:
 - a) Telling your case officer within seven days of accepting any course of study.
 - b) Giving your case officer the name and contact details of the organisation offering that course of study.

7. You must immediately give a copy of these conditions to:
 - a) Any organisation or person you work for.
 - b) Any employers you apply to for work (at the time of application).
 - c) Any establishment you apply to (at the time of application), or with which you are already enrolled, for a course of study.

8. You must tell your case officer, within seven days of your becoming aware of:
 - a) Any clinical incident you are involved in.
 - b) Any investigation started against you.
 - c) Any disciplinary proceedings taken against you.

9. You must allow your case officer to share, as necessary, details about your performance, your compliance with and / or progress under these conditions with:
 - a) Any current or future employer.
 - b) Any educational establishment.

The period of this order is for 18 months.

This conditions of practice order will take effect upon the expiry of the current conditions of practice order, namely the end of 8 June 2024 in accordance with Article 30(1).

Before the end of the period of the order, a panel will hold a review hearing to see how well Mr Fuentes has complied with the order. At the review hearing the panel may revoke the order or any condition of it, it may confirm the order or vary any condition of it, or it may replace the order for another order.

Any future panel reviewing this case would be assisted by:

- Mr Fuentes' attendance at a future review hearing.
- A signed statement from Mr Fuentes' line manager, mentor or supervisor.
- A further reflective piece showing up-to-date progress on all of the concerns identified in Condition 3.

This will be confirmed to Mr Fuentes in writing.

That concludes this determination.