

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

**Substantive Order Review Meeting  
Tuesday, 14 May 2024**

Virtual Meeting

**Name of Registrant:** Loredana-Maria Ursaru

**NMC PIN:** 13K0321C

**Part(s) of the register:** Registered Nurse – Sub Part 1  
Adult Nursing – 30 November 2019

**Relevant Location:** Newcastle

**Type of case:** Misconduct

**Panel members:** Paul Grant (Chair, Lay member)  
Bernie Nipper (Registrant member)  
Seamus Magee (Lay member)

**Legal Assessor:** Tracy Ayling

**Hearings Coordinator:** Eyram Anka

**Order being reviewed:** Conditions of practice order (12 months)

**Fitness to practise:** Impaired

**Outcome:** **Suspension order (6 months) to come into effect on  
29 June 2024 in accordance with Article 30 (1)**

## **Decision and reasons on service of Notice of Meeting**

The panel noted at the start of this meeting that the Notice of Meeting had been sent to Miss Ursaru's registered email address by secure email on 21 March 2024.

The panel took into account that the Notice of Meeting provided details of the review, informed Miss Ursaru that the review meeting would be held no sooner than 13 May 2024 and invited her to provide any written evidence seven days before this date.

The panel accepted the advice of the legal assessor.

In the light of all of the information available, the panel was satisfied that Miss Ursaru 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 current order**

The panel decided to impose a suspension order for a period of 6 months. This order will come into effect at the end of 29 June 2024 in accordance with Article 30(1) of the Nursing and Midwifery Order 2001 (as amended) (the Order).

This is the second review of a substantive conditions of practice order originally imposed for a period of 18 months by a Fitness to Practise Committee panel on 30 November 2021. On 19 May 2023 this order was reviewed and extended for a period of 12 months.

The current order is due to expire at the end of 29 June 2024.

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:

*'On 15 October 2018 you, a registered nurse:*

1. *Failed to respond in a timely manner when Resident A was showing signs of distress.*
2. *When asked to assist Resident A you said to Colleague A “She’s end of life, what do you expect” or words to that effect.*
3. *Failed to document that Resident A had shown signs of distress in:*
  - a) *The behaviour chart*
  - b) *The night report*
  - c) *The daily statement of wellbeing*

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

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

*‘The panel noted that the original panel found that Miss Ursaru had insufficient insight. At this hearing, the panel noted that up until the written representations from the RCN on 18 May 2023, Miss Ursaru had not engaged with the NMC since the previous substantive hearing. [PRIVATE].*

*The panel noted from the previous hearing that Miss Ursaru never accepted that she behaved in the way alleged. It considered that at present, there was no new information before it to indicate that Miss Ursaru has reflected and developed insight, that the concerns identified have been addressed or that she has taken steps to strengthen her practice. There were also no references from any employment in a care giving setting, in Romania or the United Kingdom, and no evidence that Miss Ursaru has undertaken further training.*

*The original panel determined that Miss Ursaru was liable to repeat matters of the kind found proved. Notwithstanding the information about her current circumstances, today's panel had not received any new information from, or in respect of, Miss Ursaru to suggest that the risk of repetition had decreased. In light of this, this panel determined that there remains a risk of repetition of the conduct found proved. The panel therefore decided that a finding of current 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 current impairment on public interest grounds is also required.*

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

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

*'The panel then considered the imposition of a caution order but again determined that, due to the seriousness of the case, and the public protection issues identified, an order that does not restrict Miss Ursaru's 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 Miss Ursaru's misconduct 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 Miss Ursaru's registration would be a sufficient and appropriate response. The panel is mindful that any conditions imposed must be proportionate, measurable and workable.*

*The panel determined that workable, appropriate and practical conditions would address the failings highlighted in this case. The panel accepted that Miss Ursaru has not yet been able to comply with the conditions of practice due to her current personal circumstances, but considered that she is willing to comply with the conditions when she returns to nursing practice in the United Kingdom.*

*The panel was of the view that a further conditions of practice order is sufficient to protect patients and the wider public interest, noting as the original panel did that Miss Ursaru's misconduct is remediable. In this case, the panel was satisfied that the conditions which had been formulated by the previous panel, would protect patients and specifically address the issues identified in Miss Ursaru's practice, namely providing timely care to dementia/vulnerable patients, record keeping and communication.*

*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 Miss Ursaru's case in view of the fact that Miss Ursaru's conduct is remediable and that she has demonstrated a willingness to return to nursing practice. The panel determined a suspension order would be unduly punitive, would not allow Miss Ursaru the opportunity to strengthen her practice and would deprive the public of an otherwise competent nurse.*

*Accordingly, the panel determined, pursuant to Article 30(1)(c) to make a conditions of practice order for a period of 12 months, which will come into effect on the expiry of the current order, namely at the end of 29 June 2023. 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 not be the nurse in charge duty on any shift you work as a registered nurse.*
2. *You must not work as a registered nurse on a nightshift.*
3. *You must ensure that you are supervised by a registered nurse of an equal or higher band than yourself at any time you are working as a registered nurse. Your supervision must consist of working at all times on the same shift as, but not always directly observed by, a registered nurse of an equal or higher band as yourself.*
4. *You must work with your line manager to create a personal development plan (PDP). Your PDP must address:*
  - a) *Caring for vulnerable patients*
  - b) *Communication*
  - c) *Record keeping*
  - d) *How you put into practice the learning from any course undertaken*

*You must:*

- *Meet with your line manager at least every two weeks to discuss your progress towards achieving the aims set out in your PDP*
  - *Complete a recognised record keeping course*
  - *Refresh your Equality, Diversity and Dignity training (last completed in 2019)*
  - *Send your case officer a report from your line manager ahead of your next NMC review. 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 (as a registered nurse).*
  - 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.*

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

*The period of this order is for 12 months.'*

### **Decision and reasons on current impairment**

The panel has considered carefully whether Miss Ursaru'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 practice kindly, safely and professionally. 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 Ursaru's fitness to practise remains impaired.

Today's panel noted that the last reviewing panel found that Miss Ursaru had insufficient insight. At this meeting, the panel noted that Miss Ursaru had not provided any evidence to demonstrate that her insight had developed into the concerns that had been identified. The panel had regard to Miss Ursaru's non-engagement with the NMC proceedings since the previous review on 19 May 2023. It also considered that after the substantive hearing on 30 November 2021, Miss Ursaru had only engaged with the NMC on one occasion by way of a letter for the attention of the previous review panel on 18 May 2023.



Further, in the panel's consideration of whether Miss Ursaru has taken steps to strengthen her practice, the panel noted that she has not engaged with the recommendations of the previous reviewing panel, in terms of what this panel would be assisted by. Consequently, today's panel had no evidence before it to suggest that Miss Ursaru had undertaken any training or complied with the conditions of practice order.

The last reviewing panel determined that Miss Ursaru was liable to repeat the misconduct of the kind found proved. Today's panel had no information before it to suggest a material change in the circumstances. In the light of this, it determined that there remains a risk of repetition of the misconduct found proved. 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 Miss Ursaru's fitness to practise remains impaired.

### **Decision and reasons on sanction**

Having found Miss Ursaru'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 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 seriousness of the case, and the public protection issues identified, an order that does not restrict Miss Ursaru's 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 Miss Ursaru's misconduct 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 Miss Ursaru's registration would still be a sufficient and appropriate response. It considered that Miss Ursaru has not practised as a nurse since the substantive hearing on 30 November 2021 and has had limited engagement with the NMC process since then. The panel also considered that the existing conditions of practice order may not be workable at this time because she is not currently living in the UK.

Further, the panel took the view that Miss Ursaru could have complied with the recommendations of the previous panels, namely attending her review hearing remotely, undertaking online training and providing a reflective statement demonstrating insight into the impact of her misconduct on Resident A. The panel determined that given the lack of engagement by Miss Ursaru since the last review hearing, it has no information to indicate whether Miss Ursaru wishes to engage with the NMC process or continue her nursing career. On this basis, the panel concluded that a conditions of practice order is no longer the appropriate order in this case. The panel therefore concluded that no workable conditions of practice could be formulated which would protect the public or satisfy the wider public interest.

The panel determined therefore that a suspension order is the appropriate sanction which would both protect the public and satisfy the wider public interest. Accordingly, the panel determined to impose a suspension order for the period of 6 months. This would provide Miss Ursaru with an opportunity to engage with the NMC process. It considered this to be the most appropriate and proportionate sanction available despite the potentially punitive effect of such a sanction.

This suspension order will take effect upon the expiry of the current conditions of practice order, namely the end of 29 June 2024 in accordance with Article 30(1).

Before 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 reviewing this case would be assisted by:

- Attendance at the next review hearing (including remote attendance)
- A reflective piece that addresses the impact of Miss Ursaru's misconduct on Resident A, her previous colleagues and the wider nursing profession
- Information regarding any paid or unpaid employment that Miss Ursaru has undertaken and/or information regarding Miss Ursaru's personal circumstances.
- Evidence of any further training (online or in person) undertaken.

This will be confirmed to Miss Ursaru in writing.