

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

**Substantive Order Review Meeting
Tuesday, 21 October 2025**

Virtual Meeting

Name of Registrant:	Fernando Manuel Ansede Romay
NMC PIN:	16D0958C
Part(s) of the register:	Registered Nurse - Sub Part 1 Adult Nursing – April 2016
Relevant Location:	Jersey
Type of case:	Misconduct
Panel members:	James Carr (Chair, Lay member) Michelle Wells-Braithwaite (Registrant member) Sam Wade (Lay member)
Legal Assessor:	Tracy Ayling KC
Hearings Coordinator:	Eleanor Wills
Order being reviewed:	Suspension order (9 months)
Fitness to practise:	Impaired
Outcome:	Striking-Off order to come into effect on 5 December 2025 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 Mr Romay's registered email address by secure email on 5 September 2025.

The panel took into account that the Notice of Meeting provided details of the review that the review meeting would be held no sooner than 20 October 2025 and inviting Mr Romay 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 Mr Romay 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 striking-off order. This order will come into effect at the end of 5 December 2025 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 suspension order originally imposed for a period of 12 months by a Fitness to Practise Committee panel on 6 February 2024. This was first reviewed on 22 January 2025 when the panel extended the suspension order for a period of 9 months.

The current order is due to expire at the end of 5 December 2025.

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 16 January 2021, in relation to Resident I who was isolating, did not wear PPE whilst in Resident I’s room. [Proved]

2) On 28 January 2021, in relation to Resident E, administered an incorrect dose of 500 micrograms of Ropinirole instead of 1 milligram. [Proved]

3) Administered medication via the Percutaneous Endoscopic Gastrostomy method without doing water flushes on one or more of the dates in Schedule 1. [Proved]

4) On 19/20 February 2021, failed to recognise that Resident H was showing signs of haematemesis and/or a deterioration in their health in that you did not escalate the matter to emergency services, when it would have been clinically appropriate to do so in the light of the colour of Resident H’s vomit. [Proved]

...

6) On 6 October 2021, in relation to Resident A, failed to use the aseptic technique when catheterising Resident A. [Proved]

7) On 10 October 2021, following delivery of new medications, signed recording that the MAR charts for unknown patients were correct when they were not. [Proved]

8) On 13 November 2021, did not let Resident B know that you were going to remove their pyjama top and/or proceeded to aggressively remove their pyjama top. [Proved]

9) On 13 November 2021, ripped an Allevyn dressing off Resident B’s arm. [Proved]

10) On 13 November 2021, in relation to Resident B, washed a moist wound with saline. [Proved]

11) On 13 November 2021:

a) said “Fuck” in front of a resident or words to that effect; [Proved]

b) said “How dare you stop me from doing my job nobody has ever questioned my practice” or words to that effect to Colleague C. [Proved]

12) Failed to obtain patient consent on one or more of the dates in Schedule 2. [Proved]

13) Stored resident medication in pots before the medication was due to be administered on one or more of the dates in Schedule 3. [Proved]

14) On 17 December 2021, failed to sign Resident F’s MAR chart to show that 2 doses of Vitamin K had been administered. [Proved]

15) In or around January 2022, in relation to Resident J, pressured Colleague B whilst they were dispensing Midazolam in that you said to Colleague B “Come on Colleague B, faster, you can do this, hurry up” or words to that effect. [Proved]

...

18) On 8 April 2022, said “How dare you fucking do this without me” or words to that effect to Colleague B. [Proved]

19) On 8 April 2022, said “Fuck Colleague F she isn’t here I am and I’m in charge” or words to that effect to Colleague B. [Proved]

20) On 8 April 2022, in relation to Resident K, instructed Colleague B to administer 5 ml of lactulose when the correct dose was 15ml of lactulose. [Proved]

21) On 16 April 2022, said “If you say anything, I will fuck your life up, anyone who speaks against me I will fuck their lives up too!” or words to that effect to Colleague B. [Proved]

22) On 16 April 2022, said “You know the monkies, hear no evil, see no evil, speak no evil” and/or “you see nothing, you say nothing” or words to that effect to Colleague B. [Proved]

23) On 20 April 2022, said “Who the fucking hell do you think you’re talking to” or words to that effect to Colleague D in front of Resident A. [Proved]

24) On 28 April 2022, said to Resident C “I’m the boss of you, you need to do as you’re told” or words to that effect. [Proved]

...

26) On several unknown dates called Colleague A – “Barbie” or words to that effect. [Proved]

27) On an unknown date, pointed your phone camera at colleague A whilst on FaceTime and said things in Spanish about colleague A. [Proved]

28) On an unknown date said to Colleague B that “their bum and legs looked nice in leggings” or words to that effect. [Proved]

29) On an unknown date, pulled Colleague A’s face mask down and said “Eww you’re not barbie anymore” or words to that effect. [Proved]

30) On an unknown date swore in front of Resident G. [Proved]

31) Your actions at one or more of charges 26,28,29 harassed Colleague A and/or B in that:

a) your conduct was unwanted conduct of a sexual nature and/or related to a protected characteristic, namely sex. [Proved]

b) your conduct had the purpose or effect of:

i) violating Colleague A and or B's dignity. [Proved]

ii) creating an intimidating, hostile, degrading, humiliating or offensive environment for Colleague A and or B. [Proved]

32) Your actions at charges 21 and/or 22 lacked integrity in that you intended to influence Colleague B such that she would not report your prepotting as set out at charge 13 and/or any other poor practice she witnessed you undertaking. [Proved]

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

Schedule 1

16 January 2021

28 January 2021

Schedule 2

13 November 2021

January – March 2022

28 April 2022

Schedule 3

13 November 2021

16 April 2022"

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

"The panel considered whether Mr Romay's fitness to practise remains impaired.

The panel noted that the original panel found that there was 'no insight into his failings or behaviour.' At this meeting, the panel had nothing before it which demonstrated that Mr Romay has developed insight into his

behaviour or reflected on the concerns identified by the original panel. The panel also noted that it had nothing before it by way of relevant training certificates to demonstrate that Mr Romay has taken steps to strengthen his practice.

The panel considered the facts found proved to be wide ranging, serious concerns which put patients and colleagues at risk of harm. The panel bore in mind that Mr Romay's misconduct was not an isolated incident, and that he breached a fundamental tenet of the nursing profession. Without evidence of steps Mr Romay has taken to address the concerns or reflect on his behaviour, the panel determined that there has been no reduction in the risk of repetition or any change in the level of his impairment. The panel therefore decided that a finding of continuing impairment is necessary on the grounds of public protection.

The panel bore 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 necessary.

For these reasons, the panel found that Mr Romay's fitness to practise remains impaired."

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

"Given the lack of engagement which includes Mr Romay's failure to update the NMC with steps he has taken to comply with the suspension order and provide information concerning his insight, the panel considered replacing the suspension order with a striking-off order. However, the panel determined that this would be unduly punitive at this stage as a suspension order would continue to both protect the public and satisfy the wider public interest.

Accordingly, the panel determined to extend the suspension order for a period of 9 months to provide Mr Romay with an opportunity to reflect on whether he wishes to practise as a nurse and engage with the NMC by providing evidence of reflection and strengthening of practice. It considered this to be the most appropriate and proportionate sanction available.

This suspension order will take effect upon the expiry of the current suspension order, namely the end of 5 March 2025 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:

- A detailed reflective statement.*
- Evidence of professional development, including documentary evidence of completion of any relevant training courses (in relation to clinical practice and behaviour) and testimonials from a line manager or supervisor.”*

Decision and reasons on current impairment

The panel has considered carefully whether Mr Romay'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 ability to practise '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 Mr Romay's fitness to practise remains impaired.

The panel had regard to the nature and seriousness of the facts found proved and determined that they are serious and wide-ranging, involving both clinical and attitudinal concerns. The panel took into account that Mr Romay's misconduct breached the fundamental tenets of the nursing profession and put both patients and colleagues at risk of harm.

The panel noted that the original panel found that *'Mr Romay had no insight into his failings or behaviour'* and the last reviewing panel stated that it had no evidence before it which demonstrated that Mr Romay had developed his insight into his behaviour or reflected on the concerns.

The panel noted that the last reviewing panel recommended that Mr Romay provide a detailed reflective statement and evidence of professional development.

The panel took into account that due to Mr Romay's continued lack of engagement there was no evidence of any reflection or insight. Mr Romay has not demonstrated any remorse or an understanding of how his actions put patients and colleagues at risk of harm. He has not demonstrated an understanding of why what he did was wrong and how this impacted negatively on the reputation of the nursing profession.

The panel also took into account that due to Mr Romay's continued lack of engagement there was no evidence of any strengthening of practice or remedial steps having been undertaken.

The last reviewing panel determined that Mr Romay was liable to repeat matters of the kind found proved. Today's panel has received no evidence of any insight or remediation. The panel therefore determined that Mr Romay remains liable to repeat matters of the kind

found proved. The panel therefore decided that a finding of continuing impairment remains 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.

The panel determined that Mr Romay remains currently not able to practise '*kindly, safely and professionally*'.

For these reasons, the panel determined that Mr Romay's fitness to practise remains impaired.

Decision and reasons on sanction

Having found Mr Romay'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 not be proportionate or appropriate in view of the seriousness of the case. The panel decided that taking no further no action would not sufficiently protect the public or adequately address the public interest.

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 Mr Romay'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 Mr Romay's misconduct was not at the lower end of the spectrum and that a caution order would not be

proportionate or appropriate in view of the issues identified. The panel decided that a caution order would not sufficiently protect the public or adequately address the public interest.

The panel next considered whether a conditions of practice order on Mr Romay's registration would be a sufficient and appropriate response. The panel was mindful that any conditions imposed must be proportionate, measurable and workable. The panel bore in mind the seriousness of the facts found proved at the original hearing and concluded that a conditions of practice order would not adequately protect the public or satisfy the public interest. The panel took into account that the facts found proved are wide-ranging involving both clinical and attitudinal concerns. The panel therefore concluded that some of Mr Romay's misconduct could not be addressed through retraining. Additionally, due to Mr Romay's continued lack of engagement there was no evidence of any insight, remediation or potential willingness to comply with a conditions of practice order.

The panel next considered imposing a further suspension order. The panel took into account that the facts found proved occurred between January 2021 and April 2022. The panel had regard to the fact that Mr Romay has been under a suspension order since 6 February 2024. The panel determined that Mr Romay has been provided with sufficient opportunity to engage with the NMC process and has been provided advice as to what would assist a future reviewing panel on two separate occasions. However, the panel noted that there was no evidence that Mr Romay has shown remorse for his misconduct or demonstrated any insight into his previous failings. The panel took into account that the facts found proved are serious and wide-ranging, involving both clinical and attitudinal concerns. The panel had regard to the fact that suspension orders are not meant to last indefinitely. The panel therefore determined that a further period of suspension would not serve any useful purpose in all of the circumstances.

The panel had regard to the NMC guidance titled '*Removal from the register when there is a substantive order in place*', reference '*REV-3h*' last updated 30 August 2024.

*"Cases where **striking off** is likely to be appropriate include when:*

- the professional has shown limited engagement and/or insight,*

- *the professional has breached a substantive order; or*
- *the professional has otherwise made no or negligible progress towards addressing issues with their fitness to practise”*

The panel determined that Mr Romy has not engaged with NMC proceedings, he has not demonstrated any evidence of insight, nor has he demonstrated that he has undertaken any remedial steps to address the concerns identified.

The panel determined that it was necessary to take action to prevent Mr Romy from practising in the future and concluded that the only sanction that would adequately protect the public and serve the public interest was a striking-off order. The panel determined that the facts found proved do raise fundamental questions about Mr Romy's ability to practise and strike off is now the only sanction which will be sufficient to maintain professional standards and public confidence in the profession.

This striking-off order will take effect upon the expiry of the current suspension order, namely the end of 5 December 2025 in accordance with Article 30(1).

This decision will be confirmed to Mr Romy in writing.

That concludes this determination.