

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

**Substantive Order Review Hearing
Monday 16 March 2026**

Virtual Hearing

Name of Registrant: **Kahyana Emari Davis**

NMC PIN: 21A1556E

Part(s) of the register: Registered Midwife (RM) –
29 April 2022

Relevant Location: Bristol

Type of case: Misconduct

Panel members: Paul Grant (Chair, Lay member)
Lisa Holcroft (Registrant member)
John Marley (Lay member)

Legal Assessor: Megan Ashworth

Hearings Coordinator: Emily Mae Christie

Nursing and Midwifery Council: Represented by Ruhena Parker, Case Presenter

Ms Davis: Not present and unrepresented

Order being reviewed: Suspension order (6 months)

Fitness to practise: Impaired

Outcome: **Striking-off order to come into effect on 23 April
2026 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 Ms Davis was not in attendance and that the Notice of Hearing had been sent to Ms Davis's registered email address by secure email on 10 February 2026.

Ms Parker, 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, the time, dates and that the hearing was to be held virtually, including instructions on how to join and, amongst other things, information about Ms Davis's right to attend, be represented and call evidence, as well as the panel's power to proceed in her absence.

In the light of all of the information available, the panel was satisfied that Ms Davis 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 Ms Davis

The panel next considered whether it should proceed in the absence of Ms Davis. The panel had regard to Rule 21 and heard the submissions of Ms Parker, who invited the panel to continue in the absence of Ms Davis. She submitted that Ms Davis had voluntarily absented herself.

Ms Parker submitted that there had been no engagement at all by Ms Davis with the NMC in relation to these proceedings and, as a consequence, there was no reason to believe that an adjournment would secure her attendance on some future occasion.

The panel accepted the advice of the legal assessor.

The panel has decided to proceed in the absence of Ms Davis. In reaching this decision, the panel has considered the submissions of Ms Parker and the advice of the legal assessor. It has had particular regard to the relevant case law and to the overall interests of justice and fairness to all parties. It noted that:

- No application for an adjournment has been made by Ms Davis;
- Ms Davis has not engaged with the NMC since her substantive hearing, and has not responded to any of the letters sent to her about this hearing;
- Ms Davis has not provided the NMC with details of how she may be contacted other than her registered email address;
- There is no reason to suppose that adjourning would secure her 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 Ms Davis has voluntarily absented herself and has waived her right to attend this hearing. The panel determined that it is fair to proceed in the absence of Ms Davis.

Decision and reasons on review of the substantive order

The panel decided to replace the current suspension order with a striking off order.

This order will come into effect at the end of 23 April 2026 in accordance with Article 30(1) of the *'Nursing and Midwifery Order 2001'* (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 24 September 2024. This was reviewed on 11 September 2025, where the panel decided to extend the original suspension order for a period of 6 months.

The current order is due to expire at the end of 23 April 2026.

The panel is reviewing the order pursuant to Article 30(1) 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 Midwife:

1. *On 1 December 2022 in relation to Baby A:*
 - a) *Failed to administer the following medications:*
 - i) *Diazoxide at 16:00 hours. **[PROVED BY ADMISSION]***
 - ii) *Chlorothiazide at 18:00 hours. **[PROVED BY ADMISSION]***
 - b) *Failed to take two blood glucose readings. **[PROVED BY ADMISSION]***
 - c) *Signed your initials on the drug chart to indicate you had administered medication in respect of Baby A at 16:00 and 18:00 hours when you had not. **[PROVED BY ADMISSION]***
 - d) *Signed Colleague A's initials on the drug chart to indicate they had witnessed you administer medication in respect of Baby A at 16:00 and 18:00 hours when they had not. **[PROVED BY ADMISSION]***
 - e) *Recorded two blood glucose readings on the observation chart when the readings had not been taken. **[PROVED BY ADMISSION]***
2. *Your actions in charge 1 c) and/or d) were dishonest in that you sought to represent you had administered drugs to Baby A in accordance with the Trust's policy when you had not. **[PROVED BY ADMISSION]***
3. *Your actions in charge 1 e) were dishonest in that you sought to represent you had taken Baby A's blood glucose readings when you had not. **[PROVED BY ADMISSION]***

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:

'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 Ms Davis' fitness to practise remains impaired.

The panel noted that the original panel found that Ms Davis had a lack of insight. At this meeting it considered it has seen no information as to Ms Davis' current insight as she has not made any contact with NMC since the 12 month suspension order was put in place on 24 September 2024.

In its consideration of whether Ms Davis has taken any steps to strengthen her practice, the panel did not have any evidence of additional training or a reflective piece to show any steps have been taken by Ms Davis to remediate her impairment.

The original panel determined that Ms Davis' fitness to practice was impaired and that there was a real risk of repetition of the matters of the kind found proved. Today's panel has received no new information to suggest this is no longer the case. The panel acknowledged the seriousness of the charges which included making misleading records, failure to administer medications and dishonesty on 2 counts. The panel noted that these incidents took place 6 months into Ms Davis' career.

The panel noted that the previous panel's recommendations in how Ms Davis may assist a future panel for review were helpful. However, Ms Davis has not engaged with the NMC since her suspension neither does the panel have any documentation to reflect insight or to show that Ms Davis has

taken effective steps to improve her skills and knowledge and strengthen her practice. The panel also does not have anything to inform it of any personal factors that were mentioned in the original hearing, that were taken into consideration when the panel made its original decision.

The panel determined that there is a real risk that Ms Davis will repeat conduct of the kind 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 Ms Davis' fitness to practise remains impaired.'

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

' ...

The panel next considered whether a conditions of practice on Ms Davis' registration would be a sufficient and appropriate response. The panel is 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 the lack of engagement since, it concluded that a conditions of practice order would not adequately protect the public or satisfy the public interest. The panel was not able to formulate conditions of practice that would adequately address the concerns relating to Ms Davis' misconduct. Furthermore, the panel has not received any further information about whether the factors that contributed to the matters found proved had changed.

The panel considered extending the current period of suspension. It was of the view that extending the current suspension order would allow Ms Davis further time to fully reflect on her previous dishonesty and failings.

The panel concluded that a further 6 month period of suspension would be the appropriate and proportionate response. The panel considered the length of suspension carefully and noted that Ms Davis has had 12 months to engage with the NMC. The panel noted that Ms Davis had been on maternity leave and was unlikely to return to work until March 2025, however, they considered that she had the opportunity since that time to engage with the NMC, but no contact has been made or information received. The panel was of the view that a further 6 months and would afford Ms Davis adequate time to further develop her insight and take steps to strengthen their practice. It would also give Ms Davis an opportunity to approach employers to attest to her honesty and integrity in her workplace assignments since the substantive hearing.

The panel considered whether Ms Davis should be struck off the register but concluded that at this time that would be disproportionate. The panel was mindful that this review has taken place 12 months after the order was imposed and wished to offer Ms Davis the opportunity to engage with the process whilst the order would still protect the public. However, if Ms Davis continues to disengage from the process any future reviewing panel may reconsider the position and take steps which may result in the removal of her name from the register.

The panel determined therefore that a suspension order is the appropriate sanction which would continue to both protect the public and satisfy the wider public interest. Accordingly, the panel determined to extend the current suspension order for a further period of 6 months, which would provide Ms Davis with an opportunity to engage with the NMC. It considered this to be the most appropriate and proportionate sanction available.'

Decision and reasons on current impairment

The panel has considered carefully whether Ms Davis's fitness to practise remains impaired. Whilst there is no statutory definition of fitness to practise, the NMC has defined fitness to practise as the ability of a professional on our register to practise as a nurse, midwife or nursing associate safely and effectively 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 provided by the NMC, demonstrating its correspondence to Ms Davis. It has taken into account Ms Parker's submissions on behalf of the NMC.

Ms Parker outlined the background of the case and referred the panel to the relevant parts of the bundle. She also referred the panel to the case of *Abrahaem v NMC* [2008] EWHC 183 (Admin).

Ms Parker submitted that it is for the panel, at the time of this hearing, to consider whether Ms Davis remains impaired on the grounds of public protection and public interest. Ms Parker submitted that Ms Davis has not provided any evidence showing remediation or insight in line with the recommendations of the last reviewing panel. In light of this, Ms Parker invited the panel to make a continued finding of impairment.

In relation to sanction, Ms Parker informed the panel that Ms Davis's registration fee expired on 30 April 2023, which confirms that if the panel were to allow this order to expire or lapse, her registration would lapse automatically. Ms Parker reminded the panel of the aggravating features, which include Ms Davis's failure to acknowledge that her dishonest conduct was deliberate and misleading, that her actions put a vulnerable patient at risk of physical harm, there was a risk of repetition, that there has been a lack of remediation and limited and partial insight. Ms Parker submitted that it is a matter for the panel to determine the most appropriate sanction in the circumstances.

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 declare and uphold proper standards of conduct and performance.

The panel considered whether Ms Davis's fitness to practise remains impaired.

The panel noted that the last reviewing panel had no new information before it regarding any changes to Ms Davis's insight and therefore endorsed the original panel's finding that Ms Davis lacked insight. At this hearing, the panel noted that Ms Davis has not made contact with the NMC since 24 September 2024, which is almost 18 months following the initial 12-month suspension order that was put in place. The panel found that it had not seen any new information as to Ms Davis's insight and therefore found that she has insufficient insight.

In considering whether Ms Davis has taken any steps to strengthen her practice, the panel did not have any evidence of additional training or a reflective piece indicating that Ms Davis has taken any steps to remediate her impairment.

The last reviewing panel had no new information before it regarding any change as to whether Ms Davis was liable to repeat matters of the kind found proved. The original panel had determined that Ms Davis's fitness to practice was impaired and that there was a real risk of repetition of the matters of the kind found proved. Today's panel heard no new information to suggest that this risk of repetition had decreased.

The panel was of the view that whilst the matters found proved related to dishonesty, they could have been remediable, however, due to Ms Davis's continued lack of engagement, the matters found proved remain unremediated. In light of this, this panel determined that Ms Davis remains liable to repeat matters of the kind found proved. 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 midwifery profession and upholding

proper standards of conduct and performance. The panel determined that, in this case, which involves two incidents of dishonesty in a clinical setting, a finding of continuing impairment on public interest grounds is required in order to maintain public confidence in the profession and to uphold professional standards.

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

Decision and reasons on sanction

Having found Ms Davis'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 Ms Davis'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, but the Committee wants to mark that what happened was unacceptable and must not happen again'* The panel considered that Ms Davis'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 a conditions of practice on Ms Davis'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 noted that Ms Davis has not engaged with the NMC since September 2024. 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. Therefore, in all the circumstances, the panel was not able to formulate conditions of practice that would adequately address the concerns relating to Ms Davis's misconduct.

The panel next considered imposing a further suspension order. The panel noted that the original panel at the substantive hearing explained that Ms Davis had the potential to develop greater insight and remediate her misconduct. However, since the original suspension order was imposed in September 2024, Ms Davis has not engaged with the NMC to demonstrate this. It also noted that the previous reviewing panel extended the suspension order by six months in order to give Ms Davis the opportunity to engage with the process, which she has not done. The panel was of the view that considerable evidence would be required to show that Ms Davis no longer posed a risk to the public.

Having taken into account the NMC guidance '*Removal from the register when there is a substantive order in place*' (Rev-2h, last updated 30 August 2024), and given Ms Davis's disengagement from this process, the panel determined that a further period of suspension would not serve any useful purpose in all of the circumstances. The panel determined that it was necessary to take action to prevent Ms Davis 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.

This striking-off order will take effect upon the expiry of the current suspension order, namely the end of 23 April 2026 in accordance with Article 30(1).

This decision will be confirmed to Ms Davis in writing.

That concludes this determination.