Nursing and Midwifery Council
Fitness to Practise Committee

Substantive Order Review Meeting
Wednesday, 28 October 2026

Virtual Meeting

Name of Registrant:	Michael Anjo Apruebo
NMC PIN:	20C0615O
Part(s) of the register:	Registered Nurse – Sub Part 1 Adult Nursing – March 2020
Relevant Location:	Derbyshire
Type of case:	Misconduct
Panel members:	Mick Williams (Chair, lay member) Tiago Horta Reis Da Silva (Registrant member) Mitchell Parker (Lay member)
Legal Assessor:	John Donnelly
Hearings Coordinator:	Catherine Blake
Order being reviewed:	Suspension order (6 months)
Fitness to practise:	Impaired
Outcome:	**Striking-Off order to come into effect on 11 December 2026**

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 Apruebo's registered email address by secure email on 21 September 2026.

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 26 October 2026 and inviting Mr Apruebo 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 Apruebo 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 11 December 2026 in accordance with Article 30(1) of the Nursing and Midwifery Order 2001 (as amended) (the Order).

This is the first review of a substantive suspension order originally imposed for a period of six months by a Fitness to Practise Committee pane on 14 May 2026.

The current order is due to expire at the end of 11 December 2026.

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. *That on 24-25 February 2023, in respect of Patient A, acted in an aggressive and/or intimidating manner in that you:*

    a. Shouted at them;
    b. Ordered them to "get back to bed";
    c. On one or more occasions clicked your fingers in their face;
    d. Said to them "I'm in charge, I'm in charge of the whole ward and I'm recording you" or words to that effect;

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

The original panel determined the following with regard to impairment:

'Regarding insight, the panel considered whether there was evidence before it to demonstrate deep-seated attitudinal issues. However, the panel noted the statement of Ms Roberts:

> *'I know of Mr Apruebo in a professional capacity only. I saw Mr Apruebo in the 10 to 12 months prior to the incident, working on different shifts. When we spoke it was usually generic conversation. I had not worked with him until the shift this incident occurred which occurred during the night shift on 24 February 2023 at Royal Derby Hospital. Generally, Mr Apruebo was fine to speak with, he did not have any attitude problems.'*

The panel noted that outside of these incidents, there was no evidence to indicate that Mr Apruebo's behaviour was deep-seated and/or attitudinal. It therefore concluded that Mr Apruebo's conduct is remediable. Mr Apruebo has not engaged in any remediation, or with the NMC since 25 March 2023. The panel did not have any evidence before it to demonstrate insight or remorse, aside from a brief reflection, which was provided to the Trust during its local investigation. As such, the panel determined that there remains a risk of repetition, and in turn, a risk of harm. It therefore concluded that Mr Apruebo's fitness to practise is impaired on the grounds of public protection.

The panel bore in mind that the overarching objectives of the NMC; to protect, promote and maintain the health, safety, and well-being of the public and patients, and to uphold and protect the wider public interest. This includes promoting and maintaining public confidence in the nursing and midwifery professions and upholding the proper professional standards for members of those professions.

In regard to the public interest, the panel considered the evidence of Person B, who as a member of the public, described the impact Mr Apruebo's conduct had on her and others, whereby to the point she stated that she continued to worry about what had occurred even after she left her relative, and felt compelled to contact the Hospital and check on him.

The panel concluded that public confidence in the nursing profession would be undermined if a finding of impairment were not made in a case where a nurse had acted inappropriately, in that he had spoken to and clicked his fingers in an intimidating and aggressive manner towards a vulnerable patient. The panel therefore also found Mr Apruebo's fitness to practise impaired on the ground of public interest.

Having regard to all of the above, the panel was satisfied that Mr Apruebo's fitness to practise is currently impaired.'

The original panel determined the following with regard to sanction:

'The panel first considered whether to take no action but concluded that this would be inappropriate in view of the seriousness of the case, and the panel's decisions on impairment. The panel decided that it would be neither proportionate, in the public interest or maintain public confidence to take no further action.

The panel next considered a caution order and had regard to the NMC Guidance on 'Caution order' (Reference: SAN-2b Last Updated: 28/01/2026) in which the following is stated:

> *'A caution is only appropriate if the Committee has decided there's no risk to the public or to people using services that requires the professional's practice*

to be restricted. This means 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 Mr Apruebo's misconduct was not at the lower end of the spectrum, and it found that there is a risk to patient and public safety. The panel therefore determined that a sanction that does not restrict Mr Apruebo's practise would not protect the public. The panel also determined that it would be neither proportionate nor in the public interest to impose a caution order.

The panel next considered whether placing conditions of practice on Mr Apruebo's registration would be appropriate. The panel is mindful that any conditions imposed must be appropriate, proportionate, relevant, workable and measurable. The panel had regard to the NMC Guidance on 'Conditions of practice order' (Reference: SAN-2c Last Updated: 28/01/2026) and had regard to the following factors:

- *'no evidence of deep-seated personality or attitudinal problems*
- *identifiable areas of the professional's practice in need of assessment and/or retraining*
- *…*
- *potential and willingness to respond positively to retraining (this should be based on specific evidence provided by the professional)*
- *…*
- *people using services will not be put at risk either directly or indirectly as a result of the conditions*
- *conditions can be created that can be monitored and assessed.'*

The panel is of the view that there are no relevant, proportionate, workable or measurable conditions that could be formulated, given the nature of the charges found proved. The panel also noted that Mr Apruebo has not informed the NMC of whether he is working at this time, and has not engaged in this process. It therefore determined that a conditions of practice order would not be workable, and would not sufficiently protect the public, nor meet the wider public interest. The panel further determined that Mr Apruebo has demonstrated a lack of insight and remorse.

Further, the panel did not have any evidence before it of any potential or willingness to respond positively to retraining.

The panel next went on to consider whether a suspension order would be appropriate in this case. The panel had regard to the NMC Guidance on 'Suspension order' (Reference: SAN-2d Last Updated: 28/01/2026) in which the following factors on when a suspension order may be appropriate are set out:

- *'the impairment is very serious but not fundamentally incompatible with continuing to be a registered professional*
- *an outcome less severe than strike-off would still satisfy the over-arching objective.'*

The panel also had regard to the key considerations as set out in the NMC Guidance to weigh up before imposing a suspension. It noted the following list of circumstances that may make a suspension order an appropriate sanction:

- *'the charges found proved are at the most serious end of the spectrum and call into question the professional's suitability to continue practising, either currently or at all*
- *while it is possible that the professional could be fit to practise in future, only a period out of practice would be sufficient to allow them to fully strengthen their practice through reflection, the development of their professional skills and / or development of insight and remediation*
- *there is a risk to the safety of people using services if the professional were allowed to continue to practise even with conditions*
- *what went wrong is so serious that public confidence in the profession and professional standards could not be maintained if the professional were able to continue practising without stopping for a period of time*
- *despite the seriousness of what happened, the professional has engaged in the proceedings and has shown at least some meaningful insight which evidences a realistic possibility that they will continue to develop this insight, address their concerns and return to practice.'*

The panel was satisfied that in this case, the misconduct was not fundamentally incompatible with remaining on the register. However, the panel determined that the risk can only be mitigated by way of a suspension order, until Mr Apruebo has remediated his conduct.

It did go on to consider whether a striking-off order would be proportionate but, taking account of all the information before it, and of the mitigation provided, the panel concluded that it would be disproportionate. Whilst the panel acknowledges that a suspension may have a punitive effect, it would be unduly punitive in Mr Apruebo's case to impose a striking-off order, and public confidence in the nursing profession can be maintained by way of a suspension order at this time.'

Decision and reasons on current impairment

This panel has considered carefully whether Mr Apruebo'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. The panel has seen nothing from Mr Apruebo.

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 Apruebo's fitness to practise remains impaired.

The panel noted that the original panel found that Mr Apruebo had very limited insight. At this meeting the panel saw no evidence or information suggesting that this has improved. The panel considered the overall nature and circumstances of the case. While it noted the previous panel's observation that there was no evidence of deep-seated attitudinal concerns, it considered that, in the absence of any evidence of remorse, reflection or remediation, attitudinal concerns remained a relevant factor in its decision.

The panel also noted that Mr Apruebo has continued not to engage with the NMC.

In its consideration of whether Mr Apruebo has taken steps to strengthen his practice, the panel again took into account that Mr Apruebo has not engaged with the NMC since March 2023. Accordingly, the panel has no evidence or information as to Mr Apruebo's current practice, nor anything to indicate he has taken action to mitigate the risks in this case.

The original panel determined that Mr Apruebo was liable to repeat matters of the kind found proved. Today's panel has seen no evidence that there has been a material change in circumstances. In light of this the panel determined that Mr Apruebo remains liable to repeat matters of the kind found proved, and therefore decided that a finding of continuing impairment is necessary on the ground 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 Apruebo's fitness to practise remains impaired.

Decision and reasons on sanction

Having found Mr Apruebo 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 Mr Apruebo'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 Mr Apruebo'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 Mr Apruebo'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 bore in mind the seriousness of the facts found proved at the original meeting and 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 Mr Apruebo's misconduct given the lack of evidence of insight and reflection. There is also no evidence to suggest that Mr Apruebo would engage with conditions.

The panel next began to consider whether it should continue Mr Apruebo's suspension. The panel noted that, as at 28 January 2026, the NMC had changed its guidance on sanction. In SAN-3 which deals with the issue of 'deciding between suspension and strike off'' the following passages appear:

> *'Consider the professional's insight and attitude to addressing the concerns, and whether it is realistically possible that these will change positively during the suspension period. If it is unlikely the professional will try to address the concerns,*

there may not be appropriate for them to be suspended in the hopes that they will eventually return to practice.

'Professionals are under an obligation to cooperate with their regulator. Where professionals have failed to engage with the fitness to practise process, it won't usually be appropriate to use a suspension order as a means of giving them a 'last chance' to engage, reflect or show insight.'

The panel noted that Mr Apruebo has not engaged with the NMC since 27 March 2023. The panel also noted that Mr Apruebo has not shown remorse for his misconduct, nor has he demonstrated any insight into his previous failings. The panel was of the view that considerable evidence would be required to show that Mr Apruebo no longer posed a risk to the public, and determined that a further period of suspension would not serve any useful purpose in all of the circumstances.

The panel bore in mind the NMC Guidance at REV-2h, in particular that suspension orders are not intended to exist indefinitely. The panel determined that it was necessary to take action to prevent Mr Apruebo 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 11 December 2026 in accordance with Article 30(1).

This decision will be confirmed to Mr Apruebo in writing.

That concludes this determination.