

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

**Substantive Meeting  
25 March 2021**

Virtual Meeting

**Name of registrant:** Cerys Toni Marie Price

**NMC PIN:** 13A0088W

**Part(s) of the register:** Registered Nurse sub part 1 – Adult Nurse level 1  
(26 March 2013)

**Area of registered address:** Ebbw Vale, Wales

**Type of case:** Conviction

**Panel members:** Suzy Ashworth (Chair, Lay member)  
Jude Bayly (Registrant member)  
Jonathan Coombes (Registrant member)

**Legal Assessor:** Michael Bell

**Panel Secretary:** Max Buadi

**Facts proved:** Charges 1.1 and 1.2

**Facts not proved:** None

**Fitness to practise:** Impaired

**Sanction:** **Striking-off order**

**Interim order:** **Interim suspension order (18 months)**

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

The panel was informed at the start of this hearing that Miss Price was not in attendance, nor was she represented in her absence. Notice of this hearing had been sent via email to an email address held on the NMC register on 16 February 2021.

Further the panel noted that the Notice of Meeting was also sent to Miss Price's mother acting as her representative.

The panel took into account that the Notice of Meeting provided details of the allegation, the time, dates and venue of the meeting.

The panel accepted the advice of the legal assessor.

In the light of all of the information available, the panel was satisfied that Miss Price 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).

## **Details of charge**

That you, a Registered Nurse:

- 1) At Cardiff Crown Court were convicted of:
  1. Causing death by dangerous driving, contrary to Section 1 of the Road Traffic Act, 1988
  2. Causing serious injury by dangerous driving, contrary to Section 1 of the Road Traffic Act, 1988.

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

## Background

Miss Price first entered the NMC register of nurses on 25 March 2013, as a Registered Nurse. She made a self-referral to the NMC on 3 January 2020.

On 15 July 2016 Miss Price was driving a motor vehicle on the dual carriageway within the speed limit at 70 mph when she suffered a seizure and lost control of the vehicle, crossed the central reservation and drove headfirst into a vehicle travelling in the opposite direction on the adjacent carriageway. The driver of the other motor vehicle involved in the collision was killed and the passenger in the Miss Price's motor vehicle was seriously injured.

Examination of Miss Price's blood showed a very high level of Tramadol with a reading of 1803 micrograms per litre. The police investigation found a tub of un-prescribed Tramadol in the vehicle that she had driven and crashed in on the day. This was shown to be from Mexico and was 100 mg per tablet. The tub of Tramadol stated it contained 100 tablets but there were only 26 left when the police located it.

Miss Price was interviewed by the police again and she stated that the Tramadol was to treat pain arising from a [PRIVATE]. She stated she forgot to mention this to the police and to any of the medical staff when admitted to hospital following the collision when she was specifically asked questions around what medication she was taking.

The police investigation regarding the fatal road traffic accident resulted in Miss Price being summoned to court for causing death by dangerous driving and causing serious injury by dangerous driving in August 2018.

In court, Miss Price's defence to the criminal charges was that she had suffered an epileptic seizure that had caused the collision. However, under examination she could not explain why the level of Tramadol in her blood was so high nor why she failed to advise the police, and the medical staff who were treating her, about having taken Tramadol. It was shown by medical experts that Tramadol combined with anti-depressants can cause seizures and her medical history showed no previous evidence of any epilepsy.

Miss Price was convicted of both criminal matters following trial on 18 December 2019 and sentenced to 5 years and 4 months imprisonment on 6 February 2020.

The Judge, in his sentencing remarks, observed that by Miss Price's experience as a Registered General Nurse, she knowingly put herself and other road users at risk by self-administering the non-prescribed Tramadol at such a level combined with prescribed anti-depressants that it provoked a seizure that resulted in the death of another driver and the serious injury of a passenger. He also observed that she had been unwilling to tell the truth to the police or medical professionals.

### **Decision and reasons on the facts**

The charge concerns Miss Price's convictions and, having been provided with a copy of the certificate of conviction, the panel finds that the facts are found proved in accordance with Rule 31 (2) and (3). These state:

**'31.—**

- (2) Where a registrant has been convicted of a criminal offence—
  - (a) a copy of the certificate of conviction, certified by a competent officer of a Court in the United Kingdom (or, in Scotland, an extract conviction) shall be conclusive proof of the conviction; and*
  - (b) the findings of fact upon which the conviction is based shall be admissible as proof of those facts.**
- (3) The only evidence which may be adduced by the registrant in rebuttal of a conviction certified or extracted in accordance with paragraph (2)(a) is evidence for the purpose of proving that she is not the person referred to in the certificate or extract.'*

The panel also noted that Miss Price accepted the fact of the convictions in her completed Case Management Form (CMF).

## **Fitness to practise**

Having reached its findings on the facts, the panel then considered whether, on the basis of the facts found proved, Miss Price's fitness to practise is currently impaired by reason of her convictions. There is no statutory definition of fitness to practise. However, the NMC has defined fitness to practise as a registrant's suitability to remain on the register unrestricted.

## **Representations on impairment**

The NMC requires the panel to bear in mind its overarching objective to protect the public and the wider public interest. This included the need to declare and maintain proper standards and maintain public confidence in the profession and in the NMC as a regulatory body.

The panel noted the NMC's written submission that Miss Price's fitness to practise is currently impaired by reason of her conviction. The NMC submitted that Miss Price's conviction has brought the nursing profession into disrepute. Further, members of the public would rightly see Miss Price's conviction for one of the most serious criminal offences, as conduct which falls far below the standard expected of a registered nurse.

Additionally, the NMC submitted that because the charge Miss Price faces raises the issue of reputational damage to the profession, a finding of impairment is necessary to maintain public confidence in the profession by upholding proper standards

In Miss Price's personal statement to the NMC, dated 19 December 2020, Miss Price stated that she sincerely apologises for her "reckless behaviour" that led to the car accident in July 2016, the injury of her passenger and the death of the driver she collided with. She also stated that she accepted the jury's decision.

Miss Price stated that whilst she was "always considered sensible hard working and reliable by nurse staff, patients and family", personal problems affected her significantly in December 2015 [PRIVATE]. As a result, she stated that she developed abdominal and

back pain that affected her on a weekly basis. She said that she did not seek professional help and tried to cope with her issues herself which she stated was a mistake.

Miss Price stated that she went abroad in June 2016 while still suffering pain. She bought Tramadol from the local pharmacist in Mexico to help her with the pain. She stated she had been prescribed Tramadol in 2011 by her local hospital and made a mistake in believing she could self-prescribe the medication. She stated she did not believe that taking Tramadol with anti-depressants would cause the problems it did. She also did not inform her GP, upon her return, that she was taking Tramadol.

Miss Price stated that she is very sorry that her “conviction and reckless behaviour undermines the trust and confidence that the public expect of nurses.” She stated that her conviction arose from problems in her personal life that she failed to manage safely, and caused the loss of life.

The panel accepted the advice of the legal assessor which included reference to a number of relevant judgments. These included reference to *CHRE v (1) NMC (2) Grant* [2011] EWHC 927 (Admin).

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

The panel went on to decide if as a result of the conviction, Miss Price’s fitness to practise is currently impaired.

Nurses occupy a position of privilege and trust in society and are expected at all times to be professional. Patients and their families must be able to trust nurses with their lives and the lives of their loved ones. To justify that trust, nurses must be honest and act with integrity. They must make sure that their conduct at all times justifies both their patients’ and the public’s trust in the profession.

In this regard the panel considered the judgment of Mrs Justice Cox in the case of *CHRE v NMC and Grant* in reaching its decision. In paragraph 74, she said:

*'In determining whether a practitioner's fitness to practise is impaired by reason of misconduct, the relevant panel should generally consider not only whether the practitioner continues to present a risk to members of the public in his or her current role, but also whether the need to uphold proper professional standards and public confidence in the profession would be undermined if a finding of impairment were not made in the particular circumstances.'*

In paragraph 76, Mrs Justice Cox referred to Dame Janet Smith's "test" which reads as follows:

*'Do our findings of fact in respect of the doctor's misconduct, deficient professional performance, adverse health, conviction, caution or determination show that his/her fitness to practise is impaired in the sense that s/he:*

*a) ...*

*b) has in the past brought and/or is liable in the future to bring the medical profession into disrepute; and/or*

*c) has in the past breached and/or is liable in the future to breach one of the fundamental tenets of the medical profession; and/or*

*d) ....'*

The panel was satisfied that this was not a case which gave rise to public protection concerns. Miss Price's conviction arose from actions in her private life which are unrelated to her clinical practice. Although her actions on 15 July 2016 resulted in the death of a driver and significant and serious injuries to her passenger, there is no evidence before this panel that her actions placed patients at a risk of harm.

The panel did, however, consider that limbs (b) and (c) of *Grant* were engaged. It considered that Miss Price's convictions brought the nursing and midwifery professions



into disrepute and breached fundamental tenets of the professions. The panel also noted that there appeared to be a deliberate failure to disclose the extent of Miss Price's Tramadol use. As a result, the panel was of the view that her actions in this regard were not honest. They also breached aspects of the NMC Code of Conduct 2015, specifically:

***18 Advise on, prescribe, supply, dispense or administer medicines within the limits of your training and competence, the law, our guidance and other relevant policies, guidance and regulations***

*To achieve this, you must:*

*18.5 wherever possible, avoid prescribing for yourself or for anyone with whom you have a close personal relationship*

***20 Uphold the reputation of your profession at all times***

*To achieve this, you must:*

*20.1 keep to and uphold the standards and values set out in the Code*

*20.4 keep to the laws of the country in which you are practising*

The panel noted that Miss Price admitted the charges and that her fitness to practise is currently impaired by way of her conviction. The panel concluded there is sufficient documentary evidence before it, by way of certificate of conviction, to demonstrate that Miss Price's fitness to practise is currently impaired by way of her conviction.

The panel noted that Miss Price had shown remorse for the impact her actions had on the family of the victim, her colleagues and the reputation of the profession. She stated, in her personal statement dated 19 December 2020:

*"...I will forever wear the guilt upon my shoulders of destroying [Mr 1]'s family's lives. I think about them all every single day, the guilt and remorse I will forever carry...The guilt and shame I also feel towards my employer and employees must*

have brought so much emotional distress to them all...My conviction and reckless behaviour undermines, the trust and confidence that the public expect of nurses. I have embarrassed and let the profession down by my actions...”

The panel bore in mind that the Judge, in his sentencing remarks, found that the seizure that led to the dangerous driving at the material time was caused by an excess of Tramadol in Miss Price’s blood. In her personal statement, dated 19 December 2020, she stated:

“...I felt I was safe to self-prescribe the medication...I felt I didn’t think taking [Tramadol] alongside my anti-depressants would cause any issues or problems...”

The panel was concerned about Miss Price’s failure to understand and take responsibility for the inappropriate self-prescription of a controlled drug and its potential adverse interaction with prescribed medication. As of the date of the personal statement, Miss Price continues to fail to acknowledge the causative effects of Tramadol in relation to the seizure that caused the fatal collision, in line with the Judge’s sentencing remarks.

In light of this, the panel concluded that the level of insight demonstrated by Miss Price was limited.

The panel took account of the letter from Miss Price’s mother, dated 18 February 2021, which speaks of Miss Price’s remorse and the impact the incident had on her. The panel is also encouraged that Miss Price is undertaking courses in prison.

However, the panel was of the view that until Miss Price takes ownership of the fact that her use of Tramadol was the cause of the seizure, there is nothing she can do to progress her insight and remediate her behavioural pattern.

The panel also bore in mind that the overarching objectives of the NMC are 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. The panel bore in mind that

Miss Price has been convicted of two dangerous driving offences and is currently serving a prison sentence. In the light of this, the panel determined that a finding of current impairment was required to uphold public confidence in the profession and to send a message about the standards of behaviour expected of registered nurses and midwives.

The panel therefore determined that Miss Price's fitness to practise is currently impaired by reason of her conviction on public interest grounds alone.

## **Sanction**

The panel has considered this case very carefully and has decided to make a striking-off order. It directs the registrar to strike Miss Price off the register. The effect of this order is that the NMC register will show that Miss Price has been struck-off the register.

In reaching this decision, the panel has had regard to all the evidence that has been presented in this case and had careful regard to the Sanctions Guidance (SG) published by the NMC. The panel accepted the advice of the legal assessor.

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

The panel noted that in the Notice of Meeting, dated 16 February 2021, the NMC had advised Miss Price that it would seek the imposition of a striking-off order if it found her fitness to practise currently impaired.

Having found Miss Price's fitness to practise currently impaired, the panel went on to consider what sanction, if any, it should impose in this case. The panel has borne in mind that any sanction imposed must be appropriate and proportionate and, although not intended to be punitive in its effect, may have such consequences. The panel had careful regard to the SG. The decision on sanction is a matter for the panel independently exercising its own judgement.

The panel took into account the following aggravating features:

- Miss Price purchased Tramadol, a controlled drug, abroad and brought it back into Britain with knowledge that Tramadol is illegal to possess without a prescription;
- The conviction arises from the Miss Price's commission of an extremely serious criminal offence and this has been marked by the imposition of a substantial term of imprisonment; and
- Miss Price had persistently failed to confront the reality of her un-prescribed Tramadol use.

The panel also took into account the following mitigating features:

- Miss Price was experiencing challenging personal circumstances at the time of the concerns;
- Miss Price has shown remorse and recognised the impact of her actions on the deceased driver, his family, the injured passenger, her family, colleagues and the nursing profession.

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. It determined that, due to the seriousness of the case an order that does not restrict Miss Price'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 Price's conviction was not at the lower end of the spectrum and that a caution order 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 impose a caution order.

The panel next considered whether placing conditions of practice on Miss Price's registration would be a sufficient and appropriate response. The panel is of the view that there are no practical or workable conditions that could be formulated, given the nature of the charges in this case as the charges do not relate to Miss Price's nursing practice. Furthermore, the panel concluded that the placing of conditions on Miss Price's registration would not adequately address the seriousness of this case or reflect the public interests.

The panel then went on to consider whether a suspension order would be an appropriate sanction. The SG states that a suspension order "may not be appropriate where the misconduct isn't fundamentally incompatible with the nurse...continuing to be registered professional..."

The conduct, as highlighted by the facts found proved, was a significant departure from the standards expected of a registered nurse. The panel decided that the serious breach of the fundamental tenets of the profession evidenced by Miss Price's actions and convictions is fundamentally incompatible with Miss Price remaining on the register.

In this particular case, the panel determined that a suspension order would not be a sufficient, appropriate or proportionate sanction.

Finally, in looking at a striking-off order, the panel took note of the following paragraphs of the SG:

- *Do the regulatory concerns about the nurse or midwife raise fundamental questions about their professionalism?*
- *Can public confidence in nurses and midwives be maintained if the nurse or midwife is not removed from the register?*
- *Is striking-off the only sanction which will be sufficient to protect patients, members of the public, or maintain professional standards?*

The panel decided that Miss Price's actions and convictions were significant departures from the standards expected of a registered nurse and are fundamentally incompatible with her remaining on the register. The panel was of the view that the circumstances of this particular are such that to allow her to continue practising as a nurse would undermine public confidence in the profession and in the NMC as a regulatory body.

Taking into account all the evidence before it during this case, the panel determined that the appropriate and proportionate sanction is that of a striking-off order. Having regard to the matters it identified, in particular the effect of Miss Price's actions in bringing the profession into disrepute by adversely affecting the public's view of how a registered nurse should conduct herself, the panel has concluded that nothing short of this would be sufficient in this case.

The panel considered that this order was necessary to mark the importance of maintaining public confidence in the profession, and to send to the public and the profession a clear message about the standard of behaviour required of a registered nurse.

This will be confirmed to Miss Price in writing.

## **Interim order**

As the striking-off order cannot take effect until the end of the 28-day appeal period, the panel has considered whether an interim order is required in the specific circumstances of this case. It may only make an interim order if it is satisfied that it is necessary for the protection of the public, is otherwise in the public interest or in Miss Price's own interest until the striking-off sanction takes effect. The panel heard and accepted the advice of the legal assessor.

## **Representations on interim order**

The panel took account of the representations made by the NMC that an interim order should be for a period of 18 months to cover any appeal period.

## **Decision and reasons on interim order**

The panel was satisfied that an interim order is necessary in the public interest. The panel had regard to the seriousness of the facts found proved and the reasons set out in its decision for the substantive order in reaching the decision to impose an interim order.

The panel concluded that an interim conditions of practice order would not be appropriate or proportionate in this case, due to the reasons already identified in the panel's determination for imposing the substantive order. The panel therefore imposed an interim suspension order for a period of 18 months.

If no appeal is made, then the interim suspension order will be replaced by the substantive striking off order 28 days after Miss Price is sent the decision of this hearing in writing.

That concludes this determination.