

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

**Substantive Order Review Hearing  
19 May 2022**

Virtual Hearing

**Name of registrant:** Zsolt Imre

**NMC PIN:** 16G0042C

**Part(s) of the register:** Registered Nurse – Sub Part 1  
Adult Nursing – July 2016

**Relevant Location:** Antrim Borough Council

**Type of case:** Misconduct

**Panel members:** John Vellacott (Chair, Lay member)  
Dorothy Keates (Registrant member)  
Gill Mullen (Lay member)

**Legal Assessor:** Breige Gilmore

**Hearings Coordinator:** Max Buadi

**Nursing and Midwifery Council:** Represented by Anthony James, Case Presenter

**Mr Imre:** Not present or represented

**Order being reviewed:** Suspension order (6 months)

**Fitness to practise:** Impaired

**Outcome:** **Striking off order to come into effect on 27  
June 2022 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 Mr Imre was not in attendance, nor was he represented in his absence. Notice of this hearing had been sent via email to an email address held on the NMC register on 5 April 2022.

The panel took into account that the Notice of Hearing provided details of the substantive order being reviewed, the time, date and that it was to be held virtually. In addition, it contained information about Mr Imre's right to attend, be represented and call evidence, as well as the panel's power to proceed in his absence.

Mr James, 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.

In the light of all of the information available, the panel was satisfied that Mr Imre 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 Mr Imre**

The panel next considered whether it should proceed in the absence of Mr Imre. The panel had regard to Rule 21 and heard the submissions of Mr James. He informed the panel that the NMC has asked Mr Imre if he was attending today's hearing in an email dated 13 May 2022. He then drew the panel's attention to the response email from Mr Imre dated 17 May 2022 which stated:

"Not attending"

Mr James submitted that Mr Imre has voluntarily absented himself. He also reminded the panel that Mr Imre had been content with previous reviewing panel's proceeding in his absence.

In light of this, Mr James invited the panel to proceed in the absence of Mr Imre.

The panel accepted the advice of the legal assessor.

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

- Mr Imre has voluntarily absented himself;
- No application for an adjournment has been made by Mr Imre;
- Mr Imre sent an email indicating that he would not be attending the hearing today;
- There is no reason to suppose that adjourning would secure his 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 it is fair, appropriate and proportionate to proceed in the absence of Mr Imre.

### **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 27 June 2022 in accordance with Article 30(1) of the 'Nursing and Midwifery Order 2001' (the Order).

This is the fifth review of a suspension order originally imposed by a panel of the Fitness to Practise Committee on 26 April 2019 for a period of 12 months. This order was reviewed on 23 April 2020 and extended for three months. It was further reviewed on 25 August 2020 and extended for four months. The order was then reviewed on 18 November 2020 when the panel replaced the suspension order with a conditions of practice order for a period of 12 months. The order was most recently reviewed on 22 November 2021 and the panel replaced the conditions of practice order with a suspension order for 6 months.

The current order is due to expire at the end of 27 June 2022.

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 15 February 2018 and/or 22 February 2018 administered a BuTrans patch to Resident B without following the correct medicine administration procedure in that you;*
  - 1.1. *Did not initially sign for the medication*
  - 1.2. *Did not ensure that the medication was second checked and/or signed by a second checker*
  - 1.3. *[...]*
  
2. *[...]*
  
3. *[...]*
  
4. *On 17 March 2018 in relation to Resident E you did not sign for and/or administer;*
  - 4.1. *Lactulose Solution*
  - 4.2. *Laxido Orange*
  
5. *On 17 March 2018 in relation to Resident D did not sign for and/or administer;*
  - 5.1. *Quetiapine tablet 25mg*
  - 5.2. *Dutasteride capsules 500micrograms*
  - 5.3. *Gatalin XI 20mg*

*5.4. Chlorphenamine 6mg*

*5.5. Dermal 200 shower emollient*

*5.6. Dermal 500 lotion*

*5.7. Bisoprolol 2.5mg*

*5.8. Paracetamol 500mg*

6. [...]

6.1. [...]

6.2. [...]

6.3. [...]

7. *On 23 March 2018 in relation to Resident F did not sign for and/or administer Risperidone*

8. [...]

9. *On 25 March 2018 you signed for but did not dispense ranitidine for an unknown patient.*

10. *On 2 April 2018 administered Epilum syrup to Resident A without thickening it*

11. [...]

11.1. [...]

11.2. [...]

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

*'The panel considered that Mr Imre has not provided any evidence to suggest that he has strengthened his practice in relation to the original concerns raised. Further, it had no evidence before it of any ongoing compliance with the current conditions*

*of practice order, or explanation for any non-compliance. The panel noted that the previous reviewing panel found that Mr Imre's insight was developing but it considered that there was nothing further before the panel today to demonstrate that Mr Imre's insight had continued to develop.*

*The panel had regard to Mr Imre's Medication Administration certificate dated 21 January 2021 but did not consider this sole certificate to demonstrate sufficient strengthening of practice. Further, it had no evidence that the learning from that course had been incorporated into Mr Imre's nursing practice. The panel had no evidence before it today of any further learning that Mr Imre has undertaken or testimonials/references provided on his behalf. The panel noted that the previous reviewing panel gave four suggestions as to what may assist the next reviewing panel but none of these have been acted on.*

*The panel determined that a finding of continuing impairment is necessary on the grounds of public protection. It concluded that there was a risk of repetition as a result of Mr Imre's insufficient strengthening of practice, insight and reflection.*

*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 considered that a well-informed member of the public would be troubled to hear about a nurse who has been under some form of NMC order for over two years yet has still to demonstrate that he can practise safely. The panel therefore determined that a finding of impairment on public interest grounds is also required.*

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

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

*'The panel next considered the imposition of a suspension order. It noted that there is no evidence of Mr Imre complying with his current conditions of practice order*

*and considered his engagement to be sporadic and, at times, contradictory. The panel noted that the current conditions of practice order has been in place for over a year but has not had the desired effect. It considered that a period of suspension would protect the public and meet the public interest but also allow Mr Imre the opportunity to consider if he truly does want to return to the nursing profession. This panel wishes to make it clear that if Mr Imre does not engage with the NMC ahead of the next review and provide it with evidence of his commitment to returning to practice, that reviewing panel are likely to consider a striking off order.*

*The panel went on to consider a striking off order but considered that it would be disproportionate at this stage. It considered that the concerns with Mr Imre's practice are remediable if he wishes to do so. Further, Mr Imre attended his previous review hearing and had provided that panel with relevant information. The panel considered that a striking off order, at this stage, would not allow Mr Imre the opportunity to consider if he wishes to pursue a career in nursing in the United Kingdom.*

*The panel considered that a suspension order for a period of six months is sufficient to allow Mr Imre to effectively engage with the NMC and decide on his future career plans.*

*In accordance with Article 30(1)(c) of the Order, this suspension order will come into effect upon the expiry of the current suspension order, namely at the end of 27 December 2021.*

*Prior to its expiry, this order will be reviewed by a panel. That panel may revoke the order, allow to order to lapse upon expiry, extend the order or replace the order with another order.*

*A future reviewing panel may be assisted by the following:*

- Effective engagement with the NMC process and attendance at the next review;*
- Evidence of any relevant nursing learning/training undertaken;*
- Evidence of Mr Imre having kept his nursing knowledge up to date;*

- *A more substantial reflective piece fully recognising the impact of the charges found proved on patients, colleagues and the nursing profession; and*
- *Testimonials/references from any paid employment.'*

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

The panel has considered carefully whether Mr Imre'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 remain on the register 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. It has taken account of the submissions made by Mr James on behalf of the NMC. He submitted that Mr Imre remains impaired on grounds of public protection, the risks identified by the original substantive panel, and the fact that the risk of repetition remains. He also submitted that Mr Imre is impaired on grounds of public interest. He submitted that the public would be troubled to learn that Mr Imre, who has not demonstrated fitness to practice despite opportunities to do so, was permitted to practice without restriction.

Mr James submitted that if the panel consider that Mr Imre's fitness to practice is currently impaired, it can extend the current suspension order or it can impose any order that was available to the original panel including imposing a conditions of practice order.

Mr James submitted that due to there being no contact from Mr Imre since the last review of this hearing, the panel can consider that the concerns raised at the original substantive hearing remain and Mr Imre remains impaired.

Mr James reminded the panel that Mr Imre was given an opportunity, in November 2020, to comply with a conditions of practice order and return to nursing practice. However, after a year, there was insufficient evidence to demonstrate that Mr Imre had complied with the conditions of practice order and a suspension order was imposed.



Mr James drew the panel's attention to the decision of the last reviewing panel where Mr Imre was told that if he did not engage with the NMC ahead of the next review, then today's reviewing panel could consider a striking off order. Mr James reminded the panel that a striking off order is available to it.

Mr James reminded the panel that the last reviewing panel considered the concerns identified to be remediable, however there has been no effort by Mr Imre to act on this. He submitted that Mr Imre has not complied with any of the suggestions proposed by the last reviewing panel.

Mr James submitted that it is for the panel to decide on what sanction to impose.

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 Imre's fitness to practise remains impaired.

The panel noted it had no new information from Mr Imre regarding his insight in relation to the facts found proved or that the risk of repetition, as identified by the original panel, has reduced. Further, Mr Imre has not provided the panel with any evidence of retraining, or attempts to keep his nursing practice up to date.

In the absence of any evidence to the contrary, the panel could not be satisfied that Mr Imre no longer poses a risk to patient safety. It considered there to be a real risk of repetition of the events and a risk of significant harm to patients in his care, should he be permitted to return to unrestricted nursing practice. Therefore, the panel decided that a finding of continuing impairment is necessary on the grounds of public protection.

The panel bore in mind the overarching objective of the NMC: to protect, promote and maintain the health, safety and well-being of the public and patients and the wider public interest which includes promoting and maintaining public confidence in the nursing and

midwifery professions and upholding the proper professional standards for members of those professions. As Mr Imre has not yet addressed the concerns identified by the last reviewing panel, the panel determined that, in these circumstances, a finding of continuing impairment on public interest grounds is required.

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

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

Having found Mr Imre'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 Mr Imre'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 Imre'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 order on Mr Imre's registration would be a sufficient and appropriate response. The panel is mindful that any conditions imposed must be proportionate, measurable and workable. It bore in mind that Mr Imre has already been subject to a conditions of practice order in November 2022 and there was no evidence that he complied with this and strengthened his practice. Further, the

panel reminded itself that it had no information with regards to further insight or attempts to remediate his practice. Additionally, it had no information before it with regards to his current employment status.

In light of the above, and given there has been no meaningful engagement from Mr Imre there is no indication that he would comply with a conditions of practice order if one were imposed. In the circumstances, the panel was not satisfied that a conditions of practice order was the most appropriate and proportionate sanction.

The panel next considered imposing a further suspension order. The panel was of the view that considerable evidence would be required to show that Mr Imre no longer posed a risk to the public. It noted that the reviewing panel on 19 November 2020 determined that his insight was developing and imposed a conditions of practice order. He had not demonstrated any further insight into his previous failings, had not engaged with the conditions of practice or the NMC and another period of suspension was imposed as a result. The panel determined that a further period of suspension would not serve any useful purpose in all of the circumstances.

The panel also bore in mind that Mr Imre had been informed by the last reviewing panel that if he did not engage with the NMC, then the possibility of a striking off order being imposed would be an option for today's panel. Despite this, it noted that there has been no meaningful engagement by Mr Imre.

In light of the numerous opportunities afforded to Mr Imre, the panel determined that it was necessary to take action to prevent him from practising in the future. It 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 27 June 2022 in accordance with Article 30(1)

This decision will be confirmed to Mr Imre in writing.

That concludes this determination.