

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

**Substantive Order Review Hearing  
Friday, 17 March 2023**

Virtual Hearing

**Name of Registrant:** Cesario Domingo Jr

**NMC PIN** 01G21230

**Part(s) of the register:** Registered Nurse – Sub Part 1  
Adult Nursing – 1 August 2001

**Relevant Location:** Cheshire

**Type of case:** Misconduct

**Panel members:** Michelle McBreeze (Chair, Lay member)  
Mary Hattie (Registrant member)  
Seamus Magee (Lay member)

**Legal Assessor:** Marian Gilmore KC

**Hearings Coordinator:** Dilay Bekteshi

**Nursing and Midwifery Council:** Represented by Rebecca Butler, Case Presenter

**Mr Domingo Jr:** Not present and not represented

**Order being reviewed:** Conditions of practice order (6 months)

**Fitness to practise:** Impaired

**Outcome:** **Striking-Off order to come into effect at the end of 26 April 2023 in accordance with Article 30(1) of the 'Nursing and Midwifery Order 2001' (the Order).**

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

The panel was informed at the start of this hearing that Mr Domingo Jr was not in attendance and that the Notice of Hearing had been sent to Mr Domingo Jr's registered email address by secure email on 16 February 2023.

Ms Butler, 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, date and that the hearing was to be held virtually, including instructions on how to join and, amongst other things, information about Mr Domingo Jr's right to attend, be represented and call evidence, as well as the panel's power to proceed in his absence.

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

The panel next considered whether it should proceed in the absence of Mr Domingo Jr. The panel had regard to Rule 21 and heard the submissions of Ms Butler who invited the panel to continue in the absence of Mr Domingo Jr. She submitted that Mr Domingo Jr had voluntarily absented himself.

Ms Butler referred the panel to text messages between the Hearings Coordinator and Mr Domingo Jr on 16 March 2023 where he stated: *"I am very sorry I won't be able to attend the hearing tomorrow. [PRIVATE]."*

Ms Butler submitted that there has been limited engagement by Mr Domingo Jr with the NMC in relation to these proceedings and, as a consequence, there was no reason to believe that an adjournment would secure his attendance on some future occasion.

The panel accepted the advice of the legal assessor.

The panel decided to proceed in the absence of Mr Domingo Jr. In reaching this decision, the panel has considered the submissions of Ms Butler, and the advice of the legal assessor. It has had particular regard to 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 Mr Domingo Jr;
- Mr Domingo Jr has informed the Hearings Coordinator via text message that he will not be attending today's hearing.
- 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 decided that it is fair to proceed in the absence of Mr Domingo Jr.

## **Decision and reasons on review of the substantive order**

The panel decided to replace the current conditions of practice order with a striking off order. This order will come into effect at the end of 26 April 2023 in accordance with Article 30(1) of the 'Nursing and Midwifery Order 2001' (the Order).

This is the eleventh review of a substantive order originally imposed as a conditions of practice order for a period of 12 months by a panel of the Conduct and Competence Committee on 3 August 2015. The order was reviewed on 26 July 2016 and on 1 November 2016, where it was extended by three months and 12 months respectively. On 3 November 2017, the order was reviewed and extended by three years. On 27 October 2020, the order was varied and extended by six months. On 10 March 2021, the conditions of practice order was replaced with a three-month suspension order. On 27 July 2021, the suspension order was replaced with a three-month conditions of practice order. This order was reviewed again on 27 October 2021, that panel decided to vary and confirm the conditions of practice order for a further six months. On 18 March 2022 and 21 June 2022 the order was varied and confirmed for a further three months on each occasion. On 14 September 2022, the order was confirmed for a further period of six months.

The current order is due to expire at the end of 26 April 2023. 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, whilst employed as the Home Manager of Rosedale Manor Care Home between 1 September 2010 and 10 December 2013:*

*1. Failed to ensure that Rosedale Manor Care Home was compliant with any and/or all of the Health and Social Care Act 2008 (Regulated Activities) Regulations 2010 listed in Schedule A in that:*

*a) On 26 June 2013, at the conclusion of a CQC inspection, Rosedale Manor Care Home was issued with five compliance actions;*

2. *With regard to any and/or all of the Health and Social Care Act 2008 (Regulated Activities) Regulations 2010 listed in Schedule A, failed to ensure necessary improvements were made to the care provided by Rosedale Manor Care Home in that:*

a) *On 17 October 2013, at the conclusion of a CQC inspection Rosedale Manor Care Home was issued with five warning notices.*

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

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

*"The panel considered whether Mr Domingo Jr's fitness to practise remains impaired.*

*The panel noted that there are no concerns regarding Mr Domingo Jr's clinical skills, rather the concerns relate to his strategic leadership and management skills.*

*The panel were of the view that Mr Domingo Jr had previously engaged with the NMC however he has not shown current engagement or provided any evidence or information to address the regulatory concerns around strategic leadership or to suggest that there is no longer an impairment.*

*The panel were of view that Mr Domingo Jr has admitted to the charges at the original CPD hearing from 2015 but he has still not dealt with the issues concerning his impairment. In the light of this, the panel determined that as he has not fully developed insight, there is a risk of repetition.*

*The panel has heard no new information today and is not satisfied that Mr Domingo Jr is now not 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 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 Domingo Jr's fitness to practise remains impaired."*

The previous reviewing 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. 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 Domingo Jr'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 Domingo Jr'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 imposing a further conditions of practice order on Mr Domingo Jr's registration would still be a sufficient and appropriate response. The panel is mindful that any conditions imposed must be proportionate, measurable and workable.*

*The panel determined that it would be possible to formulate appropriate and practical conditions which would address the failings highlighted in this case. The*

*panel noted that Mr Domingo Jr's manager has stated that they are willing to support him and will work with him to strengthen his practice in the areas of concern identified.*

*The panel was of the view that the conditions of practice order is sufficient to protect patients and the wider public interest, noting as the original panel found that there was no evidence of general incompetence and that the misconduct related to poor judgement rather than clinical competence. In this case, there are conditions which could be formulated which would protect patients during the period they are in force.*

*The panel took account of the overall length of time the case has been in progress and that Mr Domingo Jr had previously made some progress. The panel noted that it is unknown what his position will be in the future as to whether he would want to take on a management position. The panel were of the view that the conditions in their current form are not unreasonable or onerous in the circumstances.*

*The panel gave serious consideration to imposing a suspension order and determined that it could be the only available next step should Mr Domingo Jr continue to disengage and not provide the required documentation required in compliance with the order from his regulator. The panel considered that a striking-off order would be wholly disproportionate and would not be a reasonable response in the circumstances of your case because you have engaged with the NMC and the process and made some progress.*

*For the purposes of these conditions, 'employment' and 'work' mean any paid or unpaid post in a nursing, midwifery or nursing associate role. Also, 'course of study' and 'course' mean any course of educational study connected to nursing, midwifery or nursing associates.*

- 1) You must notify the NMC within 14 days of any nursing appointment (whether paid or unpaid) you accept within the UK or elsewhere, and provide the NMC with the contact details of your employer;*

- 2) *You must inform the NMC of any professional investigation started against you and/or any professional disciplinary proceedings taken against you within 14 days of you receiving notice of them;*
- 3) *You must, within 14 days of entering into any arrangements required by these conditions of practice, provide the NMC with the name and contact details of the individual/organisation with whom you have entered into the arrangement;*
- 4) *You must not work in the capacity of a Home Manager, or in any equivalent post involving managerial responsibilities which requires NMC registration;*
- 5) *From the 26 October 2022, you must work with your line manager to create a new personal development plan (PDP) to demonstrate how you are developing your strategic leadership and management skills in your current role.*

*You must:*

- a) *Send your case officer a copy of your PDP to the NMC 14 days before the next review of your case.*
  - b) *Meet with your line manager at least every month to discuss your progress towards achieving the aims set out in your PDP.*
  - c) *Send your case officer a report from your line manager by the date requested before the next review of your case. This report must show your progress towards achieving the aims set out in your PDP.*
- 6) *From the 26 October 2022, you must keep a new reflective practice profile.*
- The profile will:*
- a) *Reflect on at least three situations where you demonstrated strategic leadership skills in your current role.*
  - b) *Reflect on at least three situations where you demonstrated management skills in your current role.*
  - c) *Your reflections must include detail of the discussions you had on these reflective pieces with your manager.*



- d) *You must secure your manager's signature on these reflective pieces to confirm they have been discussed.*

*You must send your case officer a copy of your profile 14 days before the next review of your case.*

- 7) *You must immediately inform the following parties that you are subject to a conditions of practice order under the NMC's fitness to practise procedures, and disclose the conditions listed at 1 to 6 above to them:*
- a) *Any organisation or person employing, contracting with, or using you to undertake nursing work;*
  - b) *Any agency you are registered with or apply to be registered with as a Registered Nurse (at the time of application);*
  - c) *Any prospective employer with whom you are seeking employment as a Registered Nurse (at the time of application);*
  - d) *Any educational establishment at which you are undertaking a course of study connected with nursing, or any such establishment to which you apply to take such a course (at the time of application).*

....

*Any future panel reviewing this case would be assisted by:*

- *Evidence of professional development, including a more detailed reflective piece identifying the impact of the charges found proved on the patients, the public, and your colleagues.*
- *Attendance at any future review."*

## **Submissions on current impairment**

The panel has considered carefully whether Mr Domingo Jr'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 Ms Butler on behalf of the NMC.

Ms Butler outlined the background of the case and referred the panel to the relevant documentation. She submitted that the purpose of this review is to assess whether the current order in place or a different order is needed to protect the public from risk of harm presented by Mr Domingo Jr, to maintain public confidence in the NMC and declare and uphold proper standards of conduct and behaviour. She referred the panel to the case of *Abrahaem v GMC* [2008] EWHC 183, paragraph 23 which states "*in practical terms there is a persuasive burden on the practitioner at a review to demonstrate that he or she has fully acknowledged why past professional performance was deficient and through insight, application, education, supervision or other achievement sufficiently addressed the past impairments.*"

Ms Butler told the panel that the first substantive order was made on 3 August 2015, it was then reviewed in July 2016, November 2016, November 2017, October 2020, March 2021, July 2021, October 2021, March 2022, June 2022, and September 2020. She also told the panel that an interim order hearing was held on 30 January 2023 where a serious allegation of neglect of a patient in November 2022 came to light.

Ms Butler submitted that this case has been going on for over eight years and that it has been exceptional in that previous panels have bent over backwards to give Mr Domingo Jr the opportunity to show the very best side of himself. She submitted that he has failed the panel every single time. She told the panel that Mr Domingo Jr's had limited engagement or did not engage at all in 2013, 2015, 2016, 2017, 2020, 2021, and 2022. Ms Butler told

the panel that in September 2020, Mr Domingo Jr did not attend the hearing and that his assertion was that he had no documents to provide.

Ms Butler reminded the panel that this is a serious case in respect of the risk of harm to patients. She referred the panel to the panel's consideration of Mr Domingo Jr's case at the Conduct and Competence Committee hearing on 3 August 2013. She told the panel that Mr Domingo Jr's lack of proper engagement in this case ought to be considered as evidence against him. She told Mr Domingo Jr failed to ensure that Rosedale Manor Care Home (Care Home) was compliant with any and/or of the Health and Social Care Act 2006 (Regulated Activities) Regulations 2010. Ms Butler said that the Care Home was issued with five compliance actions:

- “2.7.1. Care and welfare of people who use services;*
- 2.7.2. Assessing and monitoring the quality of service provision;*
- 2.7.3. Safeguarding people who use services from abuse;*
- 2.7.4. Management of medicines;*
- 2.7.5. Records”*

Ms Butler submitted that these are serious allegations, and they all go to the fundamental tenets of what good nursing practice is. Mr Domingo Jr was issued with conditions of practice, which have been amended on a number of occasions, but these have not been complied with. She submitted that having been given nine years to improve and reflect on his practice with his managers the documents before the panel are a litany of a failure to engage.

Ms Butler referred the panel to the interim order hearing decision in January 2023, and the allegations of the referral in November 2022 are that Mr Domingo Jr failed to record and monitor an elderly vulnerable person's bowel movements. She submitted that is fundamental nursing care and as a result of Mr Domingo Jr's neglect, the patient was admitted to hospital. She submitted that the panel is more than aware of the severity and the seriousness to patients if primary functions like bowel functions are not monitored and managed in a way that is safe. She invited the panel to bear in mind that the panel in January 2023 did not have sight of the documents this panel has today.

Ms Butler further referred the panel to the submissions by Mr Domingo Jr's representative in the interim order hearing which states: "*Ms Bracken submitted that you have continued to engage with the current NMC order which has been reviewed several times.*" Ms Butler submitted that no reasonable or rational panel could ever find that Mr Domingo Jr has ever engaged with the current order. She submitted that Mr Domingo Jr has done nothing but show an air of dismissiveness and a complete absence of respect to the orders that the panels have previously imposed. She said that the only time Mr Domingo Jr had engaged was when the panel imposed a suspension order.

Ms Butler submitted that the panels have time and time again given Mr Domingo Jr the opportunity to strengthen his practice and he has yet again breached the most recent order specifically by not providing a reflective piece, a personal development plan and informing the NMC that he had been involved in another incident relating to his professional misjudgement. Ms Butler submitted that if the previous panel had had the same information as today's panel, the question is, would it have come to the same decision.

Ms Butler submitted that original causes for referral all relate not only to management but also to the fundamental tenets of nursing. She reminded the panel of its duty to protect the public and not think that the best option is always to put the registrant first. She submitted that there is significant evidence for the panel to now make a finding that Mr Domingo Jr does not engage with his professional regulator and asked the panel to consider how many conditions of practice does one have to breach before taking very serious actions against them. She submitted that nurses who are aware of the facts of this case may believe that if they find that conditions of practice are unsuitable or inconvenient, they could just ignore them. She submitted that a member of the public knowing that today's panel is dealing with a nurse who has recently nearly ended a patient's life would say that previous panels have not done enough and had given too much leeway to Mr Domingo Jr.

Ms Butler referred the panel to the decision and reasons on current impairment on 14 September 2022, in particular the submissions by the case presenter addressing the panel on Mr Domingo Jr's compliance with his conditions. She referred the panel to the following passage of an email from Mr Domingo Jr's manager at the Home sent to his case officer on the day of the hearing:

*“Further to our conversation this morning, I am emailing in regard to Cesario’s FTP hearing today.*

*I have attempted to engage with Cesario to make further progress in relation to the sanctions on his practice, as agreed at the last hearing on June 21st. We met in regard to his performance development plan, which I eventually compiled following discussion with Cesario, as he seemed unwilling to do this. I have found that Cesario has not engaged well with the process over the past months and appears to have lost motivation.*

*Cesario remains very popular with residents and staff, who all comment on his kindness; however, from a leadership (sic) perspective he has failed to make progress. I asked (sic) Cesario to produce reflective accounts for us to discuss during our meetings, but there have been none produced to date.*

*Cesario still becomes distracted from the task in hand and will defer to supporting residents with hands-on care, which is noble, but has resulted in him missing deadlines for work submission.*

*[PRIVATE] as he has appeared unfocussed and struggling to apply himself to his responsibilities at work. We will, of course, continue to support Cesario to strengthen his capabilities.”*

Ms Butler submitted that this email points to several factors in that Mr Domingo Jr’s manager is engaging more with conditions of practice than Mr Domingo Jr. She submitted that whilst Mr Domingo Jr remains very popular with residents and staff and that he always defers to supporting residents with hands on care, being a good and proper nurse is not a popularity contest and it is not only about hands on care.

Ms Butler submitted that if the panel is minded to impose a conditions of practice order, the conditions must be measurable and workable. However, she submitted that Mr Domingo Jr may not currently be working as his employment was terminated following the most recent incident and he has not engaged with his conditions.

Ms Butler referred the panel to the Sanctions Guidance (SG) on seriousness. She asked the panel to consider whether any condition of practice will be complied with and to consider what the result has been allowing him to continue to practice as a nurse. She

submitted that there has been a serious incident which could result in harm to patients if not put right. She submitted that this case needs proper management and following the November 2022 incident this is a case that needs robust, proportionate, and reasonable management by this panel.

Ms Butler referred the panel to the cases of *Abrahaem v GMC* [2008] EWHC 183 *Wisniewska v Nursing and Midwifery Council* [2016] EWHC 2672 (Admin), *Abbas v NMC* [2019] EWHC 971 (Admin) and *Annon v NMC* [2017] EWHC 1879 (Admin).

## **Panel's decision and reasons on current impairment**

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 Domingo Jr.'s fitness to practise remains impaired. The panel noted the serious charges found proved by admission at the original panel which involved failure to provide adequate care and welfare of patients; assessing and monitoring the quality of service provision; safeguarding patients; management of medicines and records which are all fundamental tenets of the nursing profession. It considered that it had nothing before it to demonstrate that he had strengthened his practice, or that Mr Domingo Jr had been making attempts to remediate the concerns raised and show insight. There is therefore a potential of repetition and a risk of harm to patients. The panel considered that Mr Domingo Jr has barely complied with any of the conditions or has undertaken any of the suggestions made by the previous review panel.

The panel noted the email from Mr Domingo Jr's manager at the Home which was placed as documentary evidence to a panel on 14 September 2022. The panel noted that Mr Domingo Jr's manager raised concerns about his unwillingness to engage with the conditions. The email indicates that Mr Domingo Jr had not engaged with the process over the past months and that he had "*failed to make progress*". The panel noted that despite the support from Mr Domingo Jr's manager, he has shown an unwillingness or inability to engage fully with the steps put into place to support him and has shown no insight into the potential risks and consequences associated with his failings. The panel was of the view that this is potentially also an attitudinal aspect to the lack of remediation to date and shows a complete disregard to his regulator.

The panel therefore concluded that Mr Domingo Jr's fitness to practise remains impaired on public protection grounds.

The panel has also had regard to wider public interest considerations, including 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. It considered that members of the public would be concerned to learn that a member of the profession was allowed to return to unrestricted practice when there were ongoing concerns and deficiencies in insight and remediation.

For these reasons, the panel finds that Mr Domingo Jr's fitness to practise remains impaired on both public protection and wider public interest grounds.



## Decision and reasons on sanction

Having found Mr Domingo Jr.'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 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 further action but concluded that this would be inappropriate in view of the seriousness of the case, and that it would not protect the public from the risk of harm associated with any repetition of the failings in this case. The panel decided that to take no further action would not serve to protect the public or to satisfy the wider public interest considerations in this case.

The panel then considered the imposition of a caution order but again determined that, due to the seriousness of the failings/omissions, and the public protection issues identified, an order that does not restrict Mr Domingo Jr'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 the behaviour was unacceptable and must not happen again.'* The panel considered that the deficiencies in Mr Domingo Jr.'s practice in this case could not be characterised as being at the lower end of the spectrum, and were compounded by his breaches of the current conditions, and that a caution order would be inappropriate in view of the seriousness of the case. The panel decided that a caution order would not serve to protect the public nor to satisfy the wider public interest considerations in this case.

The panel next considered whether a continuation of conditions of practice on Mr Domingo Jr's registration would be a sufficient and appropriate response. The panel noted that Mr Domingo Jr was provided, by the previous panels on 3 August 2015, 26 July 2016, 1 November 2017, 3 November 2017, 27 October 2020, 27 July 2021, 27 October 2021, 18 March 2022, 21 June 2022 and 14 September 2022, a nine-year time frame to address any personal circumstances, develop his insight, strengthen his practice and begin complying with the conditions of practice order. This panel noted that no evidence has

been provided by Mr Domingo Jr in relation to him taking any steps to strengthen his practice, develop his insight or start to comply with the conditions of practice order. In fact, the panel had evidence before it of a supportive manager who has actively worked to encourage Mr Domingo Jr's compliance. The panel also noted that no evidence has been provided by Mr Domingo Jr as to any reasons that have prevented him from doing so. The panel determined that this situation cannot continue indefinitely, and it is not in the public interest for it to do so. The panel noted that the only engagement in respect of today's proceedings was a text message from Mr Domingo Jr stating that he will not be attending [PRIVATE]. In light of the complete lack of engagement by Mr Domingo Jr in relation to previous hearings and this hearing the panel considered that any conditions of practice order would not be workable and would serve no useful purpose.

In the circumstances, the panel considered that it was no longer possible to formulate workable conditions of practice which would be effective to protect the public at this time.

The panel then went on to consider whether a suspension order would be an appropriate sanction. The panel noted the last reviewing panel's decision on 14 September 2022, which states:

*"The panel gave serious consideration to imposing a suspension order and determined that it could be the only available next step should Mr Domingo Jr continue to disengage and not provide the required documentation required in compliance with the order from his regulator. The panel considered that a striking-off order would be wholly disproportionate and would not be a reasonable response in the circumstances of your case because you have engaged with the NMC and the process and made some progress."*

The panel noted the NMC SG in particular FtP-3c which states:

*"We may need to take restrictive regulatory action against nurses, midwives or nursing associates whose conduct has had this kind of impact on the public's trust in their profession, who haven't made any attempt to reflect on it, show insight, and haven't taken any steps to put it right. This may mean they can't stay on the register."*

The panel noted that a suspension order was considered as a possible sanction by the panel in September 2022. During the time that the substantive orders have been in place including the conditions of practice order there has been very limited evidence that Mr Domingo Jr made any attempts to reflect on his practice, develop his insight into the charges or taken any steps to put it right. The panel determined that a suspension order, although it could protect the public, would not be effective or proportionate in the public interest. In these circumstances the panel determined that a period of suspension would not serve any useful purpose.

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?*

No significant strengthening of Mr Domingo Jr's practice has occurred since the original hearing in 2015. Since that time Mr Domingo Jr had been suspended for three months and been subject to a conditions of practice order for nine years. The lack of engagement, clinical development or insight after such a significant period the conditions of practice have been in place, raises fundamental concerns about Mr Domingo Jr's professionalism and commitment to the process. The public would lack confidence in a registered professional in such circumstances and in a regulator who did not address these concerns appropriately.

The panel determined that it was necessary to take action at this time to prevent Mr Domingo Jr's from practising in the future. The panel noted that a considerable amount of time had been afforded to Mr Domingo Jr to strengthen his practice, but he had chosen not to do so.

The panel was of the view that Mr Domingo Jr's attitude towards the NMC as a regulator and towards his responsibility as a registered nurse to cooperate with his regulator were wholly incompatible with remaining on the NMC register.

Balancing all of these factors and after taking into account all the evidence before it during this case, the panel determined that the only appropriate and proportionate sanction is that of a striking-off order. Having regard to the effect of Mr Domingo Jr's actions in bringing the profession into disrepute by adversely affecting the public's view of how registered nurses should conduct themselves, 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 striking-off order will take effect upon the expiry of the current conditions of practice order, namely the end of 26 April 2023 in accordance with Article 30(1).

This will be confirmed to Mr Domingo Jr. in writing.

That concludes this determination.