

Nursing and Midwifery Council
Fitness to Practise Committee

Substantive Meeting
Tuesday, 4 June 2024

Virtual Meeting

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| Name of Registrant: | Eduardo Miravalles II |
| NMC PIN | 03K0594O |
| Part(s) of the register: | Registered Nurse: Adult – Sub part 1 Adult Nursing - Level 1 (November 2003) |
| Relevant Location: | England, Walsall |
| Type of case: | Conviction/Misconduct |
| Panel members: | Christine Nwaokolo (Chair, Lay member) Sharon Peat (Registrant member) David Anderson (Lay member) |
| Legal Assessor: | Cyrus Katrak |
| Hearings Coordinator: | Catherine Acevedo |
| Consensual Panel Determination: | Accepted |
| Facts proved: | Charges 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 saw that the Notice of Meeting had been sent to Mr Miravalles II's email address by secure email on 26 April 2024.

Further, the panel noted that the Notice of Meeting was also sent to Mr Miravalles II's representative at the Royal College of Nursing (RCN) on 26 April 2024.

The panel accepted the advice of the legal assessor.

The panel took into account that the Notice of Meeting provided details of the allegation, the time, date and the fact that this meeting was to be heard virtually.

In the light of all of the information available, the panel was satisfied that Mr Miravalles II's 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. *On 30 March 2022 were convicted of an offence, contrary to section 3 of the Sexual Offences Act 2003, of intentionally touching a woman aged 16 or over, on 14 November 2021, and that touching was sexual, when the woman did not consent, and you did not reasonably believe that she was consenting.*
2. *Failed to inform the Nursing and Midwifery Council:*
 - (a) that you had been charged with a criminal offence;*
 - (b) that you had been convicted of a criminal offence.*

AND in light of the above, your fitness to practise is impaired by reason of your conviction at charge 1, and by reason of your misconduct at charge 2.

Consensual Panel Determination

At the outset of this meeting, the panel was made aware that a provisional agreement of a Consensual Panel Determination (CPD) had been reached with regard to this case between the Nursing and Midwifery Council (NMC) and Mr Miravalles II.

The agreement, which was put before the panel, sets out Mr Miravalles II's full admissions to the facts alleged in the charges, that his actions amounted to misconduct in respect of charge 2/conviction in respect of charge 1, and that his fitness to practise is currently impaired by reason of that misconduct/conviction. It is further stated in the agreement that an appropriate sanction in this case would be a striking off order.

The panel has considered the provisional CPD agreement reached by the parties.

That provisional CPD agreement reads as follows:

'Fitness to Practise Committee

Consensual panel determination ("CPD"): provisional agreement

The Nursing & Midwifery Council ("the NMC") and Eduardo Miravalles II, PIN 03K05940

("the Parties") agree as follows:

- 1. Mr Miravalles is content for his case to be dealt with by way of a CPD meeting. He understands that if the panel determines that a meeting is not appropriate, the panel will adjourn the matter for this provisional agreement to be considered at a CPD hearing.*

The charge

2. *Mr Miravalles admits the following charges:*

That you, a registered nurse:

1. On 30 March 2022 were convicted of an offence, contrary to section 3 of the Sexual Offences Act 2003, of intentionally touching a woman aged 16 or over, on 14 November 2021, and that touching was sexual, when the woman did not consent, and you did not reasonably believe that she was consenting.

2. Failed to inform the Nursing and Midwifery Council:

(a) that you had been charged with a criminal offence;

(b) that you had been convicted of a criminal offence.

AND in light of the above, your fitness to practise is impaired by reason of your conviction at charge 1, and by reason of your misconduct at charge 2.

The facts

4. Mr Miravalles appears on the register of nurses, midwives and nursing associates maintained by the NMC, as a nurse. He has been on the NMC register since 18 November 2003

5. On 22 July 2022 the NMC received a referral from Medico Partners Limited ("The Referrer"), for whom Mr Miravalles was on placement as an agency nurse at Walsall Manor Hospital where he had worked for 3 years.

6. The Referrer advised that they had been informed by the police that Mr Miravalles had been found guilty of sexual assault of a female aged 13 or over.

7. On Sunday 14th November 2021 at 1330 hours the victim attended a police station to report that they had attended the Urgent Care Centre with their young child to get them treated for a bumped head. The victim reported that they were

seen by Mr Miravalles and whilst the child was being triaged, Mr Miravalles became suggestive and asked the victim if he could take them out shopping. He also asked the victim for their phone number, following which the victim typed in their personal mobile phone with one digit wrong. Mr Miravalles then called the number that the victim had given. Due to poor signal no call was connected.

8. Mr Miravalles then asked the victim A to guess his age. They guessed an age younger than his true age to which he stated "I owe you a kiss for that". Mr Miravalles then walked over to the victim whilst they were still sitting down in a chair and kissed them on the corner of their mouth with his medical face mask lowered. The victim reported that they did not consent to the kiss nor ask for it, and they perceived the kiss to be sexual.

9. On 4 December 2021 Mr Miravalles was interviewed by the police. During the interview Mr Miravalles denied being sexually attracted to the victim but he did make a full comment interview accepting that he had asked to take the victim shopping because they were stressed out. He also admitted to kissing the victim. He described this as a "quick kiss to be friendly," on the cheek. Mr Miravalles accepts that this was "overstepping the mark, a mistake" and that it was "inappropriate." However, he also stated that he "thought they were having friendly banter, and they were getting on well so he kissed [the victim] in a friendly way."

10. Mr Miravalles also accepted that he had asked for the victim's phone number as the victim was leaving, because he wanted them both to keep in contact.

11. At the end of the interview Mr Miravalles stated that he thought the victim had misinterpreted the situation, and whilst he also said that he made a mistake and knew that he had crossed the line and breached his professional standards and friendly banter and jokes and not in a sexual manner.

12. On 19 January 2022 Mr Miravalles was sent a postal notice of criminal charge from West Midlands Police, and he appeared at Dudley Magistrates' Court on 15 February 2022.

13. Mr Miravalles entered a not guilty plea but was found guilty on 30 March 2022. He was sentenced on 23 May 2022.

14. The NMC obtained a certificate of conviction which confirmed the conviction was for the offence of sexual touching of a female aged 16 or over, contrary to section 3 of the Sexual Offences Act 2003. It also confirmed the sentence as 12 weeks custody, suspended for 24 months with: 24 months supervision, a sex offender programme requirement, a rehabilitation activity requirement for up to 55 days and he was also ordered to pay £400 in compensation to the victim.

15. Mr Miravalles did not notify the NMC of the charge against him, nor of his subsequent conviction.

16. In August 2023 the NMC referred this to the Case Examiners to determine whether there was a case to answer. Mr Miravalles provided a response to the regulatory concerns, which included a detailed reflective statement in which he accepted some wrongdoing and expressed regret for how his actions caused the victim to feel, as well as remorse for his behaviour. He suggested that he had misread the situation and that it was not his intention to act in a sexual manner and added that he felt he had "let down [his] colleagues/staff and the whole team who trusted and believed in [him]."

17. Mr Miravalles also expressed a desire to "turn back the time" and explained that he had learned lessons from the incident including not to assume that "everyone can relate to your jokes and always make sure you set boundaries and maintain professionalism".

18. On 1 February 2024, Mr Miravalles's representatives confirmed by email that Mr Miravalles admitted both the charge and current impairment.

Impairment

19. It is agreed that Mr Miravalles's conduct fell significantly short of what is expected of a registered nurse, and that the impact of a conviction of a sexual nature is particularly damaging to the reputation of the profession and highly likely to undermine the public's trust and confidence in the profession.

20. Consideration of current impairment is often approached by addressing the questions posed by Dame Janet Smith in her Fifth Shipman Report, as endorsed by Mrs Justice Cox in the leading case of *Council for Healthcare Regulatory Excellence v (1) Nursing and Midwifery Council (2) Grant* [2011] EWHC 927 (Admin) by Cox J;

"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:

1. *Has in the past acted and/or is liable in the future to act so as to put a patient or patients at unwarranted risk of harm; and/or*
2. *Has in the past brought and/or is liable in the future to bring the professions into disrepute; and/or*
3. *Has in the past breached and/or is liable in the future to breach one of the fundamental tenets of the professions; and/or*
4. *Has in the past acted dishonestly and/or is liable to act dishonestly in the future?*

21. *The parties agree that limbs 1, 2 and 3 are engaged in this case.*

22. *The provisions of the Code constitute fundamental tenets of the nursing profession. Mr Miravalles agrees that he did not keep to and uphold the standards and values set out in the Code and that he breached the following sections of the Code:*

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

20.3 be aware at all times of how your behaviour can affect and influence the behaviour of other people.

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

20.5 treat people in a way that does not take advantage of their vulnerability or cause them upset or distress

20.6 stay objective and have clear professional boundaries at all times with people in your care (including those who have been in your care in the past), their families and carers.

23.2 tell both us and any employers as soon as you can about any caution or charge against you, or if you have received a conditional discharge in relation to, or have been found guilty of, a criminal offence (other than a protected caution or conviction)

23. Nurses occupy a position of privilege and trust in society and are expected to act with integrity at all times to justify that that. Adhering to the law and acting with integrity are fundamental tenets of the nursing profession. Mr Miravalles's criminal conviction for a serious sexual offence is likely to have significantly eroded the reputation of the profession in the eyes of the public and Mr Miravalles recognises that and, in his reflections dated 17 August 2022, describes the stigma that he brought to his wife and daughter, who were also connected to the profession.

*24. This document is attached as **Appendix 1**.*

25. In considering current impairment the parties have referred to the case of Cohen v General Medical Council [2008] EWHC 581 (Admin) in which the court set

out three matters which it described as being 'highly relevant' to the determination of the question of current impairment;

1. Whether the conduct that led to the charge(s) is easily remediable.
2. Whether it has been remedied.
3. Whether it is highly unlikely to be repeated.

26. NMC guidance entitled 'Is the concern remediable?' states that it may not be possible to remedy conduct including criminal convictions which led to a custodial sentence ..., particularly if it was serious and sustained over a period of time or directly linked to the nurse's practice.

27. Mr Miravalles has provided the NMC with some evidence of remediation, insight, remorse. He has shown some insight by giving a full comment police interview, and indicating that he accepts the charges and that his fitness to practice is impaired, He also provided limited evidence of insight in the form of a reflective statement, addressing the impact his actions are likely to have had on his colleagues and family. He has not shown insight into the impact on the public or patients nor has he identified relevant training or evidence of strengthened practice.

28. Mr Miravalles's criminal conviction resulted in a custodial sentence, and the conduct which led to it was both serious and sustained.

29. The Parties agree that the concerns in this case have not been remedied and cannot easily be remedied. And as such it cannot be said that there is no risk of repetition.

30. Although no concerns have been raised with respect to Mr Miravalles's clinical practice, he has been convicted of a sexual offence which arose in his capacity as a nurse. His actions may not have caused physical harm, but emotional and/or psychological harm is likely to have been caused and the parties agree that a finding of impairment on the grounds of public protection is necessary.

31. *Mr Miravalles did not notify the NMC that he was charged with a criminal offence or subsequently convicted of that offence.*

32. *In order to maintain the integrity of the Register, there is a duty conferred on registered nursing and midwifery professionals to disclose relevant information. This allows the registrar to carry out proper scrutiny and this must include an opportunity to consider the implications of any convictions of an applicant. The case of Harris v The Registrar of Approved Driving Instructors [2010] EWCA Civ 808 (15 July 2010) talks of how such a failure to declare convictions affects and undermines public confidence. Mr Miravalles has shown little to no insight into how his omission impacts the public, the profession as a whole and/or the public interest; and the parties agree that a finding of impairment is required in this case to uphold standards and to firmly declare that such conduct is not acceptable, even in circumstances where it was not intended to cause harm.*

33. *This also accords with the comments of Sales, J at paragraphs 50-51 of Yeong v General Medical Council [2009] EWHC 1923 (Admin), which also involved sexual misconduct. The principles from these comments are twofold:*

- 1) *There will be occasions where impairment must be found as a matter of public policy, to uphold public confidence in the profession, where to make no such finding would have an adverse impact on public confidence in the profession.*
- 2) *The efforts made by the practitioner to address his problems and to reduce the risk of recurrence of such misconduct in the future may be of far less significance than in other cases, such as those involving clinical errors or incompetence.*

34. *Accordingly, the parties agree that a finding of impairment is essential not only for the protection of the public but also to maintain public confidence in the*

profession, and that a member of the public, who was fully apprised of the facts behind the conviction, would be shocked if a finding of impairment were not made.

35. Any other outcome would undermine confidence in the profession and the NMC as regulator.

Sanction

36. In accordance with Article 3(4) of the Nursing and Midwifery Order the overarching objective of the NMC is the protection of the public.

32. Article 3(4A) of The Nursing and Midwifery Order 2001 states:- The pursuit by the Council of its over-arching objective involves the pursuit of the following objectives-

(a) to protect, promote and maintain the health, safety and well-being of the public;

(b) to promote and maintain public confidence in the professions regulated under this Order; and

(c) to promote and maintain proper professional standards and conduct for members of those professions.

37. This case is aggravated by the fact that the offence is a specified offence, which resulted in a custodial sentence, albeit suspended. Mr Miravalles is also subject to notification requirements as a sex offender for 7 years.

38. Additionally, Mr Miravalles was in a position of trust; the conduct arose in a clinical setting whilst the registrant was conducting his duties as a registered nurse, and in the presence of a young child

39. Furthermore, Mr Miravalles has shown only limited insight and he has not been able to evidence strengthen practice. He has not worked as a nurse since December 2021.

40. *There are some mitigating features: Mr Miravalles admitted the regulatory concerns and has shown remorse for his actions. He has no previous criminal history, nor were there concerns about his general clinical practice throughout his many years of unblemished practice.*

41. *In considering what sanction would be appropriate the Parties began by considering whether this is a case in which it would be appropriate to take no further action. It is agreed that this would not be sufficient to address the public interest considerations in this case. The conviction was clearly serious and needs to be marked so as to maintain confidence in the nursing profession and its regulator, and to publicly declare and maintain proper standards of conduct and behaviour.*

42. *The Parties next considered whether a caution order would be appropriate. A caution order would not restrict Mr Miravalles's practice. The Parties agree that, given the serious nature of the charge such an outcome would be insufficient to maintain public confidence or to act as a declaration of appropriate standards of conduct and competence amongst the nursing and midwifery professions.*

43. *In light of there being no live clinical or public protection concerns in this case, the Parties agree that a conditions of practice order would not be relevant or appropriate; and furthermore, the misconduct in the case is so serious that it merits some form of removal from the register.*

44. *The NMC's guidance sets out that a number of factors which, if present, might indicate that a suspension order is appropriate, namely:*

- *A period of suspension will be sufficient to protect patients, public confidence in nurses, midwives or nursing associates, or professional standards.*
- *There has been a single instance of misconduct but where a lesser sanction is not sufficient.*
- *There is no evidence of harmful deep-seated personality or attitudinal problems.*

- *There is no evidence of repetition of behaviour since the incident.*
- *The Committee is satisfied that the nurse, midwife or nursing associate has insight and does not pose a significant risk of repeating behaviour.*

41. As with the conditions of practice order, a suspension order would not be sufficient to protect patients, public confidence in nurses, midwives or nursing associates, or professional standards in this case. Although this was a single instance of misconduct the seriousness a lesser sanction would be insufficient to mark the seriousness, which includes kissing a service user in front of their young child, on or near the mouth during a pandemic and then not notifying the NMC of the outcome.

42. Mr Miravalles has not fully remedied these concerns which, by their nature, are particularly difficult to remedy, nor has he evidenced sufficient insight or remorse to satisfy you that there is no risk of repetition.

45. The Parties agree that the general rule in Council for the Regulation of Health Care Professionals v General Dental Council & Fleischmann [2005] EWHC 87 (Admin) that a practitioner should not be permitted to return to practice until they have satisfactorily completed their criminal sentence applies in this case. Mr Miravalles was sentenced 12 weeks' imprisonment suspended for 24 months, which was imposed on 23 May 2022, and this remains live until 22 May 2024.

46. A Striking off Order is the most severe sanction that can be applied by this panel and should be used only where there is no other means of protecting the public and/or maintaining confidence in the profession.

47. 45. The NMC guidance explains that striking off is likely to be appropriate when the Registrant's behaviour or attitude is fundamentally incompatible with being a registered nurse, midwife or nursing associate

48. *The guidance on sanctions for serious cases specifies:*

“Panels deciding on sanction in cases about serious sexual misconduct will, like in all cases, need to start their decision-making with the least severe sanction, and work upwards until they find the appropriate outcome. They will very often find that in cases of this kind, the only proportionate sanction will be to remove the nurse, midwife or nursing associate from the register. If the panel decides to impose a less severe sanction, they will need to make sure they explain the reasons for their decision very clearly and very carefully”.

49. *The Parties agree that a striking off order is the most appropriate sanction in all the circumstances of this particular case.*

Interim order

50. *An interim order is required in this case. The interim order is necessary for the protection of the public and is otherwise in the public interest for the reasons given above. The interim order should be for a period of 18 months in the event that Mr Miravalles seeks to appeal the panel’s decision. The interim order should take the form of an interim suspension order.*

51. *The Parties understand that the provisional agreement cannot bind the panel, and that the final decision on findings impairment and sanction is matter for the panel. The Parties understand that, if a panel does not agree with this provisional agreement, the admissions to the charges and the agreed statement of facts set out above may be placed before a differently constituted panel that is determining the allegation provided that it would be relevant and fair to do so’.*

Here ends the provisional CPD agreement between the NMC and Mr Miravalles. The provisional CPD agreement was signed by Mr Miravalles on 17 April 2024 and the NMC on 11 April 2024.

Decision and reasons on the CPD

The panel decided to accept the CPD.

The panel heard and accepted the legal assessor's advice. He referred the panel to the 'NMC Sanctions Guidance' (SG) and to the 'NMC's guidance on Consensual Panel Determinations'. He reminded the panel that they could accept, amend or outright reject the provisional CPD agreement reached between the NMC and Mr Miravalles II. Further, the panel should consider whether the provisional CPD agreement would be in the public interest. This means that the outcome must ensure an appropriate level of public protection, maintain public confidence in the professions and the regulatory body, and declare and uphold proper standards of conduct and behaviour.

The panel noted that Mr Miravalles II appeared to have the benefit of legal representation.

Decision on facts

In light of the admissions contained within the CPD the panel pronounced the facts proved in respect of charges 1 and 2.

Decision and reasons on impairment

The panel then went on to consider whether Mr Miravalles II's fitness to practise is currently impaired. Whilst acknowledging the agreement between the NMC and Mr Miravalles II, the panel has exercised its own independent judgement in reaching its decision on impairment.

In respect of misconduct/conviction, the panel determined that Mr Miravalles II's conduct fell significantly short of what is expected of a registered nurse, and that the impact of a conviction of a sexual nature is particularly damaging to the reputation of the profession and highly likely to undermine the public's trust and confidence in the profession.

In this respect, the panel endorsed paragraphs 19 to 24 of the provisional CPD agreement in respect of misconduct/conviction.

The panel then considered whether Mr Miravalles II's fitness to practise is currently impaired by reason of misconduct/conviction. In coming to its decision, the panel had regard to the Fitness to Practise Library, updated on 27 March 2023, which states:

'The question that will help decide whether a professional's fitness to practise is impaired is:

"Can the nurse, midwife or nursing associate practise kindly, safely and professionally?"

If the answer to this question is yes, then the likelihood is that the professional's fitness to practise is not impaired.'

The panel determined that Mr Miravalles II's fitness to practise is currently impaired for the protection of the public but also to maintain public confidence in the profession, and that a member of the public, who was fully apprised of the facts behind the conviction, would be very concerned if a finding of impairment were not made.

In this respect the panel endorsed paragraphs 25 to 35 of the provisional CPD agreement.

Decision and reasons on sanction

The panel accepted the advice of the legal assessor.

Having found Mr Miravalles II'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 Sanctions Guidance (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:

- Mr Miravalles II's conviction resulted in a custodial sentence (suspended) for a sexual offence.
- Mr Miravalles II's was in a position of trust; the conduct arose in a clinical setting whilst he was conducting his duties as a registered nurse, and in the presence of a young child.
- Limited insight into failings
- No evidence of steps taken to address concerns.

The panel also took into account the following mitigating features:

- Mr Miravalles II has made admissions to the regulatory concerns.
- Mr Miravalles II has expressed some remorse.

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 Miravalles II'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 Miravalles II's misconduct/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 Mr Miravalles II'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 charges in this case did not relate to clinical issues. The misconduct/conviction in this case was not something that can be addressed through retraining. Furthermore, the panel concluded that the placing of conditions on Mr Miravalles II's registration would not adequately address the seriousness of this case and would not protect the public or the public interest.

The panel then went on to consider whether a suspension order would be an appropriate sanction. The SG states that suspension order may be appropriate where some of the following factors are apparent:

- *A single instance of misconduct but where a lesser sanction is not sufficient;*
- *No evidence of harmful deep-seated personality or attitudinal problems;*
- *No evidence of repetition of behaviour since the incident;*
- *The Committee is satisfied that the nurse or midwife has insight and does not pose a significant risk of repeating behaviour;*

The conduct, as highlighted by the facts found proved, was a significant departure from the standards expected of a registered nurse. The panel determined that while the misconduct leading to the criminal conviction occurred on one date, it involved a series of inappropriate behaviours, culminating in a sexual assault. The panel also determined that Mr Miravalles II insight was limited, he had not remediated his actions and therefore there was a significant risk of repetition. The panel noted that the serious breach of the fundamental tenets of the profession evidenced by Mr Miravalles II's actions is fundamentally incompatible with him 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?*

Mr Miravalles II's actions were significant departures from the standards expected of a registered nurse, and are fundamentally incompatible with him remaining on the register. The panel was of the view that the findings in this particular case, including the fact that he is currently on the sexual offenders register for seven years, demonstrate that Mr Miravalles II's actions were serious and to allow him to continue practising would undermine public confidence in the profession and in the NMC as a regulatory body and put the public at risk.

Balancing all of these factors and after taking into account all the evidence before it during this case, the panel agreed with the CPD that the appropriate and proportionate sanction is that of a striking-off order. Having regard to the matters it identified, in particular the risk of repetition and the effect of Mr Miravalles II's actions in bringing the profession into disrepute by adversely affecting the public's view of how a registered nurse should conduct himself, the panel has concluded that nothing short of a striking-off order would be sufficient in this case.

The panel considered that such an 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.

Decision and reasons on interim order

In light of the decision to strike-off Mr Miravalles II, the panel then went on to consider 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 Mr Miravalles II's own interests. The panel heard and accepted the advice of the legal assessor.

The panel was satisfied that an interim order is necessary for the protection of the public and is otherwise 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 agreed with the CPD 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 to cover the appeal period.

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

The panel therefore accepts the CPD in full.

That concludes this determination.