

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

**Substantive Order Review Hearing  
Friday 31 May 2024**

Virtual Hearing

**Name of Registrant:** Stefan Emil Popa

**NMC PIN** 12K0158C

**Part(s) of the register:** Registered Nurse, Sub Part 1  
Adult Nursing, Level 1 (19 November 2012)

**Relevant Location:** Devon

**Type of case:** Misconduct

**Panel members:** Anthony Mole (Chair, Lay member)  
Jim Blair (Registrant member)  
Helen Kitchen (Lay member)

**Legal Assessor:** Graeme Henderson

**Hearings Coordinator:** Taymika Brandy

**Nursing and Midwifery Council:** Represented by Amy Woolfson, Case Presenter

**Mr Popa:** Present and represented by Dennis Hamill, instructed by the Royal College of Nursing (RCN)

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

**Fitness to practise:** Impaired

**Outcome:** **Conditions of practice order to come into effect immediately in accordance with Article 30 (4) (d)**

## Decision and reasons on review of the substantive order

The panel decided to replace the current suspension order with a conditions of practice order.

This order will come into effect immediately in accordance with Article 30(4)(d) of the 'Nursing and Midwifery Order 2001' (the Order).

This is an early review of a suspension order for a period of six months imposed by the previous reviewing panel on 4 April 2024. This review was requested by the Royal College of Nursing (RCN), on your behalf.

This is the second review of a substantive conditions of practice order originally imposed for a period of 12 months by a Fitness to Practise Committee panel on 20 April 2023. A panel of the Fitness to Practise Committee reviewed the order on 4 April 2024 and imposed a suspension order for a period of 6 months. This order came into effect at the end of 14 May 2024.

The current order is due to expire at the end of 14 November 2024.

The panel is reviewing the order pursuant to Article 30(2) of the Order.

The charges found proved which resulted in the imposition of the substantive order were as follows:

That you, a registered nurse, on 13 November 2018:

1. On one or more occasions as set out in Schedule A, you did not administer medication to patients. 3. Patient E – Madopar **[PROVED, no misconduct found]**

...

4. On one or more occasions as set out in Schedule B, you did not and/or did not ensure that relevant clinical information was recorded within the patient records.

**[PROVED, misconduct found]**

...

6. Did not order Glucogel for Patient C or alternatively, you did not record that you had placed an order. **[PARTIALLY PROVED no misconduct found]**

7. You did not carry out observations for Patient D following a fall or alternatively, did not record your observations. **[PROVED, misconduct found]**

8. You did not provide an adequate handover to staff in that you:

a) Could not remember who one or more of the residents were. **[PROVED, no misconduct found]**

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

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

*'The panel noted that the original panel found that Mr Popa did not demonstrate genuine remorse nor insight into his misconduct and the effect it had upon patients, colleagues, and the public perception of nurses. The original panel also noted that Mr Popa had not undertaken any relevant training in relation to his misconduct and therefore was of the view that there remained a real risk of him repeating his misconduct in the future.'*

*The panel noted that the substantive panel in April 2023 made a finding of impairment. In this regard, it is for Mr Popa today to discharge the persuasive burden that he is no longer currently impaired. Mr Popa has provided no written evidence to this panel. In particular, Mr Popa has not provided this panel with any of the material suggested by the substantive panel so as to assist this panel on the question of current impairment.*

*The panel noted the NMC's guidance 'Standard reviews of substantive orders before they expire (Reference: REV-3a)' which states that a reviewing panel will consider what has happened to the nurse's practice since the last hearing. In doing this, the panel will take into account whether the nurse has complied with any conditions imposed; does the nurse show insight into their failings or the seriousness of any past misconduct; and whether the nurse has taken effective steps to maintain their skills and knowledge. This panel has no evidence or information from Mr Popa and no material which will undermine the decision of the substantive panel. In short, there is no information whatsoever since the making of the substantive decision in April 2023.*

*Mr Popa has not demonstrated an understanding of how his actions put patients at a risk of harm, nor demonstrated an understanding of why what he did was wrong and how this impacted negatively on the reputation of the nursing profession. Further, the panel has no information to suggest how Mr Popa would handle the situation differently in the future. As such, the panel has not seen any evidence to demonstrate that Mr Popa has taken steps to strengthen his practice.*

*The original panel determined that Mr Popa was liable to repeat matters of the kind found proved. As today's panel has not received any new information, the panel determined that Mr Popa is still liable to repeat matters. 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 Popa's fitness to practise remains impaired.'*

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

*'The panel next considered whether imposing a conditions of practice order on Mr Popa'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 next considered the continuation of the current conditions of practice order. In the panel's view, Mr Popa has been given sufficient opportunity to comply with conditions for a period of 12 months but has not provided any information to the panel which includes whether he has been working at any stage during the order as a registered nurse. In particular, Mr Popa has not provided the panel with any evidence of developed insight or strengthened practice since the imposition of the conditions of practice order on 20 April 2023 and there is no information before it to conclude that Mr Popa is willing to comply with any conditions imposed upon his practice.*

*On this basis, the panel concluded that a conditions of practice order is no longer the appropriate order in this case. The panel concluded that no workable conditions of practice could no longer be formulated which would protect the public or satisfy the wider public interest.*

*The panel determined therefore that a suspension order is the appropriate sanction which would both protect the public and satisfy the wider public interest. Accordingly, the panel determined to impose a suspension order for the period of 6 months which would provide Mr Popa with a further opportunity to engage with the*

*NMC. It considered this to be the most appropriate and proportionate sanction available.'*

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

The panel has considered carefully whether your fitness to practise remains impaired. There is no statutory definition of fitness to practise. However, the NMC has defined fitness to practise as a registrant's ability to practise kindly, safely and professionally.

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 and your bundle of documentation. It has taken account of the submissions made by from Ms Woolfson, on behalf of the NMC and Mr Hamill, on your behalf.

Mr Hamill outlined the background of this case and informed the panel that you currently have another active case (080864), with a substantive hearing scheduled for July 2024. He provided the panel with a chronology relating to events for the matter currently under consideration and case 080864. He explained that the allegations of case 080864, are of a similar nature to the matters found proved in the matter under consideration by this panel. He drew the panel's attention to the decision of the previous review panel in the matter currently under consideration and submitted that due to having two ongoing referrals and interim order extension and hearing issues to attend to, an error had resulted in you not confirming attendance for the previous review of this order or supplying written material to be considered at the review meeting.

Mr Hamill submitted that you remain engaged with these proceedings and that you wish to continue working in a care home environment to demonstrate that you are capable of practising kindly, safely and professionally. He explained that in relation to the other referral, a stringent interim conditions of practice order was imposed on your registration,

including direct supervision, and as a result you have been unable to find employment as a nurse.

Mr Hamill submitted that this early review was requested by the RCN, to invite the panel to replace the current suspension order with the conditions of practice order formulated at the initial substantive hearing in April 2023. He submitted that a conditions of practice order is the appropriate and proportionate sanction in this case.

Mr Hamill submitted that you accept that your fitness to practise remains impaired and that if a conditions of practice order were to be imposed today, you would comply with the order and begin addressing the concerns found proved. Dependant on the outcome of the substantive hearing for case 080864 you propose to address any remediation and any concerns found proved regarding both matters.

Ms Woolfson referred this panel to the previous reviewing panel's decision and acknowledged that at the initial substantive hearing, not all charges found proved amounted to misconduct. She referred the panel to your bundle, and submitted that the reference provided by Colleague A, whilst undated and unsigned, speaks positively of you. Further, she submitted that you have undertaken training, namely 'Care of Medicines – Advanced Knowledge Test' completed on 5 February 2024. Notwithstanding this, she submitted that whilst you have been unable to practice due to the current suspension order, you have not expressed remorse or completed a reflective piece to demonstrate your insight into your misconduct. She further submitted that the training you have undertaken is not directly relevant to the matters found proved.

For the reasons above, Ms Woolfson submitted that the NMC's position is that your fitness to practise remains impaired. She further submitted in light of Mr Hamill's submissions, it may be appropriate for the panel to replace the current suspension order with a conditions of practice order today in the same terms as the order imposed by the sanctioning committee to allow you the opportunity to demonstrate your improving practice.

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 your fitness to practise remains impaired.

The panel had regard to the documentation provided by you, namely, your CV, a reference from Colleague A and a certificate of completed training dated 5 February 2024 for 'Care of Medicines – Advanced Knowledge Test'. The panel considered that whilst the reference was positive, it was undated and unsigned by Colleague A and therefore, the panel was unable to attach significant weight to it when considering current impairment. The panel was of the view that the reference provided was of limited value. It also considered the test certificate presented. It noted that the certificate did not specify what learning had been covered, including that covered in the test, nor did the panel have any information to evidence what you had learnt from the training or how you would put the theory of this training into practice. The panel acknowledged the submissions it had heard regarding the restrictions imposed on your practice by way of the other matter and the difficulties you have faced in seeking employment. It noted that as a result of that, and the current suspension order, you have not practised as a registered nurse since June 2022. Taking all of the above into account and noting that you had not been able to provide evidence of improved practice and that you accept that your fitness to practise remains impaired, the panel found that there remains a risk of repetition.

The panel noted the lack of any documented express remorse or insight at this time. However, it accepted that in light of the forthcoming hearing in July 2024 you are awaiting the findings of that hearing so you can consolidate any outstanding matters and fully engage in the process.

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 for the reasons given above, a finding of continuing impairment on public interest grounds is also required.

For these reasons, the panel finds that your fitness to practise remains impaired.

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

Having found your 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 your 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 your 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 considered substituting the current suspension order with a conditions of practice order. The panel is mindful that any conditions imposed must be proportionate, measurable and workable. Having taken into account the NMC's guidance in respect of sanctions and the submissions it heard today, the panel was of the view that it was able to formulate appropriate and practical conditions which would address the failings highlighted in this case. The panel concluded that the conditions of practice order previously imposed in April 2023, is sufficient to protect patients, the wider public interest and the reputation of

the profession. In reaching this decision, it took account of your attendance today, your earlier engagement with the regulatory process and your explanation that your absence from the previous review meeting occurred as a result of an error. It also noted that you had indicated a willingness to comply with a conditions of practice order. The panel noted the panel at the substantive hearing had found that the misconduct identified is capable of remediation.

The panel did go on to consider a suspension order, however taking into consideration its findings above, it concluded that this was disproportionate in the circumstances of this case.

The panel decided that the public would be suitably protected as would the reputation of the profession by the implementation of the following conditions of practice:

*'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 will send your case officer evidence that you have successfully completed training in:
  - a) record keeping,
  - b) patient documentation
  
2. You must work with your current employer to create a personal development plan (PDP). Your PDP must address the concerns about your record keeping and documentation. You must:
  - a) Send your case officer a copy of your PDP within a month of commencing employment
  - b) Send your case officer a report seven days prior to any review. This report must show your progress towards achieving the aims set out in your PDP

3. You must engage with your current employer on a frequent basis to ensure that you are making progress towards aims set in your personal development plan (PDP), which include:
  - a) Meeting at least monthly to discuss your progress towards achieving the aims set out in your PDP
  
4. You must keep us informed about anywhere you are working by:
  - a) Telling your case officer within seven days of accepting or leaving any employment.
  - b) Giving your case officer your employer's contact details.
  
5. You must keep us informed about anywhere you are studying by:
  - a) Telling your case officer within seven days of accepting any course of study.
  - b) Giving your case officer the name and contact details of the organisation offering that course of study.
  
6. You must immediately give a copy of these conditions to:
  - a) Any organisation or person you work for.
  - b) Any agency you apply to or are registered with for work.
  - c) Any employers you apply to for work (at the time of application).
  - d) Any establishment you apply to (at the time of application), or with which you are already enrolled, for a course of study.
  - e) Any current or prospective patients or clients you intend to see or care for on a private basis when you are working in a self-employed capacity

7. You must tell your case officer, within seven days of your becoming aware of:
  - a) Any clinical incident you are involved in.
  - b) Any investigation started against you.
  - c) Any disciplinary proceedings taken against you.
  
8. You must allow your case officer to share, as necessary, details about your performance, your compliance with and / or progress under these conditions with:
  - a) Any current or future employer.
  - b) Any educational establishment.
  - c) Any other person(s) involved in your retraining and/or supervision required by these conditions
  
9. You will send the NMC a report from your current employer, which can be an agency you work through or a place of substantive employment, seven days in advance of the next NMC hearing or meeting.

This conditions of practice order will replace the current suspension order with immediate effect and shall have effect for the remainder of the term of the previous suspension order in accordance with Article 30(4)(d).

Before the end of the period of the order, a panel will hold a review hearing to see how well you have complied with the order. At the review hearing the panel may revoke the order or any condition of it, it may confirm the order or vary any condition of it, or it may replace the order for another order.

Any future panel reviewing this case would be assisted by:

- Your continued engagement with the NMC
- Your attendance at any review hearing
- Evidence of further relevant training
- A reflective piece written by you following a recognised model which shows that you understand the effect that your misconduct has had upon patients work colleagues and the public perception of the nursing profession
- This reflective piece should also include reflection on your training and your practice going forward
- Any up-to-date testimonials or references, especially from other nursing professionals

This will be confirmed to you in writing.

That concludes this determination.