

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

**Substantive Order Review Meeting  
Monday, 11 November 2024**

Virtual Meeting

**Name of Registrant:** Loredana-Maria Ursaru

**NMC PIN:** 13K0321C

**Part(s) of the register:** Registered Nurse – Sub Part 1  
Adult Nursing – 30 November 2019

**Relevant Location:** Newcastle

**Type of case:** Misconduct

**Panel members:** Sue Heads (Chair, Lay member)  
Margaret Marshall (Registrant member)  
John Penhale (Lay member)

**Legal Assessor:** Suzanne Palmer

**Hearings Coordinator:** Amira Ahmed

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

**Fitness to practise:** Impaired

**Outcome:** **Order to lapse upon expiry in accordance with  
Article 30 (1), namely at the end of 29 December 2024**

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

The panel noted at the start of this meeting that the Notice of Meeting had been sent to Miss Ursaru's registered email address by secure email on 2 October 2024.

Further, the panel noted that the Notice of Meeting was also sent to Miss Ursaru's representative at the Royal College of Nursing (RCN) on 2 October 2024.

The panel took into account that the Notice of Meeting provided details of the review that the review meeting would be held no sooner than 11 November 2024 and inviting to provide any written evidence seven days before this date.

The panel accepted the advice of the legal assessor.

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

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

The panel decided to allow the current order order to lapse upon expiry at the end of 29 December 2024 in accordance with Article 30 (1).

This is the third review of a substantive conditions of practice order originally imposed for a period of 18 months by a Fitness to Practise Committee panel on 30 November 2021. On 19 May 2023, this order was reviewed and extended for a period of 12 months. On 15 May 2024, the panel decide to replace the conditions of practice order with a suspension order for a period of six months

The current order is due to expire at the end of 29 December 2024.

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:

*'On 15 October 2018 you, a registered nurse:*

- 1. Failed to respond in a timely manner when Resident A was showing signs of distress.*
- 2. When asked to assist Resident A you said to Colleague A "She's end of life, what do you expect" or words to that effect.*
- 3. Failed to document that Resident A had shown signs of distress in:*
  - a) The behaviour chart*
  - b) The night report*
  - c) The daily statement of wellbeing*

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

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

*'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 Miss Ursaru's fitness to practise remains impaired.*

*Today's panel noted that the last reviewing panel found that Miss Ursaru had insufficient insight. At this meeting, the panel noted that Miss Ursaru had not provided any evidence to demonstrate that her insight had developed into the concerns that had been identified. The panel had regard to Miss Ursaru's non-*

*engagement with the NMC proceedings since the previous review on 19 May 2023. It also considered that after the substantive hearing on 30 November 2021, Miss Ursaru had only engaged with the NMC on one occasion by way of a letter for the attention of the previous review panel on 18 May 2023.*

*Further, in the panel's consideration of whether Miss Ursaru has taken steps to strengthen her practice, the panel noted that she has not engaged with the recommendations of the previous reviewing panel, in terms of what this panel would be assisted by. Consequently, today's panel had no evidence before it to suggest that Miss Ursaru had undertaken any training or complied with the conditions of practice order.*

*The last reviewing panel determined that Miss Ursaru was liable to repeat the misconduct of the kind found proved. Today's panel had no information before it to suggest a material change in the circumstances. In the light of this, it determined that there remains a risk of repetition of the misconduct 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 Miss Ursaru's fitness to practise remains impaired.'*

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

*'Having found Miss Ursaru'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 Miss Ursaru's practice would not be appropriate in the circumstances. The SG states that a caution order may be appropriate where 'the case is at the lower end of the spectrum of impaired fitness to practise and the panel wishes to mark that the behaviour was unacceptable and must not happen again.' The panel considered that Miss Ursaru'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 conditions of practice order on Miss Ursaru's registration would still be a sufficient and appropriate response. It considered that Miss Ursaru has not practised as a nurse since the substantive hearing on 30 November 2021 and has had limited engagement with the NMC process since then. The panel also considered that the existing conditions of practice order may not be workable at this time because she is not currently living in the UK.*

*Further, the panel took the view that Miss Ursaru could have complied with the recommendations of the previous panels, namely attending her review hearing remotely, undertaking online training and providing a reflective statement demonstrating insight into the impact of her misconduct on Resident A. The panel determined that given the lack of engagement by Miss Ursaru since the last review hearing, it has no information to indicate whether Miss Ursaru wishes to engage with the NMC process or continue her nursing career. On this basis, the panel concluded that a conditions of practice order is no longer the appropriate order in*

*this case. The panel therefore concluded that no workable conditions of practice could 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. This would provide Miss Ursaru with an opportunity to engage with the NMC process. It considered this to be the most appropriate and proportionate sanction available despite the potentially punitive effect of such a sanction.*

*This suspension order will take effect upon the expiry of the current conditions of practice order, namely the end of 29 June 2024 in accordance with Article 30(1). Before the end of the period of suspension, another panel will review the order. At the review hearing the panel may revoke the order, or it may confirm the order, or it may replace the order with another order.*

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

- Attendance at the next review hearing (including remote attendance)*
- A reflective piece that addresses the impact of Miss Ursaru's misconduct on Resident A, her previous colleagues and the wider nursing profession*
- Information regarding any paid or unpaid employment that Miss Ursaru has undertaken and/or information regarding Miss Ursaru's personal circumstances.*
- Evidence of any further training (online or in person) undertaken.'*

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

The panel has considered carefully whether Miss Ursaru'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.

The panel took account of the NMC guidance on impairment (DMA-1, 27 March 2023), including the following question as detailed in the guidance:

*‘Can the nurse, midwife or nursing associate 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 the written representations from the RCN.

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 Miss Ursaru’s fitness to practise remains impaired.

The panel noted the RCN’s written representation dated 8 November 2024 which stated:

*“Our member currently resides in Romania and is not presently employed as she is raising a young family. She has no immediate plans to return to the UK.*

*We recognise that the Registrant has been subject to a substantive order since 30 December 2021 and that the panel will have guidance REV-3h in mind.*

*We submit this is not a case where a striking off order would be appropriate because:*

- *There are no fundamental concerns about our member's professionalism.*
- *We submit a member of the public would not expect a nurse to be struck off the register in response to the misconduct in this case, which is remediable.*
- *Striking off is not the only sanction which would protect the public and maintain standards.*
- *Our member has previously demonstrated her insight and remorse in a written reflective piece.*
- *There is no deep-seated attitudinal problem which would suggest a risk of repetition.*
- *Our member remains engaged with the fitness to practise process.*
- *The Registrant has not breached any order.”*

The panel noted that Miss Ursaru has not demonstrated any evidence of strengthening her practice and has not engaged with any of the recommendations made by the previous panel.

The last reviewing panel determined that Miss Ursaru was liable to repeat the misconduct of the kind found proved. Today's panel had no information before it to suggest a material change in the circumstances. In the light of this, it determined that there remains a risk of repetition of the misconduct 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 as Miss Ursaru has been subject to a previous conditions of practice order and a recent suspension order the public interest in this case has been met.

For these reasons, the panel finds that Miss Ursaru's fitness to practise remains impaired solely on the ground of public protection.

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



Having found Miss Ursaru'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 had regard to its previous findings on impairment in coming to this decision. It bore in mind that its primary purpose is to protect the public and maintain public confidence in the nursing profession and the NMC as its regulator.

The panel also had regard to the NMC guidance on '*Removal from the register when there is a substantive order in place*' (REV-3h), which was recently updated on 30 August 2024. It had particular regard to the following parts in section '*2. Lapse with impairment*':

*"A panel will allow a professional to lapse with impairment where:*

- *the professional would no longer be on the register but for the order in place ;*
- *the panel can no longer conclude that the professional is likely to return to safe unrestricted practice within a reasonable period of time;*
- *a striking off order isn't appropriate.*

*Circumstances where lapse with impairment is likely to be appropriate include where*

- *...*
- *there has been insufficient progress*
  - *...*
  - *in other cases, where the lack of progress is attributable wholly or in significant part to matters outside the professional's control (e.g., ... or other personal circumstances)."*

The panel was satisfied that in the specific circumstances of this case, this section of the guidance was applicable. The panel noted that Miss Ursaru is currently living in Romania and has no intention of returning to the UK in the immediate future. In these circumstances the panel could not conclude that Miss Ursaru was likely to return to safe unrestricted

practice within a reasonable amount of time. The panel noted that if Miss Ursaru was to apply for readmission to the NMC register she would have to satisfy the registrar that she was a fit and proper person to be on the register. The registrar would be aware of the panel's findings of continued impairment of her fitness to practice in relation to the concerns identified in this case.

The panel noted that the RCN has asked it to consider the REV-3h guidance in relation to this case.

The panel then had regard to the '*Panel considerations*' section of the guidance and determined that the following considerations were relevant/engaged:

“ ...

- *It is not in the public interest or a professional's interests to remain on the register indefinitely when they are not fit to practise;*
- ...
- *professionals who leave the register can apply for readmission if they feel they are no longer impaired – for example, their health or language skills have demonstrably improved. A professional who has been struck off can only apply for restoration after five years.*
- *in any application for readmission the decision maker will be aware of the concerns that led to the original substantive finding of impairment, and that the professional left the register while impaired.”*

The panel determined that anything less than a suspension order would not adequately protect the public bearing in mind the ongoing risk of repetition. It also determined that a striking off would be disproportionate in view of the remediable nature of the misconduct found proved, and Miss Ursaru's ongoing engagement. The panel took the view that to impose further sanctions which would require review by a further panel would serve no useful purpose in the circumstances of the case and would not be in the interests of Miss Ursaru or the NMC.

Having considered all the factors above, the panel was satisfied that allowing the order to lapse upon expiry, with a finding of current impairment, was the appropriate and proportionate way forward in the specific circumstances of this case.

The current suspension order will be allowed to lapse at the end of the current period of imposition, namely the end of 29 December 2024 in accordance with Article 30(1). The effect of that is that Miss Ursaru's registration will expire automatically as it is only being maintained by the order currently in place.

This decision will be confirmed to Miss Ursaru in writing.

That concludes this determination.