

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

**Substantive Order Review Meeting  
Wednesday, 16 October 2024**

**Virtual Meeting**

**Name of Registrant:** Rosalinda Monsanto Sumicad

**NMC PIN:** 03G0966O

**Part(s) of the register:** Registered Nurse - Sub part 1  
Adult nurse, level 1 (21 July 2003)

**Relevant Location:** Newcastle

**Type of case:** Misconduct

**Panel members:** Lucy Watson (Chair, Registrant member)  
Patience McNay (Registrant member)  
James Kellock (Lay member)

**Legal Assessor:** Nigel Mitchell

**Hearings Coordinator:** Eyram Anka

**Order being reviewed:** Suspension order (4 months)

**Fitness to practise:** Impaired

**Outcome:** **Order to lapse upon expiry namely 26 November 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 Mrs Sumicad's registered email address by secure email on 12 September 2024.

The panel took into account that the Notice of Meeting provided details of the review and that the review meeting would be held no sooner than 14 October 2024 and inviting Mrs Sumicad 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 Mrs Sumicad 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 not to make a further order and to allow the current order to lapse upon expiry. This will come into effect at the end of 26 November 2024.

This is the second review of a substantive suspension order originally imposed for a period of 4 months by a Fitness to Practise Committee panel on 27 February 2024. This order was reviewed on 11 June 2024 and extended for a further 4 months.

The current order is due to expire at the end of 26 November 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:

1. *'On 22 October 2019 failed to obtain a prescription for Resident A's docusate sodium after it ran out. [Proved]*

2. *On 22 October 2019 failed to handover that Resident A's prescribed docusate sodium had run out. [Proved]*
3. *On 8 December 2019 failed to follow PRN protocols after administering insulin to Resident B and/or Resident C. [Proved]*
4. *On 8 December 2019 failed to consult a diabetic nurse specialist for advice in relation to Resident B's escalating blood sugar levels. [Proved]*

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

*'The panel noted that Mrs Sumicad has not engaged with these proceedings and has not provided any evidence to support that she has sufficiently mitigated the risk of harm and risk of repetition if she were to practise as a nurse without restrictions.*

*The panel noted that Mrs Sumicad has shown some insight into the charges as she made early admissions. However, there has been no evidence that she has strengthened her practice. The panel also took into account that Mrs Sumicad has not worked as a registered nurse since January 2020, and has not provided any evidence that she is up to date in her training and practice since this time. The panel noted that Mrs Sumicad has retired from being a nurse and has returned to the Philippines. However, the panel determined that there is still a risk of harm to the public as Mrs Sumicad may still return to the UK and work as a registered nurse.*

*In light of the above, the panel determined that Mrs Sumicad is 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 Mrs Sumicad's fitness to practise remains impaired.'*

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

*'The panel next considered whether a conditions of practice on Mrs Sumicad's registration would be a sufficient and appropriate response. The panel is mindful that any conditions imposed must be proportionate, measurable and workable. The panel bore in mind the seriousness of the facts found proved at the original hearing and concluded that a conditions of practice order would not adequately protect the public or satisfy the public interest. The panel was not able to formulate conditions of practice that would adequately address the concerns relating to Mrs Sumicad's misconduct.'*

*The panel has received information that Mrs Sumicad has been retired for a number of years. In view of this, the panel considered that any conditions of practice order would not be workable and would serve no useful purpose.'*

*The panel considered the imposition of a further period of suspension. The panel concluded that a short suspension order of 4 months would allow Mrs Sumicad to send an email to the NMC confirming that she wishes to retire from nursing and that her registration be allowed to lapse. The panel found this appropriate considering Mrs Sumicad's long period of working as a nurse and determined that, at this stage, a striking-off order would not be appropriate or proportionate. However, it determined that another reviewing panel may find that after the 4-months, if Mrs Sumicad has still not engaged, a striking-off order could be appropriate and proportionate.'*

*This suspension order will take effect upon the expiry of the current suspension order, namely the end of 26 July 2024 in accordance with Article 30(1).'*

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

The panel has considered carefully whether Mrs Sumicad'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 namely the two NMC bundles and a note from a telephone conversation between Mrs Sumicad and her NMC case officer on 1 May 2024.

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 Mrs Sumicad's fitness to practise remains impaired.

The panel had no evidence before it to suggest a change in the circumstances. It noted that Mrs Sumicad has retired from nursing and has said that she has no plans to return to nursing and this was confirmed in a telephone conversation with her NMC case officer on 1 May 2024.

The panel noted that Mrs Sumicad has not worked as a nurse since January 2020, therefore she has not been able to strengthen her clinical practice in the workplace. The panel noted that Mrs Sumicad has had very limited engagement with the NMC and has not provided any reflection into her misconduct or evidence of insight. It was of concern to the panel that Mrs Sumicad had extra Medication and Diabetes training in November 2019 after the first incident and yet made further mistakes in December 2019. In its consideration of whether Mrs Sumicad has taken steps to strengthen her practice, the panel has no evidence before it to suggest that Mrs Sumicad has insight into the clinical

concerns that were identified, or that she has strengthened her practice in any other way such as further training.

In the light of this, the panel determined that Mrs Sumicad is still liable to repeat matters of the kind found proved. The panel therefore decided that a finding of current 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 Mrs Sumicad's fitness to practise remains impaired.

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

Having found Mrs Sumicad'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 then took into account Mrs Sumicad's email dated 15 April 2020 which states as follows:

*'I would like to inform you that I am not currently working as a nurse in any organisations as I have resigned as a registered nurse from Kenton Manor Care Home effectively January 10,2020. I am not in the process of applying for any nursing roles and I have no longer any intentions of doing so. I am 71 years old now and turning 72 this year. I have decided to retire completely and I have decided to go back home to the Philippines once this COVID situation is over [PRIVATE].*

*I may come back to the UK once a year to visit [PRIVATE] God willing if I am well and able...'*

The panel was further informed of a note from a telephone conversation between Mrs Sumicad, her family member and her NMC case officer on 1 May 2024, which states as follows:

*'I called the Registrants [family member], who had left me a voicemail message of 22 April 2024, on the number she had left me.*

*I asked [family member] if Rosalinda was present with her, so I could confirm that [family member] can speak on behalf of her, I then spoke to Rosalinda (the registrant), who confirmed so.*

*[Family member] explained that her mother was now retired and 71 years old and had no intentions of working in a registered position anymore. I explained that the NMC are legally obliged to hold a review of the registrants [sic] current order.*

*I went on to explain the process of asking the reviewing panel to allow the order to lapse with impairment. I explained that if its[sic] what the Registrant wanted to do, then she would have to put in writing to me for confirmation.*

*[Family member] explained that the registrant wanted the order to lapse with impairment and that the registrant will write me an email to confirm.*

*I explained the process of the review being held at a meeting and they confirmed that this was okay.'*

The panel took account of the updated NMC guidance on '*Removal from the register when there is a substantive order in place*' (REV-3h) which states,

*'Where the professional would no longer be on the register but for the order in place, a reviewing panel can allow the order to expire or, at an early review, revoke the order. Professionals in these circumstances will*

*automatically be removed from the register, or lapse, upon expiry or revocation of the order. The panel will record that the professional remains impaired.*

*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.'*

The panel determined that all of the above criteria are met in this case.

The panel determined that the circumstances where lapse with impairment is likely to be appropriate include where *'there has been insufficient progress'*.

The panel was satisfied that Mrs Sumicad ceased practising as a nurse in January 2020 and has indicated on several occasions that she has no intention of returning to nursing. The panel also bore in mind her age and her decision to retire and that she informed the NMC that she is now living in the Philippines.

The panel was aware that at the time of the Substantive Meeting Mrs Sumicad was only active on the NMC Register because of the substantive order and is currently only active because the substantive order is being reviewed. In the light of this, the panel decided that it would be in the public interest to allow the substantive suspension order to expire, which will end her registration. It determined that the public would be adequately protected as the finding of current impairment would remain against her name and these matters would be further considered by the Registrar should she attempt to rejoin the register in the future.

The panel is satisfied that this is the appropriate and proportionate course which is in the public interest and also in the interest of Mrs Sumicad herself. In the panel's view, in the circumstances of this case, to impose a further order on Mrs Sumicad's registration is



unnecessary for either public protection or the public interest and would only add unnecessary costs.

The substantive suspension order will lapse upon expiry, namely the end of 26 November 2024.

This decision will be confirmed to Mrs Sumicad in writing.

That concludes this determination.