

Nursing and Midwifery Council

Agreed Removal Decision

Registrant: Maribel Tagal

PIN: 05E06090

Part(s) of the register: Registered Nurse - Adult Nursing

Relevant Location: Buckinghamshire

On 12 December 2022, we received a referral raising a concern about Maribel Tagal's fitness to practise. The concerns in this case arise from a single incident that occurred during a night shift on 9 June 2022 which resulted in the unexpected death of a patient.

It's alleged that Maribel Tagal failed to take observations when required and did not escalate a patient's worsening condition. Further concerns were raised that Maribel Tagal did not commence cardiopulmonary resuscitation when the patient was found unresponsive and made inappropriate gestures to colleagues that the patient had died by putting her hand across her neck.

On 22 May 2024, the case examiners considered this case and decided that there was a case for Maribel Tagal to answer. They recommended undertakings as they considered that this would address the problems in her practice. Maribel Tagal could not agree to the undertakings as she was no longer working as a nurse. As the undertakings weren't accepted the matter was referred to the Fitness to Practise Committee.

No allegation against Maribel Tagal has yet been found substantively proved by one of our statutory committees.

On 17 September 2024, we received an application from Maribel Tagal for agreed removal from the NMC register.

The concerns in this case are very serious and raise questions about Maribel Tagal's ability to respond appropriately in an emergency situation. Recognising, acting on and escalating concerns form a key element of safe and effective nursing practice. Maribel Tagal's alleged actions placed patients at risk of harm, brought the profession into disrepute and breached the fundamental tenets of the profession. Although the alleged behaviour is clearly a departure from the standards of the Code there isn't evidence of a harmful deep-seated attitudinal problem.

Maribel Tagal doesn't accept the concerns raised about her. However she goes on to explain that she has used the incident as a learning experience and her objective is not to make the same mistakes again. In a further response to the NMC Maribel Tagal states that the CPR audit form stating the time of collapse as 05:30 is wrong. She disputes that she found Patient A unresponsive at 05:30 and maintains that

Patient A was breathing but poorly at 05:30. Although Maribel Tagal hasn't demonstrated sufficient insight she has provided training certificates that demonstrates she has undertaken further training in CPR and resuscitation since the incidents occurred.

While some form of restriction may be required to protect the public, these types of concerns aren't fundamentally incompatible with continued registration. They're capable of being addressed. There is no evidence to suggest that Maribel Tagal intended to cause harm to the patient in her care.

ASSISTANT REGISTRAR'S DECISION

As an Assistant Registrar, I have delegated authority to make decisions about agreed removal and have agreed to removal from the NMC register in this case.

In accordance with Rule 14 of the Nursing and Midwifery Council (Education, Registration and Registration Appeals) Rules 2004, in considering Maribel Tagal's application for agreed removal, I've taken into account:

- comments received from the person that made the allegation against Maribel Tagal
- agreed removal application form dated 17 September 2024 and supporting documentation
- case examiner decision letter dated 28 May 2024
- report to the case examiners and accompanying documentation
- draft charges
- response to the regulatory concerns dated 25 September 2023
- Maribel Tagal's response to the case examiners dated 24 April 2024.
- the interests of Maribel Tagal
- the public interest.

I'm satisfied that:

- Maribel Tagal no longer intends to work as a registered nurse
- although serious, the allegations against Maribel Tagal are not so serious as to be fundamentally incompatible with continued registration
- there are no other good reasons requiring us to consider the allegations further at this time
- the public interest is best served by agreeing the application for removal and enabling Maribel Tagal to leave the NMC register.

We'll publish a record of this decision for twelve months from the date of the decision, 7 November 2024. In the event that Maribel Tagal seeks readmission to the register, we may consider the matters that led to this agreed removal further.