

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

**Substantive Order Review Meeting  
Thursday, 27 February 2025**

Virtual Meeting

<b>Name of Registrant:</b>	<b>Bianca-Elena Popa</b>
<b>NMC PIN:</b>	15E0349C
<b>Part(s) of the register:</b>	Registered Nurse - Sub part 1 Adult nurse, level 1 (22 May 2015)
<b>Relevant Location:</b>	Buckinghamshire
<b>Type of case:</b>	Misconduct
<b>Panel members:</b>	Patricia Richardson (Chair, Lay member) Richard Luck (Registrant member) Alison James (Lay member)
<b>Legal Assessor:</b>	John Donnelly
<b>Hearings Coordinator:</b>	Eyram Anka
<b>Order being reviewed:</b>	Conditions of practice order (3 years)
<b>Fitness to practise:</b>	Impaired
<b>Outcome:</b>	<b>Suspension order (4 months) to come into effect on 15 April 2025 in accordance with Article 30 (1)</b>

## **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 Popa's registered email address by secure email on 21 January 2025.

Further, the panel noted that the Notice of Meeting was also sent to Mrs Popa's representative at the Royal College of Nursing (RCN) on 21 January 2025.

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 24 February 2025 and inviting Mrs Popa 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 Popa 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 impose a suspension order for a period of 4 months. This order will come into effect at the end of 15 April 2025 in accordance with Article 30(1) of the Nursing and Midwifery Order 2001 (as amended) (the Order).

This is the second review of a substantive conditions of practice order originally imposed for a period of 2 years by a Fitness to Practise Committee panel on 17 March 2020. This was reviewed on 11 March 2022 and the panel extended the conditions of practice order for a period of 3 years.

The current order is due to expire at the end of 15 April 2025.

The panel is reviewing the order pursuant to Article 30(1) of the Order.

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

*‘That you, a Registered Nurse, on 14 January 2019, in relation to Resident A:*

- 1) failed to take observations of Resident A when her presenting condition meant it would have been clinically appropriate to do so;*
- 2) failed to take observations of Resident A when her family informed you that her presenting condition was, in their experience, abnormal;*
- 3) failed to escalate resident A’s care and/or obtain emergency care for Resident A when it would have been clinically appropriate to do so in response to:*
  - a) her presenting condition;*
  - b) her family’s concerns*
- 4) failed to record:*
  - a) any observations taken in respect of Resident A and/or your reasons for not doing so in light of her presenting condition;*
  - b) what action you took to escalate Resident A’s care and/or your clinical judgement that escalation was not required*

*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 considered whether Mrs Popa’s fitness to practise remains impaired.*

*The panel took into account the RCN’s letter and Mrs Popa’s letter on her personal circumstances. The panel was of the view that there had been no material change of circumstances since the last substantive hearing. It noted that Mrs Popa had not been practising as a registered nurse since the conditions of practice order was imposed, and therefore, she had not had the opportunity to engage with the conditions. Therefore, the panel was of the view that the concerns identified by the original substantive hearing panel had not been addressed. The panel therefore considered that a risk of repetition remains and that patients would be placed at real risk of harm if Mrs Popa were permitted to practise without restriction. The panel therefore determined that a finding of impairment remains 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 Popa’s fitness to practise remains impaired.’*

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

*‘The panel next considered whether extending the conditions of practice order on Mrs Popa’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 noted that due to Mrs Popa’s personal circumstances, she had not had the opportunity to engage with the conditions imposed in the last two years. The panel noted that Mrs Popa had a desire to return to nursing practice. It was of the view that Mrs Popa should be afforded*

*the opportunity to engage with the conditions as and when she returns to practice. The panel were satisfied that Mrs Popa's failings were remediable, and that this could be achieved through workable conditions of practice, as the original substantive hearing panel had determined.*

*In any event, the panel considered the current conditions to be the minimum necessary in order to address the concerns, protect the public and meet the wider public interest. In its view to reduce the scope of the conditions would not be appropriate and would leave the public at risk given the lack of remediation since the original hearing. The panel was satisfied that the current conditions remained appropriate, workable, practicable and proportionate.*

*The panel was of the view that to impose a suspension order or a striking-off order would be wholly disproportionate and would not be a reasonable response in the circumstances of Mrs Popa's case because she has not had the opportunity to engage with the conditions of practice order. Further, Mrs Popa had been engaging with the proceedings and keeping the NMC up to date with her personal circumstances. Further, Mrs Popa had expressed her desire to return to the nursing practice.*

*Accordingly, the panel determined, pursuant to Article 30(1)(a) to extend the current conditions of practice order for a period of three years, which will come into effect on the expiry of the current order, namely at the end of 15 April 2022. It considered that the following conditions remain appropriate and proportionate in this case:*

*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 must identify a clinical supervisor to work with you to create a personal development plan (PDP) which addresses the following areas of your practise: Stroke identification and management*

*You must:*

- a) Send your case officer a copy of your PDP within 28 days of starting employment as a registered nurse.*
- b) Meet with your clinical supervisor at least every month to discuss your progress towards achieving the aims set out in your PDP.*
- c) Send your case officer a report from your clinical supervisor at least 14 days before any review of this order. This report must show your progress towards achieving the aims set out in your PDP.*

*2. 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.*

*3. 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.*

*4. 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 when you are working independently*

5. You must tell your case officer, within seven days of your becoming aware of:

- Any clinical incident you are involved in.
- Any investigation started against you.
- Any disciplinary proceedings taken against you.

6. You must allow your case officer to share, as necessary, details about your performance, your compliance with and / or progress under these conditions with:

- Any current or future employer.
- Any educational establishment.
- Any other person(s) involved.

*The period of this order is for three years to give Mrs Popa the opportunity to engage with the conditions of practice order as and when she returns to the nursing practice.*

*The panel noted that if Mrs Popa's circumstances change and she returns to nursing practice, Mrs Popa can request an early review.*

*This extension of the conditions of practice order will take effect at the point at which the current conditions of practice order would otherwise have expired, namely the end of 15 April 2022 in accordance with Article 30(1).'*

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

The panel has considered carefully whether Mrs Popa'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.

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 Popa's fitness to practise remains impaired.

The panel had no evidence before it to suggest that Mrs Popa is now fit to practise safely without restriction. The panel noted that there is no evidence of compliance with the conditions imposed on 17 March 2020 and re-imposed at the review hearing on 11 March 2022. It was of concern to the panel that Mrs Popa does not appear to have taken any action to strengthen her practice even though she has been subject to a conditions of practice order for five years.

The panel considered that there has been limited engagement from Mrs Popa. The panel had regard to the most recent update from Mrs Popa's representative, dated 21 October 2024, informing the NMC that:

*'Ms Popa is currently in Romania, but does intend to return to nursing in the UK once she is able to find a job with her SCOPO.'*

Despite the information Mrs Popa's representative provided, there has been no material change to the circumstances and no evidence of relevant training to demonstrate strengthened practice. As such, the panel determined that Mrs Popa is liable to repeat matters of the kind found proved. The panel therefore decided that a finding of continuing impairment is necessary on the ground 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 Popa's fitness to practise remains impaired.

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

Having found Mrs Popa'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 Mrs Popa'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 Mrs Popa'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 Mrs 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 is mindful that it has been a period of five years since the conditions of practice order was originally imposed. Having been out of practice for that length of time, the panel is aware that Mrs Popa must, in any event, complete a Return to Nursing Practice course. The panel noted that, in those circumstances, any conditions imposed are not likely to be workable or measurable until Mrs Popa completes the course.

The panel further noted that Condition 1 of the conditions of practice order required Mrs Popa to be able to show some form of strengthened practice in relation to stroke awareness but there is no evidence before the panel to suggest that she has done so. The panel considered that there are numerous online courses that would have been available to Mrs Popa during this five-year period, and there is no evidence to suggest that this would not have been available to her during her residence in Romania. In these circumstances, the panel was of the view that imposing a further conditions of practice order would not alleviate the concerns in relation to Mrs Popa's current impairment.

The panel took into account that part of the mitigation Mrs Popa provided to the previous panel as to her non-compliance with the conditions was [PRIVATE]. However, the panel noted that in the update her representative sent to the NMC on 21 October 2024, there was no mention of this continuing to hinder her ability to comply with the conditions. Further, the panel considered Mrs Popa has not provided any details as to what her future plans are for her nursing career.

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

The panel then went on to consider whether a suspension order is appropriate. The panel had regard to the NMC guidance on '*Suspension order*' (SAN-3d). It determined that the charges found proved are serious in that this was a lack of

action in relation to a time critical illness and a failure to listen to and act upon concerns raised both by her colleagues and family of the resident.

The panel determined that this matter was a single instance of misconduct; that there is no evidence to suggest that there is a deep-seated attitudinal concern and no evidence of repetition. Furthermore, the panel took the view that the fact that this case was originally heard at a Consensual Panel Determination (CPD) hearing, indicates that Mrs Popa had insight into her misconduct and the risk associated with her behaviour.

The panel therefore determined that a suspension order is now the appropriate sanction which would both protect the public and satisfy the wider public interest. Accordingly, the panel decided to impose a suspension order for the period of 4 months, which would provide Mrs Popa with an opportunity to meaningfully engage with the NMC and provide clear explanation as to her future plans in relation to her nursing career. It considered this to be the most appropriate and proportionate sanction available.

This suspension order will take effect upon the expiry of the current conditions of practice order, namely the end of 15 April 2025 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:

- Mrs Popa's engagement with the NMC; and
- Clear explanation as to her future plans in relation to her nursing career.

This will be confirmed to Mrs Popa in writing.

That concludes this determination.

