

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

**Substantive Order Review Meeting
Tuesday, 7 January 2025**

Nursing and Midwifery Council
2 Stratford Place, Montfichet Road, London, E20 1EJ

Name of Registrant: Oltean Ion Florin

NMC PIN: 15E0095C

Part(s) of the register: Registered Nurse – Sub Part 1
RN1: Adult nurse, level 1 – (12 May 2015)

Relevant Location: Worcestershire

Type of case: Misconduct

Panel members: Simon Banton (Chair, Lay member)
Jillian Claire Rashid (Registrant member)
Karen Naya (Lay member)

Legal Assessor: Justin Gau

Hearings Coordinator: Bethany Seed

Order being reviewed: Suspension order (12 months)

Fitness to practise: Impaired

Outcome: **Striking-Off order to come into effect immediately in accordance with Article 30 (2)**

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 Mr Florin's registered email address by secure email on 28 November 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 30 December 2024 and invited Mr Florin 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 Mr Florin 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 make a striking-off order. This order will come into effect immediately in accordance with Article 30(2) of the Nursing and Midwifery Order 2001 (as amended) (the Order).

This is the second review of a substantive suspension order originally imposed for a period of 12 months by a Fitness to Practise Committee panel on 13 January 2023. This was reviewed on 5 January 2024 and the panel imposed a suspension order for a further 12 months.

The current order is due to expire at the end of 13 February 2025.

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:

'That you, whilst employed as a staff nurse at Wayside Nursing Home ('the Home') between 2 March 2020 and 16 April 2020:

1. ...
2. ...
3. *On one or more occasion, failed to administer medication which you had signed for.*
4. *Following the monthly delivery of medications on or around 10 April 2020, failed to ensure the medication counts and check-in were completed :*
 - a) *Correctly;*
 - b) *by two nurses.*
5. *Prior to the bank holiday weekend on 11-13 April 2020 failed to take steps to ensure Resident A did not run out of their prescription pain medication.*
6. *When Resident A did run out of prescription pain medication, over the bank holiday weekend on 11-13 April 2020, you then failed to :*
 - a) *contact the out of hours GP;*
 - b) *contact the home manager;*
 - c) *hand over to colleagues that the medication had run out;*
 - d) *take any steps to ensure Resident A had adequate pain relief.*
7. *Over the bank holiday weekend on 11-13 April 2020 failed to:*
 - a) *change one or more patient dressings which needed to be done daily;*
 - b) *record why dressings had not been changed.*
8. *Following the arrival of a new Resident on or around 11 April 2020, you failed to:*
 - a) ...
 - i. ...
 - ii. ...
 - iii. ...

iv. ...

v. ...

vi. ...

b) ...

c) ...

d) ...

e) ...

9. *On 12 April 2020 slapped the bottom of Colleague A.*

10. *On a date in April 2020 you took the temperature of Colleague B and :*

a) ...

b) ...

11....

12. *Your conduct in charge 9 was sexually motivated in that you sought sexual gratification.*

Or in the alternative

Your conduct in charge 9 was intended to harass or intimidate in that you intended to cause distress or discomfort to that colleague.

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

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

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'The panel was satisfied that the first three limbs were engaged. It found that by making numerous clinical errors and behaving inappropriately towards a colleague, patients were put at risk and a patient was at risk of physical harm as a result of Mr Florin's misconduct. A colleague also suffered emotional

harm. Mr Florin's misconduct had breached the fundamental tenets of the nursing profession and therefore brought its reputation into disrepute.

The panel took into account Mr Florin's lack of engagement with the NMC since May 2020. It had regard to the email from Mr Florin's nursing agency dated 28 April 2020 which confirmed that he had been registered with the agency since 25 October 2019, and that the homes he had been sent to provided 'very good feedback about him', 'wanted him to be booked there again and did not express any concern'. The panel also had sight of a competency feedback form, provided by a home that Mr Florin had been sent to by his agency which indicated that he had worked to an excellent standard. However the panel had not received any further information in respect of Mr Florin or his employment since then.

The panel considered that it had not seen any evidence of insight or remorse from Mr Florin. The panel had not been provided with a recent reflective piece demonstrating an understanding from Mr Florin of why what he did was wrong, and how his actions put patients at risk of harm and impacted negatively on the reputation of the nursing profession. The panel had no evidence before it of how Mr Florin would manage the situation differently in the future. The panel considered that the sexual element to Mr Florin's behaviour towards Colleague A would have required significant demonstration of remediation from him, but the panel had nothing before it to demonstrate this.

The panel was satisfied that the misconduct in this case is capable of being addressed. However, the panel had no evidence before it to demonstrate that Mr Florin has taken steps to strengthen his practice.

The panel was therefore of the view that there is a risk of repetition based on the lack of up to date evidence to suggest that Mr Florin has strengthened his practice and remediated his inappropriate professional behaviour. The panel was mindful of the nature and seriousness of Mr Florin's misconduct. It

therefore decided that a finding of impairment is necessary on the grounds of public protection.

The panel bore in mind that the overarching objectives of the NMC; to protect, promote and maintain the health, safety, and well-being of the public and patients, and to uphold and protect the wider public interest. This includes promoting and maintaining public confidence in the nursing and midwifery professions and upholding the proper professional standards for members of those professions.

The panel determined that a finding of impairment on public interest grounds is required as a well-informed member of the public would be concerned to learn that Mr Florin made wide-ranging clinical failings and behaved inappropriately with a colleague, and there was no evidence to show that these had been meaningfully addressed.

In addition, the panel concluded that public confidence in the profession would be undermined if a finding of impairment were not made in this case and therefore also finds Mr Florin's fitness to practise impaired on the grounds of public interest.

Having regard to all of the above, the panel was satisfied that Mr Florin's fitness to practise is currently impaired.'

...

The panel considered whether Mr Florin's fitness to practise remains impaired.

The panel had regard to all of the documentation before it, including the NMC bundle. The panel noted that since the last hearing in January 2023, there had been no engagement and no new information put forward by Mr Florin. Further, Mr Florin had not undertaken any of the recommendations of the previous panel, namely:

- *'Mr Florin's engagement and attendance at the review hearing.*

- *A reflective piece that demonstrates Mr Florin ' s understanding of the impact of his clinical failings and his misconduct towards Colleague A on residents, the public, the reputation of the nursing profession and Colleague A.*
- *Documentary evidence of training including medicines management, administration and record keeping, working collaboratively and equality issues.*
- *Testimonials from Mr Florin's paid or unpaid work.'*

The panel therefore had no new information before it, to conclude whether Mr Florin had developed any insight into his actions or to demonstrate that he can practise kindly, safely and professionally. In respect of Mr Florin's misconduct, the panel considered that there had been no material change of circumstances since the initial substantive hearing. The lack of engagement with the NMC in the past year gave the panel no indication that Mr Florin had developed any insight into his failings and the charges found proved. In the absence of any information indicating insight, strengthened practice or remorse for his actions, the panel concluded that Mr Florin's circumstances had not changed.

In all the circumstances, the panel considered that there remains a risk of repetition, therefore Mr Florin remained liable to act in a way which could place patients at risk of harm, bring the profession into disrepute and breach fundamental tenets of the profession in the future.

The panel therefore determined that a finding of impairment remains necessary on the grounds of public protection, by reason of Mr Florin's misconduct.

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 Florin's fitness to practise remains impaired.'

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

'Having found Mr Florin'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 regulatory concerns in this 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 Mr Florin'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 Mr Florin'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 a conditions of practice order on Mr Florin's registration would be a sufficient and appropriate response. The panel was 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 determined that although a conditions

of practice order could address some of the concerns identified, Mr Florin's lack of engagement demonstrated that it was unlikely that it would be complied with and would not be workable in these circumstances.

The panel considered the imposition of a further period of suspension. It was of the view that a suspension order would allow Mr Florin further time to fully reflect on his previous failings and engage with the NMC. The panel concluded that a further 12-month suspension order would be the appropriate and proportionate response and would afford Mr Florin adequate time to further develop his insight and take steps to strengthen his practice.

The panel considered a striking off order however, it decided that this would not be proportionate or appropriate at this time.'

Decision and reasons on current impairment

The panel has considered carefully whether Mr Florin'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 the documentation before it, including the NMC bundle.

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 Mr Florin's fitness to practise remains impaired.

The panel noted that the last reviewing panel found that Mr Florin had no insight. At this meeting the panel noted that it had received no further information to indicate any change in Mr Florin's insight. It noted that Mr Florin has been given ample opportunity from previous panels to demonstrate insight, but he has not engaged with the NMC process since May 2020.

In its consideration of whether Mr Florin has taken steps to strengthen his practice, the panel took into account that it has received no new information. The panel noted that the clinical concerns found proved were easily remediable, but it had no information before it to indicate if Mr Florin has taken any steps to strengthen his practice. It was satisfied that his lack of engagement demonstrates that Mr Florin has taken no steps to strengthen his practice.

The last reviewing panel determined that Mr Florin was liable to repeat matters of the kind found proved. Today's panel has received no new information to undermine that. In light of this the panel determined that Mr Florin remains 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 the NMC as its regulator 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 Florin's fitness to practise remains impaired.

Decision and reasons on sanction

Having found Mr Florin'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 Mr Florin'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 Mr Florin'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 a conditions of practice on Mr Florin'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. It noted that some of the clinical concerns raised could be remediated with training. However, the panel was satisfied that Mr Florin's lack of engagement demonstrates attitudinal issues which are hard to remediate, and an unwillingness to strengthen his practice with regard to the facts found proved. The panel was not able to formulate conditions of practice that would adequately address the concerns relating to Mr Florin's misconduct.

The panel next considered imposing a further suspension order. The panel noted that Mr Florin has not shown remorse for his misconduct and that he had brought the nursing profession into disrepute. Further, Mr Florin has not demonstrated any insight into his previous failings. The panel was of the view that considerable evidence would be required to show that Mr Florin no longer posed a risk to the public. The panel determined that in all the circumstances, a further period of suspension would not serve any useful purpose. The panel noted that there was no information before it to indicate if Mr Florin wishes to remain on the NMC register and there is no indication that he will engage in the future. It noted

that a reasonable, well-informed member of the public would be concerned if Mr Florin remained on the NMC register after a two-year suspension with no improvement to his insight or remediation. The panel determined that it was necessary to take action to prevent Mr Florin from practising in the future and concluded that the only sanction that would adequately protect the public and serve the public interest was a striking-off order.

This striking-off order will replace the current suspension order with immediate effect in accordance with Article 30(2).

This decision will be confirmed to Mr Florin in writing.

That concludes this determination.