

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

**Substantive Order Review Meeting  
Wednesday, 22 January 2025**

Virtual Meeting

**Name of Registrant:** Fernando Manuel Ansede Romay

**NMC PIN** 16D0958C

**Part(s) of the register:** Nursing, Sub part 1  
RN1, Registered Nurse - Adult  
(26 April 2016)

**Relevant Location:** Jersey

**Type of case:** Misconduct

**Panel members:** Scott Handley (Chair, lay member)  
Sharon Haggerty (Registrant member)  
Frances McGurgan (Lay member)

**Legal Assessor:** Monica Daley

**Hearings Coordinator:** Franchessca Nyame

**Order being reviewed:** Suspension order (12 months)

**Fitness to practise:** Impaired

**Outcome:** **Suspension order (9 months) to come into effect on 5 March 2025 in accordance with Article 30 (1)**

## **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 Romay's registered email address by secure email on 5 December 2024.

The panel took into account that the Notice of Meeting provided details that the review meeting would be held no sooner than 20 January 2025 and invited Mr Romay to submit any supporting 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 Romay 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 extend the suspension order for a period of 9 months. This order will come into effect at the end of 5 March 2025 in accordance with Article 30(1) of the Nursing and Midwifery Order 2001 (as amended) (the Order).

This is the first review of a substantive suspension order initially imposed for a period of 12 months by a Fitness to Practise Committee panel on 6 February 2024.

The current order is due to expire at the end of 5 March 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, a registered nurse:*

- 1) *On 16 January 2021, in relation to Resident I who was isolating, did not wear PPE whilst in Resident I's room. [Proved]*
  
- 2) *On 28 January 2021, in relation to Resident E, administered an incorrect dose of 500 micrograms of Ropinirole instead of 1 milligram. [Proved]*
  
- 3) *Administered medication via the Percutaneous Endoscopic Gastrostomy method without doing water flushes on one or more of the dates in Schedule 1. [Proved]*
  
- 4) *On 19/20 February 2021, failed to recognise that Resident H was showing signs of haematemesis and/or a deterioration in their health in that you did not escalate the matter to emergency services, when it would have been clinically appropriate to do so in the light of the colour of Resident H's vomit. [Proved]*
  
- 5) *Failed to record any entries and/or observations on Resident H's notes during your shift having been informed that Resident H was showing signs of haematemesis and/or a deterioration in their health. [Not Proved]*
  
- 6) *On 6 October 2021, in relation to Resident A, failed to use the aseptic technique when catheterising Resident A. [Proved]*
  
- 7) *On 10 October 2021, following delivery of new medications, signed recording that the MAR charts for unknown patients were correct when they were not. [Proved]*
  
- 8) *On 13 November 2021, did not let Resident B know that you were going to remove their pyjama top and/or proceeded to aggressively remove their pyjama top. [Proved]*
  
- 9) *On 13 November 2021, ripped an Allevyn dressing off Resident B's arm. [Proved]*

10) On 13 November 2021, in relation to Resident B, washed a moist wound with saline.

[Proved]

11) On 13 November 2021:

a) said "Fuck" in front of a resident or words to that effect; [Proved]

b) said "How dare you stop me from doing my job nobody has ever questioned my practice" or words to that effect to Colleague C. [Proved]

12) Failed to obtain patient consent on one or more of the dates in Schedule 2. [Proved]

13) Stored resident medication in pots before the medication was due to be administered on one or more of the dates in Schedule 3. [Proved]

14) On 17 December 2021, failed to sign Resident F's MAR chart to show that 2 doses of Vitamin K had been administered. [Proved]

15) In or around January 2022, in relation to Resident J, pressured Colleague B whilst they were dispensing Midazolam in that you said to Colleague B "Come on Colleague B, faster, you can do this, hurry up" or words to that effect. [Proved]

16) Between January to March 2022, in relation to Resident D:

a) did not explain to Resident D what you were doing and/or comfort Resident D when taking their blood; [No case to answer]

b) slapped the inside of Resident D's elbow when taking their blood; [No case to answer]

c) took Resident D's bloods in a communal area when it would have been appropriate to use an empty room to take Resident D's bloods to preserve their dignity. [No case to answer]

17) On 8 April 2022, in relation to Resident L, instructed Colleague B to scrub Resident L's foot when scrubbing was an inappropriate technique by which to clean Resident L's foot in the light of their presenting condition and pain. [Not proved]

18) On 8 April 2022, said "How dare you fucking do this without me" or words to that effect to Colleague B. [Proved]

19) On 8 April 2022, said "Fuck Colleague F she isn't here I am and I'm in charge" or words to that effect to Colleague B. [Proved]

20) On 8 April 2022, in relation to Resident K, instructed Colleague B to administer 5 ml of lactulose when the correct dose was 15ml of lactulose. [Proved]

21) On 16 April 2022, said "If you say anything, I will fuck your life up, anyone who speaks against me I will fuck their lives up too!" or words to that effect to Colleague B. [Proved]

22) On 16 April 2022, said "You know the monkies, hear no evil, see no evil, speak no evil" and/or "you see nothing, you say nothing" or words to that effect to Colleague B. [Proved]

23) On 20 April 2022, said "Who the fucking hell do you think you're talking to" or words to that effect to Colleague D in front of Resident A. [Proved]

24) On 28 April 2022, said to Resident C "I'm the boss of you, you need to do as you're told" or words to that effect. [Proved]

25) On 28 April 2022, in relation to Resident C, attempted venepuncture despite the patient indicating that they did not consent to this procedure. [Not proved]

26) On several unknown dates called Colleague A – “Barbie” or words to that effect. [Proved]

27) On an unknown date, pointed your phone camera at colleague A whilst on FaceTime and said things in Spanish about colleague A. [Proved]

28) On an unknown date said to Colleague B that “their bum and legs looked nice in leggings” or words to that effect. [Proved]

29) On an unknown date, pulled Colleague A’s face mask down and said “Eww you’re not barbie anymore” or words to that effect. [Proved]

30) On an unknown date swore in front of Resident G. [Proved]

31) Your actions at one or more of charges 26,28,29 harassed Colleague A and/or B in that:

a) your conduct was unwanted conduct of a sexual nature and/or related to a protected characteristic, namely sex. [Proved]

b) your conduct had the purpose or effect of:

i) violating Colleague A and or B’s dignity. [Proved]

ii) creating an intimidating, hostile, degrading, humiliating or offensive environment for Colleague A and or B. [Proved]

32) Your actions at charges 21 and/or 22 lacked integrity in that you intended to influence Colleague B such that she would not report your pre-potting as set out at charge 13 and/or any other poor practice she witnessed you undertaking. [Proved]

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

Schedule 1

16 January 2021

28 January 2021

*Schedule 2*

*13 November 2021*

*January – March 2022*

*28 April 2022*

*Schedule 3*

*13 November 2021*

*16 April 2022'*

The original panel determined the following with regard to impairment:

*'The panel carefully considered Mr Romay's responses and had regard to a bundle of documents he provided for the panel's consideration. It had sight of a number of historical certificates, however there was no evidence of any relevant training he had undertaken since the charges arose. It had particular regard to a reference from Les Charrieres Residential and Nursing (Les Charrieres) dated 26 October 2023. It noted that Mr Romay had been employed as a staff nurse at Les Charrieres since 1 June 2022. Mr Romay's registered manager wrote the following:*

*'Since having supervisions and meetings with Fernando regarding his medication administration, he has taken this on board and has listened to advice given, and applied this to his practice of medication, which is now his practice and medication administration has greatly improved and is following NMC guidelines and company policies...*

*...Fernando's relationship with his work colleagues has been difficult at times due to his manner towards them. This has improved considerably but he does need to be reminded on his approach.'*

*Whilst the panel acknowledged that there appears to have been some improvement in Mr Romay's practice in respect of medication*

*administration, the panel noted that his manager identifies some persistent underlying concerns about his relationships with and treatment of colleagues.*

*The panel found that Mr Romay has not provided any reflection, and there is no evidence of insight into his failings or behaviour. The panel was therefore not satisfied that he has taken steps to strengthen his practice or taken steps to ensure that the failings and his conduct would not happen again. The panel therefore concluded that there is a risk of repetition of the misconduct found and a consequent risk of harm to colleagues and residents. Accordingly, the panel determined that a finding of impairment is necessary on public protection grounds.*

*The panel bore in mind the overarching objectives of the NMC; to protect, promote and maintain the health, safety, and wellbeing 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. In view of the seriousness of the misconduct, the panel concluded that public confidence in the profession would be undermined if a finding of impairment were not made and therefore also finds Mr Romay's fitness to practise impaired on the grounds of public interest.*

*In reaching the decisions set out above, the panel was mindful of the question "Can the nurse, midwife or nursing associate practise kindly, safely and professionally?". The panel was of the view that Mr Romay failed to treat his colleagues and the residents in his care with proper respect, indeed his behaviour and actions were to the contrary. He subjected colleagues and residents to unkind behaviour that was potentially physically and emotionally harmful. The panel determined that Mr Romay's conduct was neither safe nor professional and, as set out earlier, fell far short of what is expected of a registered nurse. Given the lack of remediation and*



*absence of insight, the panel concluded that Mr Romay is not currently capable of kind, safe and professional practise.*

*Having regard to all of the above, the panel was satisfied that Mr Romay's fitness to practise is currently impaired on both public protection and public interest grounds.'*

The original panel determined the following with regard to sanction:

*'The panel then went on to consider whether a suspension order would be an appropriate sanction and it had particular regard to the SG. The panel acknowledged that the charges found proved in relation to Mr Romay's behaviour are serious and raise concerns about his professionalism. However, the panel noted that Mr Romay had been working at Les Charrieres as a staff nurse since 1 June 2022 and complying with an interim conditions of practice order. The panel found that there is no evidence that Mr Romay has repeated the behaviour since the charges arose and has begun to take some steps to strengthen his practice. The panel also bore in mind that prior to the incidents in this case, Mr Romay had an unblemished lengthy career.*

*It did go on to consider whether a striking-off order would be proportionate but, taking account of all the information before it, the panel concluded that it would be disproportionate as it was not the only sanction that would protect the public and uphold and maintain professional standards. Whilst the panel acknowledges that a suspension may have a punitive effect, it would be unduly punitive in Mr Romay's case to impose a striking-off order at this stage.*

*Balancing all of these factors the panel has concluded that a suspension order would be the appropriate and proportionate sanction. It determined that a suspension order would protect the public for the period it is in force. The panel also determined that a fully informed member of the public would consider that a suspension order would be a sufficient response in the*

*circumstances. The panel noted the potential hardship such an order could cause Mr Romay. However, in the panel's view, this is outweighed by the public interest in this case.*

*The panel considered that this order is necessary to mark the importance of maintaining public confidence in the profession, and to send to the public and the profession a clear message about the standard of behaviour required of a registered nurse.*

*The panel determined that a suspension order for a period of 12 months was appropriate in this case to protect the public and to mark the seriousness of the misconduct.'*

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

The panel considered carefully whether Mr Romay'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 carried out a comprehensive review of the order in light of the current circumstances. Whilst it noted the decision of the last panel, this panel exercised its own judgement as to current impairment.

The panel noted that it had not been provided with any of the information the original panel recommended that a reviewing panel could be assisted by, namely:

- *A detailed reflective statement.*
- *Evidence of professional development, including documentary evidence of completion of any relevant training courses (in relation to clinical practice and behaviour) and testimonials from a line manager or supervisor.*

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 Romay's fitness to practise remains impaired.

The panel noted that the original panel found that there was '*no insight into his failings or behaviour.*' At this meeting, the panel had nothing before it which demonstrated that Mr Romay has developed insight into his behaviour or reflected on the concerns identified by the original panel. The panel also noted that it had nothing before it by way of relevant training certificates to demonstrate that Mr Romay has taken steps to strengthen his practice.

The panel considered the facts found proved to be wide ranging, serious concerns which put patients and colleagues at risk of harm. The panel bore in mind that Mr Romay's misconduct was not an isolated incident, and that he breached a fundamental tenet of the nursing profession. Without evidence of steps Mr Romay has taken to address the concerns or reflect on his behaviour, the panel determined that there has been no reduction in the risk of repetition or any change in the level of his impairment. The panel therefore decided that a finding of continuing impairment is necessary on the grounds of public protection.

The panel bore 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 necessary.

For these reasons, the panel found that Mr Romay's fitness to practise remains impaired.

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

Having found Mr Romay 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 Romay'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 Romay'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 Romay'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 had regard to 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 attitudinal concerns in this case.

Given the lack of engagement which includes Mr Romay's failure to update the NMC with steps he has taken to comply with the suspension order and provide information concerning his insight, the panel considered replacing the suspension order with a striking-off order. However, the panel determined that this would be unduly punitive at this stage as a suspension order would continue to both protect the public and satisfy the wider public interest.

Accordingly, the panel determined to extend the suspension order for a period of 9 months to provide Mr Romay with an opportunity to reflect on whether he wishes to practise as a

nurse and engage with the NMC by providing evidence of reflection and strengthening of practice. It considered this to be the most appropriate and proportionate sanction available.

This suspension order will take effect upon the expiry of the current suspension order, namely the end of 5 March 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:

- A detailed reflective statement.
- Evidence of professional development, including documentary evidence of completion of any relevant training courses (in relation to clinical practice and behaviour) and testimonials from a line manager or supervisor.

This will be confirmed to Mr Romay in writing.

That concludes this determination.