

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

**Substantive Order Review Meeting
Thursday, 9 January 2025**

Virtual Meeting

Name of Registrant: Dushka Tsekova

NMC PIN 16B0247C

Part(s) of the register: Registered Nurse – Sub part 1
Adult Nursing (RN1) – 09 February 2016

Relevant Location: Reading

Type of case: Lack of competence/Lack of knowledge of English

Panel members: Judith Webb (Chair, Lay member)
Helen Reddy (Registrant member)
Anne Phillimore (Lay member)

Legal Assessor: Martin Goudie KC

Hearings Coordinator: Monsur Ali

Order being reviewed: Suspension order (12 months)

Fitness to practise: Impaired

Outcome: **Striking-Off order to come into effect at the end of 17 February 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 Miss Tsekova'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 6 January 2025 and inviting Miss Tsekova to provide any written evidence seven days before this date.

The panel accepted the advice of the legal assessor.

In light of all of the information available, the panel was satisfied that Miss Tsekova 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 replace the current suspension to with a striking-off order. This order will come into effect at the end of 17 February 2025 in accordance with Article 30(1) of the Nursing and Midwifery Order 2001 (as amended) (the Order).

This is the third review of a substantive suspension order originally imposed for a period of 12 months by a Fitness to Practise Committee panel on 19 January 2022. This was reviewed on 6 January 2023, where the order was extended for another 12 months. It was again reviewed on 5 January 2024 and the panel decided to extend the suspension order for a further period of 12 months.

The current order is due to expire at the end of 17 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, a registered nurse, whilst employed at The Manor Care Home ("the Home") between 1 April 2019 and 13 September 2019 failed to demonstrate the standards of knowledge, skill, and judgement required to practise without supervision as a band 5 nurse, in that you:

1) ...

2) On or around 8/9 June 2019 incorrectly duplicated entries into Resident's Handover notes, as listed in schedule 2.

3) On 9 June 2019 entered an incorrect entry into Resident C's Handover notes stating "16pm she took Zopiclone 1/2tb.."

4) On 8 June 2019 entered an incorrect entry into Resident H's Handover notes stating "NB: Please see diary (Caresys) for weekend management."

5) On 9 June 2019 entered an incorrect entry into Resident H's Handover notes stating "NB: Please see dairy (Caresys) for weekend management."

6) ...

7) Did not complete your probationary period at the Home.

8) Between 11 July 2019 and 13 September 2019 were unable to comply with an informal support plan put in place by your employers, in that you were unable to demonstrate proficiency in areas of;

a) Verbal & Written English Language.

b) ...

c) ...

d) Knowledge around safe administration of medication.

e) ...

f) ...

9) ...

10) *On or around 2 September 2019;*

a) *Incorrectly recorded a balance of 27 Carbizamole tablets on Resident A's MAR chart.*

b) ...

c) *Did not administer Docusate to Resident X.*

d) ...

e) *Did not administer 2 tablets of Memantine to Resident F.*

11) *On or around 8 September 2019;*

a) *Did not administer 2 tablets of Furosemide to Resident J.*

b) *Did not record how many tablets were administered to Resident J.*

c) *Did not administer Resident K;*

i) *Furosemide 1 tablet.*

ii) *Spironolactone 1 tablet.*

iii) *Amlodipine 1 tablet.*

d) *Inaccurately recorded that you had administered Resident K's prescribed medication in Resident K's Handover notes.*

e) *On the destroyed or returned medication form, inaccurately recorded that Resident L's Furosemide tablet had been destroyed.*

f) *On the destroyed or returned medication form, inaccurately recorded that Resident L's Felodipine tablet had been destroyed.*

g) *Did not administer Resident M's prescribed Citalopram 20mg 1 tablet at 8am.*

h) *Did not complete the 8a.m. entry in Resident M's MAR chart.*

And in light of the above your fitness to practise is impaired by reason of your lack of competence.

12. *That you, a registered nurse, do not have the necessary knowledge of English to practise safely and effectively and in light of the above, your fitness to practise is impaired by reason of your lack of knowledge of English.*

Schedule 1

1) ...

2) ...

3) ...

4) ...

5) ...

6) ...

7) ...

Schedule 2

1) *Incorrectly duplicated an entry from Resident X's 8 June 2019 Handover note, onto Resident X's 9 June 2019 Handover note.*

2) *Incorrectly duplicated an entry from Resident E's 8 June 2019 Handover note, onto Resident E's 9 June 2019 Handover note.*

3) *Incorrectly duplicated an entry from Resident F's 8 June 2019 Handover note, onto Resident F's 9 June 2019 Handover note.*

4) *Incorrectly duplicated an entry from Resident G's 8 June 2019 Handover note, onto Resident G's 9 June 2019 Handover note.'*

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

'The panel considered whether Miss Tsekova'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 original substantive hearing in January 2022 and last review in January 2023, there had been limited engagement from Miss Tsekova but, no new information had been put forward by her. Further, there was no evidence before the panel today that Miss Tsekova had undertaken any of the recommendations of the previous panel, namely:

- 'Miss Tsekova's attendance at the review hearing.'*
- An indication from Miss Tsekova as to whether she intends to return to nursing practice in the UK.*
- Confirmation of successful completion of or progression towards, an appropriate English language course.*
- Evidence that she has kept her nursing knowledge and skills up to date.*
- A reflective statement from Miss Tsekova evidencing her insight into her failings.*
- Evidence of any professional development, including documentary evidence of completion of any courses.*
- References or testimonials from a line manager or supervisor.'*

The panel therefore had no new information before it, to conclude whether Miss Tsekova had developed any insight into her actions or to demonstrate that she can practise kindly, safely and professionally. With respect to Miss Tsekova's lack of competence and lack of knowledge of English, the panel considered that there had been no material change of circumstances since the last review. The lack of engagement with the NMC in the past year gave the panel no indication that Miss Tsekova had developed any insight into her failings and the charges found proved. The panel noted that the regulatory concerns highlighted wide-ranging competency and language issues in Miss Tsekova's practice, which are serious and pose a risk to the public. In the absence of any information indicating insight, strengthened

practice or remorse for her actions, the panel concluded that Miss Tsekova's circumstances had not changed.

In all the circumstances, the panel considered that there remains a risk of repetition, therefore Miss Tsekova remained liable to act in a way which could place patients at risk of harm. 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 Miss Tsekova's fitness to practise remains impaired.'

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

'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 Miss Tsekova'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 Miss Tsekova'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 Miss Tsekova'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 it would be able to formulate conditions to address the lack of competence concerns and Miss Tsekova's language concerns could also be assessed, her lack of engagement demonstrated that it was unlikely that the conditions 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 Miss Tsekova further time to fully reflect on her 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 Miss Tsekova adequate time to further develop her insight and take steps to strengthen her practice.

The panel considered a striking off order however, this sanction was not available to it at this present time due to Miss Tsekova not being subject to a substantive order for two whole years.

The panel therefore determined that a suspension order is the appropriate sanction which would continue to both protect the public and satisfy the wider public interest. Accordingly, the panel determined to impose a suspension order for the period of 12 months which would provide Miss Tsekova an opportunity to engage with the NMC. It considered this to be the most appropriate and proportionate sanction available.'

Decision and reasons on current impairment

The panel has considered carefully whether Miss Tsekova's fitness to practise remains impaired. Whilst there is no statutory definition of fitness to practise, the NMC has defined fitness to practise as whether a registrant can practise kindly, safely and professionally. 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 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 Miss Tsekova'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 original substantive hearing in January 2022 and first review in January 2023, there had been limited engagement from Miss Tsekova but there has been no engagement since the last review on 5 January 2024 and no new information had been put forward by her. Further, there was no evidence before the panel today that Miss Tsekova had undertaken any of the recommendations of the previous panel, namely:

- *'Miss Tsekova's attendance at the review hearing.*
- *An indication from Miss Tsekova as to whether she intends to return to nursing practice in the UK.*
- *Confirmation of successful completion of or progression towards, an appropriate English language course.*
- *Evidence that she has kept her nursing knowledge and skills up to date.*
- *A reflective statement from Miss Tsekova evidencing her insight into her failings.*
- *Evidence of any professional development, including documentary evidence of completion of any courses.*
- *References or testimonials from a line manager or supervisor.'*

The panel determined that no new information had been presented to demonstrate that Miss Tsekova had developed insight into her actions or that she is capable of practising kindly, safely, and professionally. Regarding Miss Tsekova's lack of competence and proficiency in English, the panel found no evidence of a material change in circumstances since the previous review. Her lack of engagement with the NMC over the past year provided no indication that she had gained insight into her failings or the charges proved against her.

The panel noted that the regulatory concerns encompassed significant competency and language deficiencies in Miss Tsekova's practice, which are serious and pose a risk to public safety. In the absence of any evidence of insight, improved practice, or remorse, the panel concluded that there had been no meaningful change in Miss Tsekova's circumstances.

In all the circumstances, the panel considered that there remains a risk of repetition, therefore Miss Tsekova remained liable to act in a way which could place patients at risk of harm. 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 Miss Tsekova's fitness to practise remains impaired.

Decision and reasons on sanction

Having found Miss Tsekova'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 Miss Tsekova'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 Miss Tsekova'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 then considered whether imposing a conditions of practice order on Miss Tsekova's registration would be a sufficient and appropriate response. It was mindful that any conditions must be proportionate, measurable, and workable. Taking into account the seriousness of the facts found proved at the original hearing, the panel concluded that such an order would neither adequately protect the public nor satisfy the public interest. While the panel recognised that it could formulate conditions to address Miss Tsekova's lack of competence and assess her language deficiencies, her lack of engagement indicated that compliance with these conditions was unlikely, rendering them unworkable in the present circumstances. The panel considered that Miss Tsekova had the opportunity to evidence competence and language development by working as a healthcare assistant and undertaking the IELTS assessment. She has not done so.

The panel considered the imposition of a further period of suspension. The panel acknowledged that a suspension order would continue to protect the public. However, the question arises as to what would be achieved by further suspension, particularly given the previous panel's clear indication that a future panel would ultimately consider striking off Miss Tsekova if there was no engagement. The previous panel also provided explicit

guidance on steps Miss Tsekova could take to assist any future panel in its review. Despite this, Miss Tsekova has failed to engage or take any of the recommended actions.

The panel determined that while a suspension order may be seen as the least restrictive measure, it is difficult to foresee any significant change over the next 12 months that would alter the current circumstances. Therefore, a further period of suspension appears unlikely to result in meaningful re-engagement by Miss Tsekova.

The panel noted that the previous panel could have imposed a shorter suspension, such as three or six months, which would have allowed for earlier reconsideration. Instead, it opted for a full year, providing ample opportunity for Miss Tsekova to engage and address the issues. Nearly three years of suspension have now elapsed, yet there is no evidence of engagement or improvement.

The panel further noted that Miss Tsekova has now exceeded the minimum two-year suspension period typically required before striking-off can be considered for issues such as health, competence, or language deficiencies. In this case, Miss Tsekova was effectively granted an additional year beyond that period to demonstrate improved competence and address her language deficiencies, and to engage with the NMC, yet no progress has been made.

In light of the lack of engagement, the absence of any indication of improvement, and the additional time already afforded, further suspension would serve no meaningful purpose. The panel determined that it was necessary to take action to prevent Miss Tsekova 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. The panel therefore directs the registrar to strike Miss Tsekova's name off the NMC register.

This striking-off order will take effect upon the expiry of the current suspension order, namely at the end of 17 February 2025 in accordance with Article 30(1).

This decision will be confirmed to Miss Tsekova in writing.

That concludes this determination.