

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

**Substantive Order Review Meeting
Friday 11 March 2022**

Virtual Meeting

Name of registrant: Michele Anne Teker

NMC PIN: 97H0051E

Part(s) of the register: RNC, Registered Nurse – Children
(August 2000)

Area of registered address: Lancashire

Type of case: Misconduct

Panel members: David Evans (Chair, Lay member)
Jonathan Coombes (Registrant member)
Jude Bayly (Registrant member)

Legal Assessor: Ian Ashford-Thom

Hearings Coordinator: Emma Bland

Order being reviewed: Conditions of practice order (9 months)

Fitness to practise: Impaired

Outcome: **Conditions of practice order (18 months)**

Decision and reasons on service of Notice of Meeting

The panel noted at the start of this meeting that Mrs Teker was not in attendance and that the Notice of Meeting had been sent to her registered email address on 3 February 2022.

The panel accepted the advice of the legal assessor.

The panel took into account that the Notice of Meeting provided details of the substantive order being reviewed, the time, dates and virtual venue of the meeting.

In the light of all of the information available, the panel was satisfied that Mrs Teker had 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 substantive order

The panel decided to extend the conditions of practice order for a period of 18 months with one amendment.

This order will come into effect at the end of 15 April 2022 in accordance with Article 30(1) of the 'Nursing and Midwifery Order 2001' (the Order).

This is the third review of a substantive suspension order originally imposed for a period of 6 months by a Fitness to Practise Committee panel on 17 March 2020. This was reviewed on 9 September 2020 and the suspension order was replaced by a conditions of practice order for a period of 9 months. The conditions of practice order was reviewed on 1 June 2021 and the order was extended for a further period of 9 months.

The current order is due to expire at the end of 15 April 2022.

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 or around 6 August 2017,

1. In relation to Patient A,

a) Prepared IV antibiotics without asking for another member of staff to provide a secondary check;

b) Administered IV antibiotics to Patient A without a second checker having checked the medication;

c) Entered Colleague B's name in Patient A's electronic records as the second checker.

2. Your actions as set out in charge 1(c) were dishonest in that you sought to create the impression that you had both prepared and/or administered IV antibiotics to Patient A in the presence of Colleague B as the second checker when you knew that this was not the case.

And in light of the above your fitness to practise is impaired by reason of your misconduct.'

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

'Mrs Teker has not engaged with the NMC since the last review. Therefore, there is no new evidence to assist the panel at this review. Due to this, the panel concluded that as Mrs Teker has not demonstrated her safe medicines administration in practice there has been no change in the risk posed by Mrs Teker to the public. [PRIVATE].

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. This panel determined that a finding of continuing impairment on public interest grounds is not required, but only on public protection grounds, on the basis that the risk of repetition of the misconduct has not been remediated.

For these reasons, the panel finds that Mrs Teker'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 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 Teker's practice would not be appropriate in the circumstances.

The panel next considered whether imposing a further conditions of practice order on Mrs Teker'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 determined that it would be possible to formulate appropriate and practical conditions which would address the failings highlighted in this case.

The panel was of the view that a further conditions of practice order is sufficient to protect patients, noting as the original panel did that there were no concerns about Mrs Teker's theoretical knowledge of medicines

administration. In this case, conditions could be formulated which would protect patients during the period they are in force.

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 Teker's case. The panel noted that both a suspension order and a striking-off order would be options for the next reviewing panel to determine.

Accordingly, the panel determined, pursuant to Article 30(1)(c) to make a conditions of practice order for a period of nine months, which will come into effect on the expiry of the current order, namely at the end of 15 July 2021. [PRIVATE]. It decided to impose the following conditions which it considered are 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 limit your nursing practice to a single employer. If this employer is an agency then you may only work in one location via that agency.*

- 2. You must work with your clinical supervisor and/or mentor to create a personal development plan (PDP). This PDP should include the completion of any documentation relating to your workplace induction programme and your adherence to medicines management and administration policies. You must:*
 - a) Provide a copy of this PDP (and any supporting documentation) to the panel at your next review hearing.*

- b) Meet with your clinical supervisor and/or mentor at least once a month to discuss your progress towards achieving the aims set out in your PDP.*
- 3. You must keep the NMC 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*
- 4. You must keep the NMC 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.*
- 5. 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 on a private basis when you are working in a self-employed capacity*
- 6. You must tell your case officer, within seven days of your becoming aware of:*
 - a) Any clinical incident you are involved in.*
 - b) Any investigation started against you.*
 - c) Any disciplinary proceedings taken against you.*
- 7. You must allow your case officer to share, as necessary, details about your performance, your compliance with and / or progress under these conditions with:*

- a) *Any current or future employer.*
- b) *Any educational establishment.*
- c) *Any other person(s) involved in your retraining and/or supervision required by these conditions*

The period of this order is for nine months.'

Decision and reasons on current impairment

The panel has considered carefully whether Mrs Teker'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, 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 Mrs Teker's fitness to practise remains impaired.

The panel noted that Mrs Teker has not engaged with the NMC since the first review hearing and as a consequence of this, there is no new evidence for the panel to consider at this review. The panel have no information before it to suggest that Mrs Teker has taken steps towards remediating her practice with regard to safe medications administration. As such, the panel concluded that there has been no change in the level of risk posed by Mrs Teker to the public. [PRIVATE].

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 protection grounds alone was required.

For these reasons, the panel finds that Mrs Teker's fitness to practise remains impaired.

Decision and reasons on sanction

Having found Mrs Teker'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 and allow the current order to lapse.

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 Teker's practice would not be appropriate in the circumstances.

The panel next considered whether imposing a further conditions of practice order on Mrs Teker's registration would still be a sufficient and appropriate response. The panel is mindful that any conditions imposed must be proportionate, measurable and workable. In this case, the panel concluded that there are conditions which could be formulated that would protect patients during the period they are in force.

The panel determined that a conditions of practice order for a further period of 18 months would provide Mrs Teker with sufficient time and opportunity to demonstrate remediation with regard to safe medication administration and facilitate a return to safe practice. The

panel noted that Mrs Teker is able to request an early review of the order in the event her circumstances change and she is able to demonstrate remediation before 18 months.

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 Teker's case. However, the panel noted that a future reviewing panel may consider a more severe sanction, including a striking-off order.

Accordingly, the panel determined, pursuant to Article 30(1)(c) to make a varied conditions of practice order for a period of 18 months, which will come into effect on the expiry of the current order, namely at the end of 15 April 2022. The panel varied the conditions of practice order to include undertaking supervised medication rounds with a Band 5 nurse until signed off as competent to administer medications in condition 2 part (c). It decided to impose the following varied conditions which it considered are 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 limit your nursing practice to a single employer. If this employer is an agency then you may only work in one location via that agency.
2. You must work with your clinical supervisor and/or mentor to create a personal development plan (PDP). This PDP should include the completion of any documentation relating to your workplace induction programme and your adherence to medicines management and administration policies. You must:
 - a) Provide a copy of this PDP (and any supporting documentation) to the panel at your next review hearing.
 - b) Meet with your clinical supervisor and/or mentor at least once a month to discuss your progress towards achieving the aims set out in your PDP.

- c) Undertake supervised medication rounds with a Band 5 nurse or above until signed off as competent to administer medications.
3. You must keep the NMC 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
4. You must keep the NMC 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.
5. 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 on a private basis when you are working in a self-employed capacity
6. You must tell your case officer, within seven days of your becoming aware of:
- a) Any clinical incident you are involved in.
 - b) Any investigation started against you.
 - c) Any disciplinary proceedings taken against you.
7. You must allow your case officer to share, as necessary, details about your performance, your compliance with and / or progress under these conditions with:

- a) Any current or future employer.
- b) Any educational establishment.
- c) Any other person(s) involved in your retraining and/or supervision required by these conditions

The period of this order is for 18 months.

This conditions of practice order will take effect upon the expiry of the current conditions of practice order, namely the end of 15 April 2022 in accordance with Article 30(1).

Before the end of the period of the order, a panel will hold a review hearing to see how well Mrs Teker has complied with the order. At the review hearing the panel may revoke the order or any condition of it, it may confirm the order or vary any condition of it, or it may replace the order for another order.

Any future panel reviewing this case would be assisted by:

- Mrs Teker's attendance at the hearing;
- [PRIVATE];
- evidence of how Mrs Teker has complied with the conditions of practice order;
- a written reflective piece on how Mrs Teker has adjusted to being back in a clinical environment as a registered nurse;
- a report from Mrs Teker's clinical supervisor and/or mentor as to the standard of her performance and her progress towards achieving the aims set out in her PDP;
- evidence of keeping Mrs Teker's skills and knowledge up to date e.g. reading, training courses;
- references/testimonials from any paid or unpaid work Mrs Teker is undertaking, from individuals with knowledge of these proceedings.

This will be confirmed to Mrs Teker in writing.

That concludes this determination.