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DRAFT STATUTORY INSTRUMENTS

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**2024 No.**

**The Anaesthesia Associates and  
Physician Associates Order 2024**

**Part 4**

**FITNESS TO PRACTISE**

**Steps which may be taken where a question as to fitness to practise arises**

**10.**—(1) Where the Regulator considers that a question has arisen as to whether an associate's fitness to practise is impaired, the Regulator must—

- (a) carry out an initial assessment, and
- (b) where the Regulator considers appropriate, refer the matter to a case examiner.

(2) The case examiner to which a referral is made under [paragraph \(1\)\(b\)](#) must take one of the steps specified in [paragraphs \(3\)](#) and [\(4\)](#).

(3) The step specified under this paragraph is for the case examiner to determine whether the associate's fitness to practise is impaired and—

- (a) where the associate's fitness to practise is found not to be impaired—
  - (i) take no further action, or
  - (ii) issue the associate with a warning;
- (b) where the associate's fitness to practise is found to be impaired—
  - (i) subject to [paragraph \(8\)](#), impose a Final Measure, or
  - (ii) refer the matter on to a Panel.

(4) The step specified under this paragraph is for the case examiner to refer the matter on to a Panel.

(5) A Panel to which a referral is made under [paragraph \(3\)\(b\)\(ii\)](#) must satisfy itself as to whether, and under [paragraph \(4\)](#) must determine whether, the associate's fitness to practise is impaired and—

- (a) where the associate's fitness to practise is found not to be impaired—
  - (i) take no further action, or
  - (ii) issue the associate with a warning;
- (b) where the associate's fitness to practise is found to be impaired—
  - (i) take no further action, or
  - (ii) impose a Final Measure.

(6) The case examiner may withdraw a referral to a Panel if the Panel has not yet satisfied itself as to whether, or determined whether, fitness to practise is impaired.

(7) [Paragraph \(5\)](#) does not apply to a referral which is withdrawn under [paragraph \(6\)](#).

- (8) If a case examiner determines that an associate's fitness to practise is impaired, the case examiner may only impose a Final Measure if the associate—
- (a) has agreed to the Final Measure being imposed on the basis that—
    - (i) the associate's fitness to practise is impaired, and
    - (ii) the associate has accepted the case examiner's findings, or
  - (b) has been notified that the case examiner proposes imposing a Final Measure and a reasoned response by the associate has not been received by the case examiner within the period prescribed under [paragraph 11\(1\)\(a\) of Schedule 4](#).
- (9) A notification under [paragraph \(8\)\(b\)](#) must—
- (a) request that the associate provide a reasoned response within the prescribed period, and
  - (b) inform the associate that a Final Measure may be imposed if the associate fails to respond.
- (10) A Final Measure imposed under [paragraph \(3\)\(b\)\(i\)](#) or [\(5\)\(b\)\(ii\)](#) may require that an associate's entry in a part of the register (into which the register is divided under [article 5\(2\)\(a\)](#)) be—
- (a) subject to condition,
  - (b) suspended, or
  - (c) removed.