

**BEFORE THE DIVISION OF MEDICAL QUALITY
MEDICAL BOARD OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

**In the Matter of the Accusation
Against:**

**JOHN D. SANDERSON, M.D.
Certificate # C-42246**

Respondent.

File No: 05-90-6098

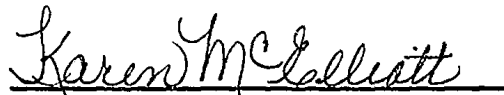
DECISION

The attached Stipulation is hereby adopted by the Division of Medical Quality of the Medical Board of California as its Decision in the above-entitled matter.

This Decision shall become effective on May 26, 1995.

It is so ordered May 26, 1995.

**DIVISION OF MEDICAL QUALITY
MEDICAL BOARD OF CALIFORNIA**


**Karen McElliot, Chair
Panel B**

1 DANIEL E. LUNGREN, Attorney General
of the State of California
2 ROSA M. MOSLEY,
Deputy Attorney General, State Bar No. 113478
3 Department of Justice
300 South Spring Street
4 Los Angeles, California 90013
Telephone: (213) 897-2567
5
6 Attorneys for Complainant

7
8 **BEFORE THE**
MEDICAL BOARD OF CALIFORNIA
9 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

10 In the Matter of the Accusation) NO. D-5451
11 Against:)
12 JOHN DAVID SANDERSON, M.D.) STIPULATION FOR
SoftCare) SURRENDER OF LICENSE
13 11104 Olallie Lane)
Bainbridge Island, WA 98110)
14 Physician's and Surgeon's)
15 Certificate No. G-42246)
16 Respondent.)
17

18 IT IS HEREBY STIPULATED AND AGREED BY AND BETWEEN THE
19 PARTIES TO THE ABOVE-ENTITLED MATTER THAT:

20 1. Dixon Arnett, complainant, is the Executive Director
21 of the Medical Board of California, Department of Consumer Affairs
22 ("Board") and is represented by Daniel E. Lungren, Attorney General
23 of the State of California by Rosa M. Mosley, Deputy Attorney
24 General.

25 2. John David Sanderson, M.D. ("respondent") is
26 unrepresented in this matter and is acting *in propria persona*.
27

1 Respondent has read and fully understands the effect of this
2 stipulation.

3 3. Respondent has received and read the Accusation which
4 is presently on file and pending in Case Number D-5451 before the
5 Board, a copy of which is attached as Exhibit A.

6 4. Respondent understands the nature of the charges
7 alleged in the Accusation and that, if proven at hearing, such
8 charges and allegations would constitute cause for imposing
9 discipline upon respondent's license issued by the Board.

10 5. Respondent is aware of each of his rights, including
11 the right to a hearing on the charges and allegations, the right
12 to confront and cross-examine witnesses who would testify against
13 respondent, the right to present evidence in his favor and call
14 witnesses on his behalf, or to testify, his right to contest the
15 charges and allegations, and other rights which are accorded to
16 respondent pursuant to the California Administrative Procedure Act
17 (Gov. Code, § 11500 et seq.), including the right to seek
18 reconsideration, review by the superior court, and appellate
19 review.

20 6. Respondent understands that in signing this
21 stipulation rather than contesting the accusation, he is enabling
22 the Medical Board of California of the State of California to issue
23 its order accepting the surrender of his license without further
24 process.

25 7. In order to avoid the expense and uncertainty of
26 hearing, respondent freely and voluntarily waives each and every
27 one of the rights set forth above, and respondent hereby surrenders

1 Physician's and Surgeon's Certificate G-42246 for the Board's
2 formal acceptance.

3 8. Upon acceptance of the stipulation by the Board,
4 respondent agrees to surrender and cause to be delivered to the
5 Board both his license and wallet certificate. Respondent further
6 understands that when the Board accepts the surrender of his
7 license, he will no longer be permitted to practice as a physician
8 and surgeon in California.

9 9. The respondent expressly agrees that should he in
10 the future request to have his certificate renewed, restored or
11 reinstated, or apply for a new license, such a request shall be
12 treated as a petition for reinstatement of his license under the
13 provisions of Business and Professions Code § 2307 or any
14 reinstatement statute in effect at the time of the petition.

15 10. Respondent fully understands and agrees that in
16 acting upon any application for relicensure or reinstatement which
17 respondent ever files in the State of California, the Board shall
18 deem all of the charges and allegations contained in Accusation No.
19 D-5451, to be true and correct and admitted by respondent.

20 11. All stipulations and recitals contained in this
21 stipulation are made solely and exclusively for the purpose of
22 settlement of Accusation No. D-5451 against John David Sanderson,
23 M.D.. In the event that this stipulation is rejected for any
24 reason by the Board, it will be of no force or effect for either
25 party.

26
27 //

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27

I concur in the stipulation.

DATED: March 31, 1995

DANIEL E. LUNGREN, Attorney General
of the State of California

Rosa M. Mosley
Rosa M. Mosley
Deputy Attorney General

Attorneys for Complainant

I, John David Sanderson, M.D., have carefully read the above stipulation and enter into it freely and voluntarily, and with full knowledge of its force and effect, do hereby surrender my certificate of licensure, No. G-42246, to the Medical Board of California, for its formal acceptance. By surrendering my license, I recognize that upon its formal acceptance by the Board, I will lose all rights and privileges to practice as a physician and surgeon in the State of California.

DATED: 3-31-95

John David Sanderson
JOHN DAVID SANDERSON, M.D.
Respondent

1 DANIEL E. LUNGREN, Attorney General
of the State of California
2 ROSA M. MOSLEY,
Deputy Attorney General
3 California Department of Justice
300 South Spring Street, 10th Floor-North
4 Los Angeles, California 90013-1204
Telephone: (213) 897-2567
5
6 Attorneys for Complainant

7
8 **BEFORE THE**
9 **MEDICAL BOARD OF CALIFORNIA**
10 **DIVISION OF MEDICAL QUALITY**
11 **DEPARTMENT OF CONSUMER AFFAIRS**
12 **STATE OF CALIFORNIA**

13 In the Matter of the Accusation) NO. D-5451
14 Against:)
15 JOHN DAVID SANDERSON, M.D.) A C C U S A T I O N
16 7432 East Mercer Way)
Mercer Island, WA 98040)
17 Physician's and Surgeon's)
18 Certificate No. G42246)
19 Respondent.)

20 The Complainant alleges:

21 **BRIEF STATEMENT OF FACTS**

22 This case involves the respondent, a physician who was
23 employed in a hospital which had an inpatient treatment program
24 for patients suffering from eating disorders. The respondent
25 engaged in a dual and sexual relationship with one of the patients.

26 **PARTIES**

27 1. Complainant, Dixon Arnett, is the Executive Director
of the Medical Board of California (hereinafter the "Board") and
brings this accusation solely in his official capacity.

1 2. On or about July 1, 1980, Physician's and Surgeon's
2 Certificate No. G42246 was issued by the Board to JOHN PAUL
3 SANDERSON, M.D. (hereinafter "respondent"), and at all times
4 relevant to the charges brought herein, said license has been in
5 full force and effect.

6 JURISDICTION

7 3. This accusation is brought under the authority of the
8 following sections of the California Business and Professions Code
9 (hereinafter the "Code"):

10 4. Sections 2003 and 2004 of the Code provide, in
11 pertinent part, that the Division of Medical Quality (hereinafter
12 the "Division") within the Medical Board of California is
13 responsible for the enforcement of the disciplinary provisions of
14 the Medical Practice Act, for the administration and hearing of
15 disciplinary actions, for carrying out disciplinary actions
16 appropriate to findings made by a medical quality review committee,
17 the division or an administrative law judge, and for suspending,
18 revoking or otherwise limiting certificates after the conclusion
19 of disciplinary actions.

20 5. Section 2227 provides that the Board may revoke,
21 suspend for a period not to exceed one year, or place on probation,
22 the license of any licensee who has been found guilty under the
23 Medical Practice Act.

24 6. Section 2234 provides that unprofessional conduct
25 includes, but is not limited to, the following:
26
27

1 "(a) Violating or attempting to violate, directly or
2 indirectly, or assisting in or abetting the violation of, or
3 conspiring to violate, any provision of this chapter.

4 (b) Gross negligence.

5 (c) Repeated negligent acts.

6 (d) Incompetence.

7 (e) The commission of any act involving dishonesty or
8 corruption which is substantially related to the
9 qualifications, functions, or duties of a physician and
10 surgeon.

11 (f) Any action or conduct which would have warranted
12 the denial of a certificate."

13 7. Section 726 of the Code provides that the commission
14 of any act of sexual abuse, misconduct, or relations with a
15 patient, client, or customer which is substantially related to the
16 qualifications, functions, or duties of the occupation for which
17 a license was issued constitutes unprofessional conduct and grounds
18 for disciplinary action for any person licensed under the Medical
19 Practices Act.

20 CAUSES OF ACTION

21 I

22 GROSS NEGLIGENCE

23 8. Respondent Sanderson is subject to disciplinary
24 action under Section 2234(b) of the Code in that he committed acts
25
26
27

1 of gross negligence in the care and treatment of patient D.D.^{1/} In
2 addition, the respondent engaged in sexual misconduct with the
3 patient. The circumstances are as follows:

4 A. Factual Allegations:

5 (1) In or about and from November, 1989 until in
6 or about November 1990, patient D.D. was under the care
7 and treatment of the respondent for problems stemming
8 from an eating disorder. The respondent prescribed
9 drugs, evaluated the patient's condition and provided
10 medical care in relation to this disorder.

11 (2) From on or about November 27, 1989 until on or
12 about January 10, 1990, patient D.D. was hospitalized at
13 Santa Barbara Cottage Hospital in Santa Barbara,
14 California in an inpatient program for the treatment of
15 eating disorders.

16 (3) In or about and from December, 1989 until in
17 or about June, 1990, the respondent engaged in a dual,
18 sexual relationship with D.D., including engaging in
19 sexual intercourse, hugging and kissing during this time
20 period.

21 (4) The respondent admitted that he engaged in a
22 romantic and sexual relationship with patient D.D.

23 (5) In or around and from December, 1989 until in
24 or around June, 1990, the respondent placed himself in
25

26 1. For privacy reasons, only the initials of the patient
27 will be used in this accusation. The full name will be released
to the respondent upon a request for discovery.

1 the role of therapist with patient D.D. by discussing
2 their relationship, transference and counter-transference
3 problems with reference to the respondent's position as
4 her physician.

5 (6) The respondent did not seek consultation from
6 other medical colleagues or refer the patient to
7 psychiatric colleagues or therapists with reference to
8 her emotional difficulties or his conduct with patient
9 D.D.

10 (7) In or around and from January, 1990 until in
11 or around June, 1990, the respondent allowed patient D.D.
12 to perform work in his office.

13 B. Allegations of Gross Negligence

14 (1) The respondent failed to manage and maintain
15 an appropriate physician-patient relationship with
16 patient D.D. by engaging in sexual activities during the
17 physician-patient relationship.

18 (2) The respondent failed to seek the outside
19 consultation of other medical colleagues, psychiatric
20 colleagues or therapists to assist him in understanding
21 the issue of transference and counter-transference with
22 reference to his relationship with patient D.D. or with
23 her emotional difficulties.

24 (3) The respondent failed to refer the patient to
25 psychiatric colleagues or other therapists when the
26 patient began to have emotional difficulties and to
27

1 exhibit transference problems with reference to her
2 romantic and sexual relationship with the respondent.

3 (4) The respondent failed to maintain the proper
4 boundaries in the physician-patient relationship with
5 D.D. by allowing the patient to perform work in his
6 office while at the same time continuing to prescribe
7 drugs, diagnose and treat the patient

8 II

9 SEXUAL MISCONDUCT

10 9. Respondent Sanderson is subject to disciplinary
11 action under section 726 of the Code in conjunction with Section
12 2234, subdivisions (a), (e) and (f) in that he engaged in sexual
13 misconduct with one patient, D.D.. The circumstances are as
14 follows:

15 A. The facts as alleged in paragraph 8, including
16 any subparagraphs therein, are hereby incorporated by
17 reference and made a part hereof.

18 III

19 REPEATED NEGLIGENT ACTS

20 10. Respondent Sanderson is subject to disciplinary
21 action under Section 2234(c) of the Code in that he committed
22 repeated negligent acts during the care and treatment of his
23 patient, D.D. The circumstances are as follows:

24 A. The facts as alleged in paragraph 8, including any
25 subparagraphs therein, are hereby incorporated by reference
26 and made a part hereof.

1 IV

2 INCOMPETENCE

3 11. Respondent Sanderson is subject to disciplinary
4 action under Section 2234(d) of the Code in that he committed acts
5 of incompetence in the care and treatment of patient D.D. The
6 circumstances are as follows:

7 A. The facts as alleged in paragraph 8, including any
8 subparagraphs therein, are hereby incorporated by reference
9 and made a part hereof.

10 PRAYER

11 WHEREFORE, the complainant requests that a hearing be
12 held on the matters herein alleged, and that following said
13 hearing, the Board issue a decision:

14 1. Revoking or suspending Physician's and Surgeon's
15 Certificate Number G42246 , heretofore issued to respondent JOHN
16 PAUL SANDERSON, M.D.;

17 2. Taking such other and further action as the Board
18 deems proper.

19 DATED: September 28, 1993 .

20 

21 _____
22 DIXON ARNETT
23 Executive Director
24 Medical Board of California
25 Department of Consumer Affairs
26 State of California
27 Complainant