

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 McElliott, 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  
Attorneys for Complainant  
6

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

11 In the Matter of the Accusation ) NO. D-5451  
Against: )  
12 )  
13 JOHN DAVID SANDERSON, M.D. ) A C C U S A T I O N  
7432 East Mercer Way )  
14 Mercer Island, WA 98040 )  
Physician's and Surgeon's )  
15 Certificate No. G42246 )  
16 Respondent. )

17 The Complainant alleges:

18 **BRIEF STATEMENT OF FACTS**

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

23 **PARTIES**

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

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.<sup>1/</sup> 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.

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

IV

INCOMPETENCE

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

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

PRAYER

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

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

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

DATED: September 28, 1993 .



\_\_\_\_\_  
DIXON ARNETT  
Executive Director  
Medical Board of California  
Department of Consumer Affairs  
State of California  
Complainant