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BEFORE THE
BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Accusation Against: **JOANN MARIE ANDERSON, AKA** **JOANN MARIE BICKLER ANDERSON** **1413 Brighton Avenue** **Arroyo Grande, CA 93420** **Registered Nurse License No. 547018** Respondent.	Case No. 2010-80 **ACCUSATION**

Complainant alleges:

PARTIES

1. Louise R. Bailey, M.Ed., RN, ("Complainant") brings this Accusation solely in her official capacity as the Interim Executive Officer of the Board of Registered Nursing ("Board"), Department of Consumer Affairs.

Registered Nurse License

2. On or about August 19, 1998, the Board issued Registered Nurse License Number 547018 to Joann Marie Anderson, also known as Joann Marie Bickler Anderson ("Respondent"). The registered nurse license was in full force and effect at all times relevant to the charges brought herein and will expire on September 30, 2010.

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STATUTORY PROVISIONS

3. Section 2750 of the Business and Professions Code ("Code") provides, in pertinent part, that the Board may discipline any licensee, including a licensee holding a temporary or an inactive license, for any reason provided in Article 3 (commencing with Code section 2750) of the Nursing Practice Act.

4. Code section 2764 provides, in pertinent part, that the expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or to render a decision imposing discipline on the license. Under Code section 2811, subdivision (b), the Board may renew an expired license at any time within eight years after the expiration.

5. Code section 2761 states, in pertinent part:

> The board may take disciplinary action against a certified or licensed nurse or deny an application for a certificate or license for any of the following:
>
> (a) Unprofessional conduct, which includes, but is not limited to, the following:
>
> (1) Incompetence, or gross negligence in carrying out usual certified or licensed nursing functions.

6. California Code of Regulations, title 16, section 1442, states:

> As used in Section 2761 of the code, 'gross negligence' includes an extreme departure from the standard of care which, under similar circumstances, would have ordinarily been exercised by a competent registered nurse. Such an extreme departure means the repeated failure to provide nursing care as required or failure to provide care or to exercise ordinary precaution in a single situation which the nurse knew, or should have known, could have jeopardized the client's health or life.

COST RECOVERY

7. Code section 125.3 provides, in pertinent part, that the Board may request the administrative law judge to direct a licentiate found to have committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

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BACKGROUND

8. In or about 2005, and 2006, Respondent was employed by Central Coast Laser Center, San Luis Obispo, California, providing laser hair removal treatments under the supervision of the owner of the facility, Jeff MeMoine, who fraudulently represented himself as a registered nurse. Following the receipt of a complaint from N.W., the Department of Consumer began an investigation of the facility.

FIRST CAUSE FOR DISCIPLINE

(Gross Negligence)

9. Respondent is subject to discipline under Code section 2761, subdivision (a)(1), on the grounds of unprofessional conduct, in that in or about 2005, and 2006, while on duty as a registered nurse at the Central Coast Laser Center, Respondent committed acts constituting gross negligence, as defined in California Code of Regulations, title 16, section 1442, when she performed laser hair removal treatments without a supervising physician and in the absence of standardized procedures.

SECOND CAUSE FOR DISCIPLINE

(Unprofessional Conduct)

10. Respondent is subject to discipline under Code section 2761, subdivision (a), on the grounds of unprofessional conduct, in that in or about 2005, and 2006, while on duty as a registered nurse at the Central Coast Laser Center, Respondent committed acts constituting unprofessional conduct, as more particularly set forth in paragraph 9, above.

PRAYER

WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Board of Registered Nursing issue a decision:

1. Revoking or suspending Registered Nurse License Number 547018, issued to Joann Marie Anderson, also known as Joann Marie Bickler Anderson;

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2. Ordering Joann Marie Anderson, also known as Joann Marie Bickler Anderson to pay the Board of Registered Nursing the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3; and,

3. Taking such other and further action as deemed necessary and proper.

DATED: 8/11/09

Louise R. Bailey

LOUISE R. BAILEY, M.Ed., RN
Interim Executive Officer
Board of Registered Nursing
Department of Consumer Affairs
State of California

Complainant

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