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

In the Matter of the Accusation Against:

**JOHN MICHAEL NAJERA, M.D.**

**PHYSICIAN'S AND SURGEON'S CERTIFICATE NO. A60358**

**RESPONDENT.**

Case No. 800-2014-010499

**DEFAULT DECISION  
AND ORDER**

[Gov. Code, §11520]

10 On April 28, 2015, an employee of the Medical Board of California (Board) sent by  
11 certified mail a copy of Accusation No. 800-2014-010499, Statement to Respondent, Notice of  
12 Defense in blank, copies of the relevant sections of the California Administrative Procedure Act  
13 as required by sections 11503 and 11505 of the Government Code, and a request for discovery,  
14 to John Michael Najera, M.D. (Respondent) at his address of record with the Board, Gladstone  
15 Community Health Clinic, 18911 Portland Avenue, Gladstone OR 97027. The green certified  
16 mail receipt was signed and returned, but the envelope was marked "Return to sender addressee  
17 no longer at this address." Thereafter, On May 15, 2015, the package was reserved on  
18 Respondent at an alternate address, 422 NW 13<sup>th</sup> Ave., Apt. 806, Portland, OR 97209-2930. The  
19 green certified mail receipt was signed and returned. (Accusation package, proofs of service,  
20 return receipts, Exhibit Package, Exhibit 1<sup>1</sup>)

21 There was no response to the Accusation. On July 7, 2015, an employee of the Attorney  
22 General's Office sent by certified mail addressed to Respondent at his address of record and the  
23 alternate address, a courtesy Notice of Default, advising Respondent of the Accusation, and  
24 providing Respondent with an opportunity to request relief from default. The green certified mail  
25 receipt for the 13<sup>th</sup> Avenue address was signed and returned; the package sent to the address of  
26 record was returned marked "Refused." (Exhibit Package, Exhibit 2, Notice of Default, proof of

27 <sup>1</sup> The evidence in support of this Default Decision and Order is contained in the "Exhibit  
28 Package."

1 service, return receipts.)

2 Respondent has not responded to service of the Accusation or the Notice of Default. He  
3 has not filed a Notice of Defense. As a result, Respondent has waived his right to a hearing on  
4 the merits to contest the allegations contained in the Accusation.

## 5 FINDINGS OF FACT

### 6 I.

7 Kimberly Kirchmeyer is the Executive Director of the Board. The charges and allegations  
8 in the Accusation were at all times brought and made solely in the official capacity of the Board's  
9 Executive Director.

### 10 II.

11 On June 19, 1996, Physician's and Surgeon's Certificate No. A60358 was issued by the  
12 Board to John Michael Najera, M.D. The certificate is delinquent, having expired on April 30,  
13 2012. (Exhibit Package, Exhibit 3, License Certification.)

### 14 III.

15 On April 28, 2015, Respondent was served with an Accusation, alleging causes for  
16 discipline against Respondent. The Accusation and accompanying documents were duly served  
17 on Respondent. A courtesy notice of default was thereafter served on Respondent. Respondent  
18 failed to file a Notice of Defense.

### 19 IV.

20 The allegations of the Accusation are true as follows:

21 On December 15, 2014, the Oregon Medical Board issued an Interim Stipulated Order  
22 regarding Respondent's license to practice medicine in Oregon. The Interim Stipulated Order  
23 noted that an ongoing investigation "raised concerns to the extent that the Board believes it  
24 necessary that Licensee agree to certain terms until the investigation is complete." Under the  
25 terms of the Interim Stipulated Order, Respondent is prohibited from conducting any examination  
26 or medical procedures for any patient without the presence of a medically trained chaperone. A  
27 copy of the Interim Stipulated Order issued by the Oregon Medical Board is attached to the  
28 Accusation, Exhibit Package, Exhibit 1.

1 **DETERMINATION OF ISSUES**

2 Pursuant to the foregoing Findings of Fact, Respondent's conduct and the action of the  
3 Oregon Medical Board constitute cause for discipline within the meaning of Business and  
4 Professions Code sections 2305 and 141(a).

5 **DISCIPLINARY ORDER**

6 Physician's and Surgeon's certificate No. A60358 issued to John Michael Najera, M.D. is  
7 hereby **REVOKED**.

8 Respondent shall not be deprived of making a request for relief from default as set forth in  
9 Government Code section 11520(c) for good cause shown. However, such showing must be  
10 made in writing by way of a motion to vacate the default decision and directed to the Medical  
11 Board of California at 2005 Evergreen Street, Suite 1200, Sacramento, CA 95815 within seven  
12 (7) days of the service of this Decision.

13 This Decision will become effective September 17, 2015

14 It is so ordered on August 18, 2015.

15  
16 MEDICAL BOARD OF CALIFORNIA  
17 DEPARTMENT OF CONSUMER AFFAIRS  
18 STATE OF CALIFORNIA

19 By

  
KIMBERLY KIRCHMEYER  
EXECUTIVE DIRECTOR

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6 *Attorneys for Complainant*

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

12 In the Matter of the Accusation Against:

Case No. 800-2014-010499

13 **JOHN MICHAEL NAJERA, M.D.**  
14 Gladstone Community Health Clinic  
18911 Portland Avenue  
15 Gladstone, OR 97027

**A C C U S A T I O N**

16 Physician's and Surgeon's Certificate No.  
A60358

17 Respondent.

18  
19 The Complainant alleges:

20 1. Kimberly Kirchmeyer (Complainant) is the Executive Director of the Medical  
21 Board of California, Department of Consumer Affairs, and brings this Accusation solely in her  
22 official capacity.

23 2. On June 19, 1996, Physician's and Surgeon's Certificate No. A60358 was issued  
24 by the Medical Board of California to John Michael Najera, M.D. (Respondent). The certificate  
25 is delinquent with an expiration date of April 30, 2012.

26 ///

27 ///

**FILED**  
**STATE OF CALIFORNIA**  
**MEDICAL BOARD OF CALIFORNIA**  
**SACRAMENTO** *April 28 2015*  
BY *R. Voong* **ANALYST**

1 ///

2 JURISDICTION

3 3. This Accusation is brought before the Medical Board of California (Board) under  
4 the authority of the following sections of the California Business and Professions Code (Code)  
5 and/or other relevant statutory enactment:

6 A. Section 2227 of the Code provides in part that the Board may revoke,  
7 suspend for a period not to exceed one year, or place on probation, the license of any  
8 licensee who has been found guilty under the Medical Practice Act, and may recover the  
9 costs of probation monitoring.

10 B. Section 2305 of the Code provides, in part, that the revocation, suspension,  
11 or other discipline, restriction or limitation imposed by another state upon a license to  
12 practice medicine issued by that state, that would have been grounds for discipline in  
13 California under the Medical Practice Act, constitutes grounds for discipline for  
14 unprofessional conduct.

15 C. Section 141 of the Code provides:

16  
17 “(a) For any licensee holding a license issued by a board under the jurisdiction  
18 of a department, a disciplinary action taken by another state, by any agency of the  
19 federal government, or by another country for any act substantially related to the  
20 practice regulated by the California license, may be a ground for disciplinary  
21 action by the respective state licensing board. A certified copy of the record of the  
22 disciplinary action taken against the licensee by another state, an agency of the  
23 federal government, or by another country shall be conclusive evidence of the  
24 events related therein.

21 “(b) Nothing in this section shall preclude a board from applying a specific  
22 statutory provision in the licensing act administered by the board that provides for  
23 discipline based upon a disciplinary action taken against the licensee by another  
24 state, an agency of the federal government, or another country.”

24 FIRST CAUSE FOR DISCIPLINE

25 (Discipline, Restriction, or Limitation Imposed by Another State)

26 4. On December 15, 2014, the Oregon Medical Board issued an Interim Stipulated  
27 Order regarding Respondent’s license to practice medicine in Oregon. The Interim Stipulated  
28 Order noted that an ongoing investigation “raised concerns to the extend that the Board believes it

1 necessary that Licensee agree to certain terms until the investigation is complete.” Under the  
2 terms of the Interim Stipulated Order, Respondent is prohibited from conducting any examination  
3 or medical procedures for any patient without the presence of a medically trained chaperone. A  
4 copy of the Interim Stipulated Order issued by the Oregon Medical Board is attached as Exhibit  
5 A.

6 5. The action of the Oregon Medical Board as set forth in paragraph 4, above,  
7 constitutes cause for discipline pursuant to sections 2305 and/or 141 of the Code.

8 **PRAYER**

9 **WHEREFORE**, Complainant requests that a hearing be held on the matters herein  
10 alleged, and that following the hearing, the Board issue a decision:

11 1. Revoking or suspending Physician’s and Surgeon’s Certificate Number A60358  
12 issued to respondent John Michael Najera, M.D.;

13 2. Revoking, suspending or denying approval of Respondent’s authority to supervise  
14 physician assistants;

15 3. Ordering Respondent, if placed on probation, to pay the costs of probation  
16 monitoring; and

17 4. Taking such other and further action as the Board deems necessary and proper.

18  
19 DATED: April 28, 2015

*Elizabeth Amaral*

20 **KIMBERLY KIRCHMEYER**  
21 Executive Director  
22 Medical Board of California  
23 Department of Consumer Affairs  
24 State of California

25 Complainant  
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## **EXHIBIT A**

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INTERIM STIPULATED ORDER

9           The Oregon Medical Board (Board) is the state agency responsible for licensing,  
10   regulating and disciplining certain health care providers, including physicians, in the state of  
11   Oregon. John Michael Najera, MD (Licensee) is a licensed physician in the state of Oregon and  
12   holds an active license.

14 The Board received credible information regarding Licensee that resulted in the Board  
15 initiating an investigation. The results of the Board's investigation to date have raised concerns to  
16 the extent that the Board believes it necessary that Licensee agree to certain terms until the  
17 investigation is completed.

19 In order to address the concerns of the Board, Licensee and the Board agree to enter into  
20 this Interim Stipulated Order, which is not an admission of any wrongdoing on the part of the  
21 Licensee, and provides that Licensee shall comply with the following conditions effective the date  
22 this Order is signed by Licensee;

Page 1 - INTERIM STIPULATED ORDER - John Michael Najera, MD

1           3.2     Licensee understands that violating any term of this Order may be grounds for  
2 disciplinary action under ORS 677.190(17), willfully violating Board order.

3           3.3     Licensee understands this Order becomes effective the date he signs it.

4                                 4.

5           At the conclusion of the Board's investigation, the limitation placed on Licensee will be  
6 reviewed in an expeditious manner. If the Board determines, following that review, that these  
7 limitations shall not be lifted, Licensee may request a hearing to contest that decision.

8                                 5.

9           This order is issued by the Board pursuant to ORS 677.265 while the Board conducts its  
10 investigation for the purpose of fully informing itself with respect to the performance or conduct of  
11 the Licensee and Licensee's ability to safely and competently practice medicine. Pursuant to ORS  
12 677.425, Board investigative materials are confidential and shall not be subject to public  
13 disclosure, nor shall they be admissible as evidence in any judicial proceeding. However, as a  
14 stipulation this Order is a public document, and is reportable to the National Databank and the  
15 Federation of State Medical Boards.

16  
17                                 IT IS SO STIPULATED THIS 13<sup>TH</sup> day of DECEMBER, 2014

18  
19                                                 SIGNATURE REDACTED

20                                                 \_\_\_\_\_  
JOHN MICHAEL NAJERA, MD

21                                 IT IS SO ORDERED THIS 15<sup>TH</sup> day of December, 2014.

22                                                 OREGON MEDICAL BOARD

23                                                 SIGNATURE REDACTED

24                                                 \_\_\_\_\_  
KATHLEEN HALBY, JD  
24 EXECUTIVE DIRECTOR