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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 13th 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 1¹)

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 13th 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 ¹ 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.

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DETERMINATION OF ISSUES

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

DISCIPLINARY ORDER

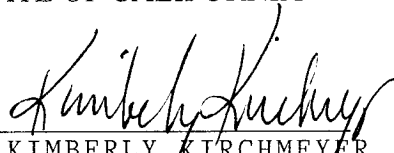
Physician's and Surgeon's certificate No. A60358 issued to John Michael Najera, M.D. is hereby **REVOKED**.

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

This Decision will become effective September 17, 2015

It is so ordered on August 18, 2015.

MEDICAL BOARD OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

By 
KIMBERLY KIRCHMEYER
EXECUTIVE DIRECTOR

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Attorneys for Complainant

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

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.
Gladstone Community Health Clinic
18911 Portland Avenue
Gladstone, OR 97027

Physician's and Surgeon's Certificate No.
A60358

Respondent.

Case No. 800-2014-010499

ACCUSATION

The Complainant alleges:

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

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

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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.

25 “(b) Nothing in this section shall preclude a board from applying a specific
26 statutory provision in the licensing act administered by the board that provides for
27 discipline based upon a disciplinary action taken against the licensee by another
28 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 extent 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

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28 Complainant

EXHIBIT A

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BEFORE THE
OREGON MEDICAL BOARD
STATE OF OREGON

In the Matter of)
JOHN MICHAEL NAJERA, MD) INTERIM STIPULATED ORDER
LICENSE NO. MD27297)
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1.

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

2.

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

3.

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

3.1 Licensee must not conduct any examination or medical procedures for any patient without a medically trained chaperone being present throughout the course of the entire encounter. The presence of the chaperone must be immediately documented in the patient chart. The chaperone must not be a friend or relative of the patient or Licensee. Licensee's patient charts are subject to no-notice audits by the Board.

