

1 **BEFORE THE ARIZONA MEDICAL BOARD**

2 In the Matter of

3 **STEPHEN G. NJOROGUE, M.D.**

4 Holder of License No. 46643
5 For the Practice of Allopathic Medicine
6 In the State of Arizona.

Case No. MD-24-0247A

**ORDER FOR LICENSE
REACTIVATION AND PROBATION,
AND CONSENT TO THE SAME**

7 Stephen G. Njoroge, M.D. ("Respondent"), elects to permanently waive any right to
8 a hearing and appeal with respect to this Order for License Reactivation and Probation;
9 admits the jurisdiction of the Arizona Medical Board ("Board"); and consents to the entry of
10 this Order by the Board.

11 **FINDINGS OF FACT**

12 1. The Board is the duly constituted authority for the regulation and control of
13 the practice of allopathic medicine in the State of Arizona.

14 2. Respondent is the holder of license number 46643 for the practice of
15 allopathic medicine in the State of Arizona.

16 3. The Board initiated case number MD-24-0247A after receiving Respondent's
17 request for license reactivation.

18 4. Respondent participated in the Board's Physician Health Program ("PHP")
19 from November 6, 2014 through November 6, 2016 pursuant to a Stipulated Rehabilitation
20 Agreement ("SRA"). Respondent successfully completed the terms and conditions of the
21 SRA and the SRA was terminated.

22 5. On December 13, 2023, the Board received a self-report from Respondent
23 stating that he received a DUI on December 7, 2023. Based on Respondent's self-report,
24 the Board initiated case MD-23-1226A.

25 6. In the Police Report arising out of the DUI arrest, officers documented
attempts to resist and disrupt the arrest and investigation process. Charges were filed as

1 a result of the arrest, and the case remains pending in Pima County Justice Court.
2 Respondent has reported completion of 56 hours of alcohol evaluation, education and
3 treatment as part of the case process.

4 7. Respondent underwent a PHP Assessment with a Board-approved
5 Assessor. During the Assessment, Respondent disclosed a pattern of using alcohol.
6 Additionally, Respondent initially denied being non-compliant towards officers attempting
7 to investigate the DUI. At the request of the Assessor, Board staff obtained police
8 bodycam footage, which was consistent with the Police Report documentation. Based on
9 the Assessment's findings, the Assessor recommended that Respondent re-enter the PHP
10 and comply with recommendations for treatment and monitoring.

11 8. On February 15, 2024, Respondent requested that her license be placed on
12 "Inactive with Cause" status, which the Board's Executive Director approved.

13 9. Respondent completed residential treatment at a substance abuse treatment
14 facility on March 18, 2024. On April 6, 2024, Respondent successfully completed an
15 intensive outpatient treatment program ("IOP"), Respondent also met with the Board's
16 PHP Contractor who determined that Respondent is safe to return to the practice of
17 medicine subject to Respondent's participation in PHP for a period of **five** years and
18 compliance with recommendations for aftercare and monitoring.

19 10. After completion of the IOP, Respondent enrolled in private monitoring with a
20 PHP Contractor pending the Board's review of his request for license reactivation.

21 **11. Board staff stated that according to the Board's three-strike policy, this**
22 **is Respondent's "second strike."**

23 **CONCLUSIONS OF LAW**

24 1. The Arizona Medical Board possesses jurisdiction over the subject matter
25 hereof and over Respondent.

2. The Board has received substantial evidence supporting the Findings of Fact described above and said findings require the Board to either refer the matter for formal hearing to revoke Respondent's license or reactivate Respondent's license and place Respondent on probation for five years with restrictions necessary to assure public safety. A.R.S. § 32-1452(F).

3. The conduct and circumstances described above constitute unprofessional conduct pursuant to A.R.S. § 32-1401(27)(f) (“Exhibiting a pattern of using or being under the influence of alcohol or drugs or a similar substance while practicing medicine or to the extent that judgment may be impaired and the practice of medicine detrimentally affected.”).

4. The conduct and circumstances described above constitute unprofessional conduct pursuant to A.R.S. § 32-1401(27)(r) (“Committing any conduct or practice that is or might be harmful or dangerous to the health of the patient or the public.”).

5. The conduct and circumstances described above constitute unprofessional conduct pursuant to A.R.S. § 32-1401(27)(kk) ("Knowingly making a false or misleading statement to the board or on a form required by the board or in a written correspondence, including attachments, with the board.").

ORDER

IT IS HEREBY ORDERED that:

Respondent's license is reactivated upon payment of the renewal fee. Respondent is placed on Probation with the following terms and conditions:

1. Respondent shall enroll and participate in the Board's PHP for a period of five (5) years.

2. Respondent shall not consume alcohol or any food or other substance containing poppy seeds or alcohol.

1 3. Respondent shall not take any illegal drugs or mood altering medications
2 unless prescribed for a legitimate therapeutic purpose.

3 4. Respondent shall continue to participate in any personalized aftercare
4 programs or activities as recommended by the PHP Assessor in his Post-Treatment
5 Assessment Report. Respondent shall report on those activities as requested by the PHP,
6 including executing any releases necessary to allow the PHP to monitor his participation
7 and communicate directly with and obtain records from the treating providers for those
8 aftercare activities. Respondent shall be responsible for all costs of aftercare, including
9 costs associated with compliance of this Board Order.

10 5. Respondent shall enter treatment with a PHP Contractor approved
11 psychologist and shall comply with any and all treatment recommendations, including
12 taking any and all prescribed medications. Respondent shall instruct the treating
13 psychologist to submit quarterly written reports to the PHP regarding diagnosis, prognosis,
14 current medications, recommendation for continuing care and treatment, and ability to
15 safely practice medicine. The reports shall be submitted quarterly to the PHP, the
16 commencement of which to be determined by the PHP Contractor. Respondent shall
17 provide the psychologist with a copy of this Order. Respondent shall pay the expenses for
18 treatment and be responsible for paying for the preparation of the quarterly reports. At the
19 expiration of one year or anytime thereafter, Respondent may submit a written request to
20 the PHP Contractor requesting termination of the requirement that Respondent remain in
21 treatment with a psychologist. The decision to terminate will be based in part upon the
22 treating psychiatrist's recommendation for continued care and treatment.

23 6. Respondent shall promptly obtain a Primary Care Physician ("PCP") and
24 shall submit the name of the physician to the PHP Contractor in writing for approval.
25 Except in an Emergency, Respondent shall obtain medical care and treatment only from

1 the PCP and from health care providers to whom the PCP refers Respondent. Respondent
2 shall promptly provide a copy of this Order to the PCP. Respondent shall also inform all
3 other health care providers who provide medical care or treatment that Respondent is
4 participating in the PHP. "Emergency" means a serious accident or sudden illness that, if
5 not treated immediately, may result in a long-term medical problem or loss of life.

6 7. All prescriptions for controlled substances shall be approved by the PHP
7 Contractor prior to being filled except in an Emergency. Controlled substances prescribed
8 and filled in an emergency shall be reported to the PHP within 48 hours. Respondent shall
9 take no Medication unless the PCP or other health care provider to whom the PCP refers
10 Respondent prescribes and the PHP Contractor approves the Medication. Respondent
11 shall not self-prescribe any Medication. "Medication" means a prescription-only drug,
12 controlled substance, and over-the counter preparation, other than plain aspirin, plain
13 ibuprofen, and plain acetaminophen.

14 8. If recommended by the PHP Contractor, Respondent shall attend a relapse
15 prevention outpatient program for a duration and frequency recommended by the PHP
16 Contractor, unless Respondent is excused by the relapse program facilitator for good
17 cause. The relapse prevention group facilitators shall submit monthly reports to the PHP
18 regarding Respondent's attendance and progress.

19 9. If requested by the PHP and not already completed, Respondent shall attend
20 ninety 12-step meetings or other self-help group meetings appropriate for substance
21 abuse and approved by the PHP, for a period of ninety days. Upon completion of the
22 ninety meetings in ninety days, Respondent shall participate in a 12-step recovery
23 program or other self-help program appropriate for substance abuse as recommended by
24 the PHP. Respondent shall attend a minimum of three 12-step or other self-help program
25

1 meetings per week. Two meetings per month must be Caduceus meetings. Respondent
2 must maintain a log of all self-help meetings.

3 10. Respondent shall submit to random biological fluid, hair and/or nail testing
4 for the remainder of this Order (as specifically directed below) to ensure compliance with
5 the PHP.

6 11. Respondent shall provide the PHP Contractor in writing with one telephone
7 number that shall be used to contact Respondent on a 24 hour per day/seven day per
8 week basis to submit to biological fluid, hair, and/or nail testing to ensure compliance with
9 the PHP. For the purposes of this section, telephonic notice shall be deemed given at the
10 time a message to appear is left at the contact telephone number provided by
11 Respondent. Respondent authorizes any person or organization conducting tests on the
12 collected samples to provide testing results to the PHP Contractor. Respondent shall
13 comply with all requirements for biological fluid, hair, and/or nail collection. Respondent
14 shall pay for all costs for the testing.

15 12. Respondent shall provide the PHP Contractor with written notice of any
16 plans to travel out of state.

17 13. Respondent shall successfully complete a PHP approved 36 hour
18 alcohol/drug awareness education class.

19 14. Respondent shall immediately notify the Board and the PHP Contractor in
20 writing of any change in office or home addresses and telephone numbers.

21 15. Respondent provides full consent for the PHP Contractor to discuss the
22 Respondent's case with the Respondent's PCP or any other health care providers to
23 ensure compliance with the PHP.

24 16. The relationship between the Respondent and the PHP Contractor is a direct
25 relationship. Respondent shall not use an attorney or other intermediary to communicate

1 with the PHP Contractor on participation and compliance issues. All inquiries must be
2 directed to Board staff.

3 17. Respondent shall be responsible for all costs, including costs associated with
4 participating in the PHP, at the time service is rendered or within 30 days of each invoice
5 sent to the Respondent. An initial deposit of two (2) months PHP fees is due upon
6 entering the program. Failure to pay either the initial PHP deposit or monthly fees 60 days
7 after invoicing will be reported to the Board by the PHP Contractor and may result in
8 disciplinary action.

9 18. Respondent shall appear in person before with the PHP Contractor for
10 interviews upon request, upon reasonable notice.

11 19. Respondent shall immediately provide a copy of this Order to all employers,
12 hospitals and free standing surgery centers where Respondent currently has or in the
13 future gains or applies for employment or privileges. Within 30 days of the date of this
14 Order, Respondent shall provide the PHP with a signed statement of compliance with this
15 notification requirement. Respondent is further required to notify, in writing, all employers,
16 hospitals and free standing surgery centers where Respondent currently has or in the
17 future gains or applies for employment or privileges of a violation of this Order.

18 20. In the event Respondent resides or practices as a physician in a state other
19 than Arizona, Respondent shall participate in the rehabilitation program sponsored by that
20 state's medical licensing authority or medical society. Respondent shall cause the
21 monitoring state's program to provide written quarterly reports to the PHP Contractor
22 regarding Respondent's attendance, participation, and monitoring. The monitoring state's
23 program and Respondent shall immediately notify the PHP Contractor if Respondent is
24 non-compliant with any aspect of the monitoring requirements or is required to undergo
25 any additional treatment.

1 21. The PHP Contractor shall immediately notify the Board if Respondent is non-
2 compliant with any aspect of this Order or is required to undergo any additional treatment.

3 22. In the event of a violation of A.R.S. § 32-1401(27)(f) by Respondent or
4 Respondent's use of drugs or alcohol in violation of the Order, Respondent's license shall
5 be **summarily suspended pending a hearing for revocation**. In the alternative,
6 Respondent may **SURRENDER THE LICENSE** if Respondent agrees in writing to being
7 impaired by alcohol or drug abuse. A.R.S. § 32-1452(G).

8 23. Respondent shall obey all state, federal and local laws, all rules governing
9 the practice of medicine in Arizona, and remain in full compliance with any court ordered
10 criminal probation, payments and other orders.

11 24. Prior to the termination of Probation, Respondent must submit a written
12 request to the Board for release from the terms of this Order. Respondent's request for
13 release will be placed on the next pending Board agenda, provided a complete submission
14 is received by Board staff no less than 30 days prior to the Board meeting. Respondent's
15 request for release must provide the Board with evidence establishing that she has
16 successfully satisfied all of the terms and conditions of this Order. The Board has the sole
17 discretion to determine whether all of the terms and conditions of this Order have been
18 met or whether to take any other action that is consistent with its statutory and regulatory
19 authority.

20 25. This Order supersedes any and all Consent Agreements previously entered
21 into by Respondent and the Board regarding this matter.

1 26. The Board retains jurisdiction and may initiate new action against
2 Respondent based upon any violation of this Order. A.R.S. § 32-1401(27)(s).

3 DATED AND EFFECTIVE this 15th day of August , 2024.

4 ARIZONA MEDICAL BOARD

5 By Patricia McSorley

6 Patricia E. McSorley
7 Executive Director

8 **CONSENT TO ENTRY OF ORDER**

9 1. Respondent has read and understands this Consent Agreement and the
10 stipulated Findings of Fact, Conclusions of Law and Order ("Order"). Respondent
11 acknowledges he has the right to consult with legal counsel regarding this matter.

12 2. Respondent acknowledges and agrees that this Order is entered into freely
13 and voluntarily and that no promise was made or coercion used to induce such entry.

14 3. By consenting to this Order, Respondent voluntarily relinquishes any rights
15 to a hearing or judicial review in state or federal court on the matters alleged, or to
16 challenge this Order in its entirety as issued by the Board, and waives any other cause of
17 action related thereto or arising from said Order.

18 4. The Order is not effective until approved by the Board and signed by its
19 Executive Director.

20 5. All admissions made by Respondent in this Order are solely for final
21 disposition of this matter and any subsequent related administrative proceedings or civil
22 litigation involving the Board and Respondent. Therefore, said admissions by Respondent
23 are not intended or made for any other use, such as in the context of another state or
24 federal government regulatory agency proceeding, civil or criminal court proceeding, in the
25 State of Arizona or any other state or federal court.

1 6. Notwithstanding any language in this Order, this Order does not preclude in
2 any way any other State agency or officer or political subdivision of this state from
3 instituting proceedings, investigating claims, or taking legal action as may be appropriate
4 now or in the future relating to this matter or other matters concerning Respondent,
5 including but not limited to, violations of Arizona's Consumer Fraud Act. Respondent
6 acknowledges that, other than with respect to the Board, this Order makes no
7 representations, implied or otherwise, about the views or intended actions of any other
8 state agency or officer or political subdivisions of the State relating to this matter or other
9 matters concerning Respondent.

10 7. Upon signing this agreement, and returning this document (or a copy
11 thereof) to the Board's Executive Director, Respondent may not revoke the consent to the
12 entry of the Order. Respondent may not make any modifications to the document. Any
13 modifications to this original document are ineffective and void unless mutually approved
14 by the parties.

15 8. This Order is a public record that will be publicly disseminated as a formal
16 disciplinary action of the Board and will be reported to the National Practitioner's Data
17 Bank and on the Board's web site as a disciplinary action.

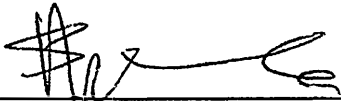
18 9. If any part of the Order is later declared void or otherwise unenforceable, the
19 remainder of the Order in its entirety shall remain in force and effect.

20 10. If the Board does not adopt this Order, Respondent will not assert as a
21 defense that the Board's consideration of the Order constitutes bias, prejudice,
22 prejudgment or other similar defense.

23 11. Any violation of this Order constitutes unprofessional conduct and may result
24 in disciplinary action. A.R.S. § § 32-1401(27)(s) ("Violating a formal order, probation,
25

consent agreement or stipulation issued or entered into by the board or its executive director under this chapter") and 32-1451.

11. Respondent has read and understands the conditions of probation.



STEPHEN G. NJOROGUE, M.D.

DATED: _____

07/08/24

EXECUTED COPY of the foregoing
mailed this 15th day of August, 2024 to:

Stephen G. Njoroge, M.D.
Address of Record

Kathleen Lambert, Esq.
2905 North Longhorn Drive
Tucson, Arizona 85749
Attorney for Respondent

PHP Contractor
Address of Record

ORIGINAL of the foregoing filed
this 15th day of August, 2024 with:

Arizona Medical Board
1740 West Adams, Suite 4000
Phoenix, Arizona 85007



Board staff