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BEFORE THE  
BOARD OF NATUROPATHIC EXAMINERS  
STATE OF OREGON

In the Matter of the License of:

DONALD D. McBRIDE, JR., N.D.,  
Licensee.

Agency Case No. NO5-11-13

**SETTLEMENT AGREEMENT AND  
CONSENT ORDER**

The Board of Naturopathic Examiners (Board) is the state agency responsible for licensing, regulating and disciplining naturopathic physicians in the State of Oregon.

Donald D. McBride, Jr., N.D. (Licensee) is a licensed naturopathic physician currently practicing in Salem, Oregon, and is subject to the jurisdiction of the Board.

The Board issued an Emergency License Suspension Order and Notice of Opportunity for Hearing (Order) on May 10, 2006. Also on May 10, 2006, the Board issued a Notice of Intent to Discipline and Right to a Hearing (Notice), which proposed to revoke Licensee's license to practice naturopathic medicine in Oregon. The Notice and Order are incorporated into this Consent Order by reference. On May 18, 2006, Licensee requested an extension of time in which to submit answers and requests for hearing in the hope that the parties would reach an informal resolution. The Board granted an extension until June 10, 2006. This Settlement Agreement and Consent Order is the final resolution of these proceedings, including the right to any hearing, appeal, or judicial review.

**SETTLEMENT AGREEMENT**

The Board and Licensee agree to resolve these matters informally on the following terms:

1. Licensee and the Board stipulate to the following findings of fact and conclusions of law:

a. Licensee violated ORS 685.110(8), (13) and (15) because he was medically negligent in performing a chelation procedure on patient S.B. on August 13, 2003. The patient died as a result.

1 b. Licensee violated ORS 685.110(10), (25) and OAR 850-050-0190(12) by  
2 prescribing substances that were not on the approved Naturopathic Formulary in OAR  
3 850-060-0225 for various patients on 13 occasions between January 16, 2004 and April  
4 3, 2006.

5 c. Licensee violated ORS 685.110(8), (10) and (12) by prescribing dangerously  
6 excessive amounts of acetaminophen (APAP) in combination with hydrocodone for  
7 patient F.D. from July 23, 2005 through March 7, 2006.

8 2. The Board finds emergency suspension and revocation of Licensee's License No.  
9 1049 are appropriate remedies for the foregoing violations. The Board and Licensee stipulate to  
10 termination of the emergency suspension and a stay of the revocation for a period of five years  
11 subject to the terms of this Consent Order.

12 3. Licensee agrees that the Board does not waive the right to sanction him for any  
13 violations that have occurred prior to execution of this Consent Order, which are not resolved by  
14 this Consent Order. Further, Licensee agrees that the Board may consider the violations resolved  
15 by this Consent Order in determining any appropriate sanctions for violations of ORS Chapter  
16 685, or OAR Chapter 850 that occurred prior to the execution of this Consent Order by the  
17 Licensee.

18 4. Licensee agrees to pay civil penalties totaling \$8,250. Failure to comply with the  
19 terms of any payment arrangement made with the Board shall be a violation of this Consent  
20 Order.

21 5. Licensee waives all rights to a contested case hearing, judicial review or any  
22 appeal in this matter.

23 6. The Board acknowledges that this Consent Order resolves all issues alleged in the  
24 Order and Notice and that the Board will take no further disciplinary action based upon any of  
25 the facts alleged in the Order and Notice.

26 7. The parties acknowledge that this Consent Order is a public document.



1 the file of the patient for whom the prescription was written. Licensee shall also submit a  
2 complete and updated copy of his prescription log to the Board on a bi-monthly basis for  
3 a period of three years from the date the Board signs this Consent Order.

4 9.5. For a period of five years from the date the Board signs this Consent Order,  
5 Licensee shall allow Board staff immediate access to review Licensee's office during  
6 business hours, without advance notice, at a frequency to be determined by the Board.  
7 Licensee shall reimburse the Board at a rate of \$100 per hour for the time Board staff  
8 spends on reviewing compliance with this Consent Order, not to exceed \$1500 for each  
9 office visit conducted by Board staff.

10 9.6. Within one year from the date the Board signs this Consent Order, Licensee shall  
11 attend eight (8) hours of continuing education related to substances on the approved  
12 formulary. In addition, for each of the five years that Licensee is on probation under this  
13 Consent Order, Licensee shall attend three (3) hours of continuing education on medical  
14 ethics, for a total of fifteen (15) hours. All of the courses required under this paragraph  
15 shall be pre-approved by the Board. These hours are in addition to the hours required of  
16 all licensed naturopaths for license renewal.

17 9.7. Following a period of three years from the date the Board signs this Consent  
18 Order, Licensee shall not administer any form of IV chelation therapy or treatment until  
19 he completes all qualifying education requirements as provided in the Board's  
20 administrative rules. Licensee must re-take any qualifying education hours he completed  
21 before the start of the three-year probation period.

22 9.8. Licensee shall meet with the Board at scheduled board meetings after this Consent  
23 Order is signed by the Board to discuss his practice and compliance with this Consent  
24 Order when such a meeting is requested by the Board.  
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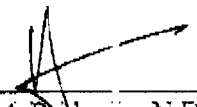
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IT IS SO ORDERED this 19<sup>th</sup> day of June 2006.

BOARD OF NATUROPATHIC EXAMINERS

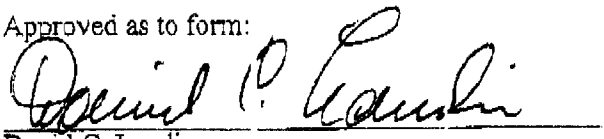
  
Rick F. Marinelli, N.D., Chair

IT IS SO STIPULATED.

  
\_\_\_\_\_  
Donald D. McBride, Jr., N.D.

6/16/06  
Date

Approved as to form:

  
\_\_\_\_\_  
David C. Landis  
Attorney for Licenses

6-16-06  
Date

BEFORE THE  
BOARD OF NATUROPATHIC EXAMINERS  
STATE OF OREGON

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2  
3 In the Matter of the License of ) Case No. N05-11-13  
4 )  
5 DONALD D MCBRIDE JR, N.D., ) NOTICE OF INTENT TO  
6 Licensee ) DISCIPLINE AND RIGHT TO A  
7 HEARING

8 1.

9 The Board of Naturopathic Examiners (Board) is the state agency responsible for  
10 licensing, regulating and disciplining naturopathic physicians in the State of Oregon.  
11 Donald D McBride JR, N.D. (Licensee) is a licensed naturopathic physician currently practicing  
12 in Salem, Oregon, and is subject to the jurisdiction of the Board.

13 2.

14 The Board conducted an investigation into the death of S.B. in August 2003. During that  
15 investigation, the Board reviewed patient records, pharmacy physician activity logs, and  
16 compounding pharmacy orders. Based on the results of that review and pursuant to ORS  
17 693.110 and OAR 850-050-010(1) and (2), the Board hereby proposes to revoke Licensee's  
18 license to practice naturopathic medicine, on the grounds described in the following paragraphs.

19 3.

20 Licensee failed to obtain informed consent from S.B. for treatments provided; and  
21 Licensee was medically negligent in treating S.B. on August 13, 2003. On August 13, 2003,  
22 Licensee performed a chelation procedure on patient S.B. The patient died as a result of the  
23 chelation agent administered during this procedure. Revocation is appropriate under ORS  
24 685.110(8) (13) and (15).

25 4.

26 Licensee violated ORS 685.110(10), (25) and OAR 850.050-0190(12) by prescribing

1 substances that were not on the approved Naturopathic Formulary (OAR 850-60-0225) as  
2 follows:

3 a. Allegra (fexofenadine) was prescribed by Licensee for patient L.C. and filled on  
4 1/16/04, and also prescribed for patient P.W. and filled on 10/21/2004;

5 b. Amitriptyline was prescribed by Licensee for patient C.H., filled on 5/01/05, 8/28/05,  
6 10/03/05, 11/16/05, 12/21/05, 2/06/06, 3/23/06, and for patient G.H., filled on 4/12/05, 6/05/05,  
7 7/27/05, 9/14/05, 11/16/05, 2/13/06, 1/24/06, 3/27/06, and for patient K.C., filled on 9/16/05;

8 c. Fluoxetine was prescribed for patient J.H., filled on 5/05/05;

9 d. Malarone (Atovaquone/Proguanil) was prescribed for patient P.L., filled on 1/07/05;

10 e. Phenytoin was prescribed for patient J.S., and filled on 6/03/05, 6/30/05, 7/31/05,  
11 8/30/05, 9/29/05, 10/30/05, 11/28/05;

12 f. Plavix (Clopidogrel) was prescribed for patient D.E., filled on 11/28/04;

13 g. Promethazine was prescribed for patient A.M. filled on 3/30/05, 4/26/05, 5/04/05,  
14 5/26/05, 6/14/05, 6/25/05, 8/05/05;

15 h. Propo-n/apap was prescribed for patient L.N., filled on 11/14/04;

16 i. Sonata (Zaleplon) was prescribed for patient N. R., filled on 10/19/05;

17 j. Toprol XL (Metoprolol) was prescribed for patient D.E., filled on 11/28/05;

18 k. Torsemide was prescribed for patient G.H., filled on 4/27/05, 6/14/05, 8/01/05,  
19 9/06/05, 10/05/05, 10/31/05, 12/08/05;

20 l. Zoloft (Sertraline) was prescribed for patient D.H., filled on 3/25/05, 4/28/05, 5/31/05,  
21 6/29/05, 8/26/05, 10/02/05, 11/01/05, 12/09/05, 1/22/06, 2/24/06, 4/03/06; and

22 m. Zyrtec (Cetirizine) was prescribed for patient A.Z., filled on 6/07/04.

23 5.

24 Licensee violated ORS 685.110(8) (10) and (12) by prescribing dangerously  
25 excessive amounts of acetaminophen (APAP) for patient F.D., filled on or about July 23,  
26 2005 through March 7, 2006.

1 **NOTICE OF RIGHT TO HEARING**

2 6.

3 Licensee has the right, if Licensee requests, to a hearing as provided by the  
4 Administrative Procedures Act (ORS Chapter 183) before the Board or its hearing officer to  
5 contest the matters set out above. At the hearing, Licensee may be represented by an attorney,  
6 and may respond to and present evidence and argument. A request for hearing must be made in  
7 writing to the Board and sent to the Board at 800 NE Oregon Street, Suite 407, Portland, OR  
8 97232. The request for a hearing must be received by the Board within 21 days from the date of  
9 mailing of this notice, and it must be accompanied by a written answer to the charges contained in  
10 this Notice. If the Board receives a request for hearing, the Board will notify licensee of the time  
11 and place of the hearing. If Licensee requests a hearing, Licensee will be given, prior to the  
12 commencement of the hearing, information on the procedures, right of representation, and other  
13 rights of parties relating to the conduct of the hearing as required by ORS 183.413(2). Failure to  
14 request a hearing means Licensee waives the right to hearing.

15 7.

16 The answer shall be made in writing to the Board and shall include an admission or  
17 denial of each factual matter alleged in this Notice, and a short plain statement of each relevant  
18 affirmative defense Licensee may have. Except for good cause, factual matters alleged in this  
19 notice and not denied in the answer shall be presumed admitted; failure to raise a particular  
20 defense in the answer will be considered a waiver of such defense; and new matters alleged in  
21 the answer (affirmative defenses) shall be presumed to be denied by the agency and evidence  
22 shall not be taken on any issue not raised in the Notice and answer.

23 8.

24 If Licensee fails to request a hearing within 21 days, withdraws a request for a hearing, or  
25 fails to appear as scheduled at the hearing, the Board may issue a final order by default and  
26 impose the above sanctions against Licensee. Upon default order of the Board or failure to

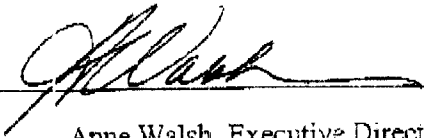


1 appear, the contents of the Board's file automatically becomes part of the evidentiary record of  
2 this disciplinary action for the purpose of proving a prima facie case. ORS 183.415(6).

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DATED this 10<sup>th</sup> day of May, 2006

BOARD OF NATUROPATHIC EXAMINERS  
State of Oregon

  
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Anne Walsh, Executive Director

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BEFORE THE  
BOARD OF NATUROPATHIC EXAMINERS  
STATE OF OREGON

In the Matter of the License of ) Case No. N05-11-13  
)  
DONALD D MCBRIDE JR, N.D., ) EMERGENCY LICENSE  
Licensee ) SUSPENSION ORDER AND  
NOTICE OF OPPORTUNITY FOR  
HEARING

By Order of the Board of Naturopathic Examiners, your license to practice naturopathic medicine is hereby SUSPENDED. Effective immediately, you must stop practicing naturopathy until further order of the Board.

1.

The Board of Naturopathic Examiners (Board) is the state agency responsible for licensing, regulating and disciplining naturopathic physicians in the State of Oregon. Donald D McBride JR, N.D. (Licensee) is a licensed naturopathic physician currently practicing in Salem, Oregon, and is subject to the jurisdiction of the Board.

2.

The Board conducted an investigation into the death of S.B. in August 2003. During that investigation, the Board reviewed patient records, pharmacy physician activity logs, and compounding pharmacy orders. Based on the results of that review and pursuant to 183.430(2) and ORS 693.110, the Board hereby finds that Licensee provided unacceptable patient care and that this conduct poses a serious danger to the public health or safety, as described in the following paragraphs.

3.

Licensee failed to obtain informed consent from S.B. for treatments provided; and Licensee was medically negligent in treating S.B. on August 13, 2003. On August 13, 2003, Licensee performed a chelation procedure on patient S.B. The patient died as a result of the

1 chelation agent administered during this procedure.

2 4.

3 Licensee prescribed substances that were not on the approved Naturopathic Formulary  
4 (OAR 850 Division 60) as follows:

5 a. Allegra (fexofenadine) was prescribed by Licensee for patient L.C. and filled on  
6 1/16/04, and also prescribed for patient P.W. and filled on 10/21/2004;

7 b. Amitriptyline was prescribed by Licensee for patient C.H., filled on 5/01/05, 8/28/05,  
8 10/03/05, 11/16/05, 12/21/05, 2/06/06, 3/23/06, and for patient G.H., filled on 4/12/05, 6/05/05,  
9 7/27/05, 9/14/05, 11/16/05, 12/13/05, 1/24/06, 3/27/06, and for patient K.C., filled on 9/16/05;

10 c. Fluoxetine was prescribed for patient J.H., filled on 5/05/05;

11 d. Malarone (Atovaquone/Proguanil) was prescribed for patient P.L., filled on 1/07/05;

12 e. Phenytoin was prescribed for patient J.S., and filled on 6/03/05, 6/30/05, 7/31/05,  
13 8/30/05, 9/29/05, 10/30/05, 11/28/05;

14 f. Plavix (Clopidogrel) was prescribed for patient D.E., filled on 11/28/04;

15 g. Promethazine was prescribed for patient A.M. filled on 3/30/05, 4/26/05, 5/04/05,  
16 5/26/05, 6/14/05, 6/25/05, 8/05/05;

17 h. Propo-n/apap was prescribed for patient L.N., filled on 11/14/04;

18 i. Sonata (Zaleplon) was prescribed for patient N. R., filled on 10/19/05;

19 j. Toprol XL (Metoprolol) was prescribed for patient D.E., filled on 11/28/05;

20 k. Torsemide was prescribed for patient G.H., filled on 4/27/05, 6/14/05, 8/01/05,  
21 9/06/05, 10/05/05, 10/31/05, 12/08/05;

22 l. Zoloft (Sertraline) was prescribed for patient D.H., filled on 3/25/05, 4/28/05, 5/31/05,  
23 6/29/05, 8/26/05, 10/02/05, 11/01/05, 12/09/05, 1/22/06, 2/24/06, 4/03/06; and

24 m. Zyrtec (Cetirizine) was prescribed for patient A.Z., filled on 6/07/04.

25 5.

26 Licensee prescribed dangerously excessive amounts of acetaminophen (APAP)

1 for patient F.D., filled on or about July 23, 2005 through March 7, 2006.

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**CONCLUSION**

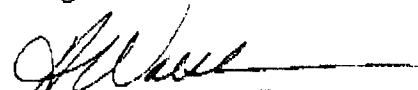
Based on the above findings and violations, the Board concludes that the Licensee has performed unacceptable patient care and poses a serious danger to the public health and safety unless his license is immediately suspended pursuant to ORS 183.430(2). Additional relevant statutes and rules are ORS 685.010, ORS 685.110 (8), (10), (13), (15), OAR 850-010-0005, OAR 850-050-0010(2), and OAR 850-050-0190.

**NOTICE OF RIGHTS**

1. You have the right to contest the Board's action in immediately suspending your license by having a hearing before the Board.
2. To have a hearing, you must request one in writing within 90 days of the date this Order is mailed to you. If requested a hearing will be held pursuant to ORS Chapter 183, Administrative Procedures Act. If you request a hearing, one will be scheduled as soon as practicable after the Board receives your request.
3. If the Board does not receive your hearing request within 90 days of the date of this Order, you waive your right to a hearing. The Board's address is 800 NE Oregon St., Suite 407, Portland, Oregon 97232.
4. If you request a hearing, you will be notified of the date, time and place of hearing. You are entitled to appear at the hearing, to be represented by an attorney, to respond to and present evidence and argument on all issues.
5. Following the hearing, the Board will issue an Order confirming, altering or revoking this suspension order.

DATED this 10<sup>th</sup> day of May, 2006

BOARD OF NATUROPATHIC EXAMINERS  
State of Oregon

  
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Anne Walsh, Executive Director