

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, 2/13/05, 1/24/05, 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.

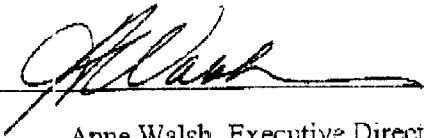
24 If Licensee fails to request a hearing within 21 days, withdraws a request for a hearing, or
25 fails to appear as scheduled at the hearing, the Board may issue a final order by default and
26 impose the above sanctions against Licensee. Upon default order of the Board or failure to

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 10th day of May, 2006

BOARD OF NATUROPATHIC EXAMINERS
State of Oregon



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.

2
3 **CONCLUSION**

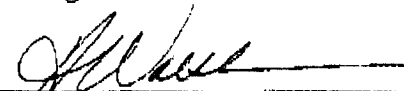
4 Based on the above findings and violations, the Board concludes that the Licensee has
5 performed unacceptable patient care and poses a serious danger to the public health and safety
6 unless his license is immediately suspended pursuant to ORS 183.430(2). Additional relevant
7 statutes and rules are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

9 **NOTICE OF RIGHTS**

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

24 DATED this 10th day of May, 2006

25 BOARD OF NATUROPATHIC EXAMINERS
26 State of Oregon



Anne Walsh, Executive Director