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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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1 IT IS SO ORDERED this 19th day of June 2006.

2 BOARD OF NATUROPATHIC EXAMINERS

3 **Signature on file**

4 Rick F. Marinelli, N.D., Chair

5 IT IS SO STIPULATED.

6 **Signature on file**

7 Donald D. McBride, Jr., N.D.

8 6/16/06

Date

9 Approved as to form:

10 **Signature on file**

11 David C. Landis

12 Attorney for Licensee

13 **Signature on file**

14 6-16-06

Date