

WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



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STATE OF WISCONSIN
BEFORE THE MEDICAL EXAMINING BOARD

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

JANE D. BYRD, M.D.,
RESPONDENT.

:
:
: FINAL DECISION AND ORDER
:
:

0003229

Division of Legal Services and Compliance Case No. 12 MED 422

The parties to this action for the purpose of Wis. Stat. § 227.53 are:

Jane D. Byrd, M.D.
611 1st Avenue
Chippewa Falls, WI 54729

Wisconsin Medical Examining Board
P.O. Box 8366
Madison, WI 53708-8366

Division of Legal Services and Compliance
Department of Safety and Professional Services
P.O. Box 7190
Madison, WI 53707-7190

The parties in this matter agree to the terms and conditions of the attached Stipulation as the final disposition of this matter, subject to the approval of the Medical Examining Board (Board). The Board has reviewed this Stipulation and considers it acceptable.

Accordingly, the Board in this matter adopts the attached Stipulation and makes the following Findings of Fact, Conclusions of Law and Order.

FINDINGS OF FACT

1. Respondent Jane D. Byrd, M.D. (dob January 30, 1957), is licensed in the State of Wisconsin to practice medicine and surgery, having license number 36668-20, first issued on June 30, 1995, with registration current through October 31, 2015. Respondent's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is 611 1st Avenue, Chippewa Falls, WI 54729.

2. On September 22, 2003, Dr. Byrd was the on-call pediatrician providing care to pediatric patients at Mayo Clinic Health System – Luther Hospital in Eau Claire, Wisconsin (Hospital).

3. Dr. Byrd was called to the Hospital and arrived there at approximately 1410 to care for a neonate, Patient A, who had been delivered, at full term, via c-section at approximately 1110. Subsequent to delivery and several hours spent in the Hospital's regular nursery, Patient A began exhibiting respiratory distress and declining blood oxygen levels. He was transferred to the Hospital's special care nursery, where Dr. Byrd first saw him.

4. Patient A's mother was noted to be Group B streptococci positive, but she did not receive any antibiotics prior to delivery.

5. Dr. Byrd examined Patient A at approximately 1410. At that time, Patient A was receiving oxygen at 80% with blood oxygen saturation of 90%. A complete blood count was done, reflecting a white count of 24,000 with 8 bands. Dr. Byrd's differential diagnosis included cardiac etiology, transient tachypnea, respiratory distress syndrome, and infection.

6. At approximately 1545, Dr. Byrd ordered blood cultures, chest x-rays, and the placement of an IV line. Dr. Byrd did not order antibiotics for Patient A, despite the presence of infection on her differential diagnosis, and despite Patient A's mother being Group B streptococci positive.

7. At approximately 1600, Dr. Byrd charted that Patient A had a 5-minute episode of blood oxygen desaturation with a concurrent bloody mucosal choking episode. Dr. Byrd focused her diagnosis on transient tachypnea, but did not rule out respiratory distress syndrome or infection. Dr. Byrd then left the Hospital without ordering antibiotics for Patient A.

8. At approximately 1900 hours, Dr. Byrd was called and informed that Patient A had increased oxygen needs, increased respiratory rate, mucosal discharge, and that staff had been unable to execute Dr. Byrd's 1545 order for blood cultures. Dr. Byrd returned to the Hospital and found Patient A to be mottled with a respiratory rate of 130-150. Dr. Byrd's assessment was "respiratory distress, etiology unknown at this point, but need to consider sepsis, especially with mom's history of group B strep."

9. At approximately 2120 and 2125, blood gasses and blood cultures were obtained for Patient A.

10. At approximately 2130, Dr. Byrd first ordered Ampicillin and Gentamicin for Patient A.

11. At approximately 2215, Patient A received the first dose of Ampicillin.

12. At approximately 2300, Patient A received the first dose of Gentamicin.

13. Patient A continued to experience respiratory distress and low blood oxygenation levels and at 2320, Dr. Byrd administered an NCPAP. Patient A exhibited continued irritability and increased oxygen needs throughout the early morning hours of September 23, 2003. Patient A was intubated at approximately 0740, and at 0755 Dr. Byrd ordered Patient A's emergent transfer to St. Mary's Hospital in Rochester, Minnesota. Patient A was transferred at approximately 1055.

14. Patient A remained hospitalized in Minnesota until November 27, 2003. His diagnoses at discharge were: streptococcus viridians sepsis, endocarditis, ischemic cerebral infarcts affecting multiple arterial distributions, status post-right mainstem bronchus laceration repair, and recurrent pneumothoraces. Blood culture results dated October 1, 2003, showed that Patient A has streptococcus mitis species group.

CONCLUSIONS OF LAW

1. The Wisconsin Medical Examining Board has jurisdiction to act in this matter pursuant to Wis. Stat. § 448.02(3), and is authorized to enter into the attached Stipulation pursuant to Wis. Stat. § 227.44(5).

2. By the conduct described in the Findings of Fact, specifically the failure to administer antibiotics to Patient A earlier than she did, Respondent Jane D. Byrd, M.D., violated Wis. Stat. § 10.02(2)(h) by endangering patient safety.

3. As a result of the above conduct, Jane D. Byrd, M.D., is subject to discipline pursuant to Wis. Stat. § 448.02(3).

ORDER

1. The attached Stipulation is accepted.

2. Respondent Jane D. Byrd, M.D., is REPRIMANDED.

3. Within 90 days from the date of this Order, Jane D. Byrd, M.D., shall pay COSTS of this matter in the amount of \$1,214.25.

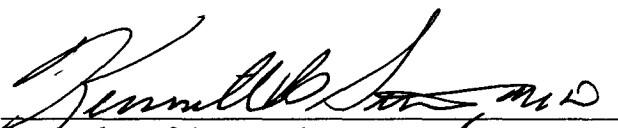
4. Payment of costs (made payable to the Wisconsin Department of Safety and Professional Services) shall be sent by Respondent to the Department Monitor at the address below:

Department Monitor
Division of Legal Services and Compliance
Department of Safety and Professional Services
P.O. Box 7190, Madison, WI 53707-7190
Telephone (608) 267-3817; Fax (608) 266-2264
DSPSMonitoring@wisconsin.gov

5. Violation of any of the terms of this Order may be construed as conduct imperiling public health, safety and welfare and may result in a summary suspension of Respondent's license. The Board in its discretion may in the alternative impose additional conditions and limitations or other additional discipline for a violation of any of the terms of this Order. In the event Respondent fails to timely submit payment of costs as ordered, Respondent's license (no. 36668-20) may, in the discretion of the Board or its designee, be SUSPENDED, without further notice or hearing, until Respondent has complied with payment of the costs.

6. This Order is effective on the date of its signing.

WISCONSIN MEDICAL EXAMINING BOARD

by: 
A Member of the Board

May 21, 2017
Date

STATE OF WISCONSIN
BEFORE THE MEDICAL EXAMINING BOARD

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

JANE D. BYRD, M.D.,
RESPONDENT.

STIPULATION

0003229

Division of Legal Services and Compliance Case No. 12 MED 422

Respondent Jane D. Byrd, M.D., and the Division of Legal Services and Compliance,
Department of Safety and Professional Services stipulate as follows:

1. This Stipulation is entered into as a result of a pending investigation by the
Division of Legal Services and Compliance. Respondent consents to the resolution of this
investigation by Stipulation.

2. Respondent understands that by signing this Stipulation, Respondent voluntarily
and knowingly waives the following rights:

- the right to a hearing on the allegations against Respondent, at which time the State has
the burden of proving those allegations by a preponderance of the evidence;
- the right to confront and cross-examine the witnesses against Respondent;
- the right to call witnesses on Respondent's behalf and to compel their attendance by
subpoena;
- the right to testify on Respondent's own behalf;
- the right to file objections to any proposed decision and to present briefs or oral
arguments to the officials who are to render the final decision;
- the right to petition for rehearing; and
- all other applicable rights afforded to Respondent under the United States Constitution,
the Wisconsin Constitution, the Wisconsin Statutes, the Wisconsin Administrative Code,
and other provisions of state or federal law.

3. Respondent is aware of Respondent's right to seek legal representation and has
chosen to obtain legal counsel before signing this Stipulation.

4. Respondent agrees to the adoption of the attached Final Decision and Order by
the Wisconsin Medical Examining Board (Board). The parties to the Stipulation consent to the
entry of the attached Final Decision and Order without further notice, pleading, appearance or
consent of the parties. Respondent waives all rights to any appeal of the Board's order, if
adopted in the form as attached.


5. If the terms of this Stipulation are not acceptable to the Board, the parties shall not
be bound by the contents of this Stipulation, and the matter shall then be returned to the Division

of Legal Services and Compliance for further proceedings. In the event that the Stipulation is not accepted by the Board, the parties agree not to contend that the Board has been prejudiced or biased in any manner by the consideration of this attempted resolution.

6. The parties to this Stipulation agree that the attorney or other agent for the Division of Legal Services and Compliance and any member of the Board ever assigned as an advisor in this investigation may appear before the Board in open or closed session, without the presence of Respondent, for purposes of speaking in support of this agreement and answering questions that any member of the Board may have in connection with deliberations on the Stipulation. Additionally, any such advisor may vote on whether the Board should accept this Stipulation and issue the attached Final Decision and Order.

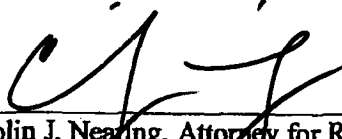
7. Respondent is informed that should the Board adopt this Stipulation, the Board's Final Decision and Order is a public record and will be published in accordance with standard Department procedure.

8. The Division of Legal Services and Compliance joins Respondent in recommending the Board adopt this Stipulation and issue the attached Final Decision and Order.




Jane D. Byrd, M.D., Respondent
611 1st Avenue
Chippewa Falls, WI 54729
License number 36668-20

4-17-14
Date



Carolin J. Neering, Attorney for Respondent
Geraghty O'Loughlin & Kenney, P.A.
Alliance Bank Center, Suite 1000
55 East Fifth Street
Saint Paul, MN 55101

4/23/14
Date



Joost Kap, Attorney
Division of Legal Services and Compliance
Wisconsin Department of Safety and Professional Services
P.O. Box 7190
Madison, WI 53707-7190

4/29/14
Date