

## WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



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STATE OF WISCONSIN  
BEFORE THE MEDICAL EXAMINING BOARD

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IN THE MATTER OF DISCIPLINARY :  
PROCEEDINGS AGAINST :  
 :  
RUDY V. BYRON, JR., M.D., : FINAL DECISION AND ORDER  
LICENSEE. : FOR REMEDIAL EDUCATION  
 :  
 : **ORDER 0008182**

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Division of Legal Services and Compliance Case No. 19 MED 304

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

Rudy V. Byron, Jr., M.D.  
Racine, WI 53402

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. Licensee Rudy V. Byron, Jr., M.D., (Year of Birth 1970) is licensed in the state of Wisconsin to practice medicine and surgery, having license number 42218-20, first issued on June 23, 2000 and with registration current through October 31, 2023. Licensee's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is in Racine, Wisconsin 53402.

2. At all times relevant to the proceedings, Licensee practiced as a family medicine physician at a clinic he owned in Racine, Wisconsin (Clinic).

3. Licensee was the primary physician for an 11-week-old female (Patient A) with a diagnosis of Down's Syndrome, pulmonary hypertension, and other health conditions.

4. On June 4, 2018, Licensee ordered blood tests, thyroid studies, and hair tissue mineral analysis (HTMA) to screen for levels of thirty minerals and toxic metals in response to Patient A's Down's Syndrome diagnosis and related conditions.

5. On August 28, 2018, Licensee reviewed Patient A's HTMA results that showed substantial need for zinc, a significant stress response, and sodium/potassium (Na/K) inversion (impaired immune system activity). Licensee recommended continuing with low daily dose of zinc and to begin supplements of liquid vitamin B6, liposomal vitamin C, thymus homeopathic, and calcium/magnesium to address the physiological stress response and Na/K inversion.

6. On September 30, 2019, Licensee reviewed the results of an HTMA he ordered for Patient A in June 2019. The test results showed Patient A's calcium-magnesium (cal-mag) was low, sodium-potassium (Na-K) substantially elevated, low superoxide dismutase (Cu-Zn), substantial cadmium elimination, persistent Na/K inversion, substantially increased sodium/magnesium (Na/mg) and very low calcium potassium (Ca/K) levels. Licensee recommended to continue zinc supplementation and dietary and nutritional recommendations were discussed with Patient A's parents to improve mineral imbalances.

7. The use of HTMA for diagnosis and treatment of Patient A's conditions is controversial with conflicting scientific support within the medical community.

8. In resolution of this matter, Licensee consents to the entry of the following Conclusions of Law and Order.

#### CONCLUSIONS OF LAW

1. The Wisconsin Medical Examining Board is authorized to enter into the attached Stipulation pursuant to Wis. Stat. § 227.44(5).

#### ORDER

1. The attached Stipulation is accepted.
2. Within thirty days of the date of this Order, Licensee shall at their own expense take and successfully complete the following courses:
  - a. "Evidence Informed Practice: Applying Research in Complementary and Integrative Health," offered by the University of Minnesota, available at <https://www.csh.umn.edu/research/foundations-evidence-informed-practice-modules>. Respondent is required to complete all modules, including the introductory "Evidence Informed Practice" module.
  - b. All three sessions of the "Speaker Series," offered by the Down Syndrome Medical Interest Group – USA, available at <https://dsmig-usa.org/Speaker-Series>. To provide proof of completion, Respondent is required to register under the "CME Credit Registration" option, where available. Full completion of this requirement includes:

- i. Session I: Down Syndrome 101 and 202
- ii. Session II: Adult Healthcare Guidelines
- iii. Session III: Behavioral Strategies in Down Syndrome – A Multi-Disciplinary Approach.

3. Licensee shall submit proof of successful completion of Session I and II of the “Speaker Series,” offered by the Down Syndrome Medical Interest Group – USA by providing the CME documentation. Licensee shall submit proof of successful completion of Session III by preparing and providing a written statement attesting to his completion. All documentation shall be submitted to the Department Monitor at the address stated below.

4. None of the education completed pursuant to this Order may be used to satisfy any continuing education requirements that have been or may be instituted by the Board or Department and may not be used in any future attempt to upgrade a credential.

5. Requests for course approval and proof of successful course completion shall be sent by Licensee 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) 266-2112; Fax (608) 266-2264  
DSPSMonitoring@wisconsin.gov

Licensee may also submit this information online at: <https://dspsmonitoring.wi.gov>.

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

WISCONSIN MEDICAL EXAMINING BOARD

By: Stephen A. Wasserman, MD  
A Member of the Board

9/21/2022  
Date

STATE OF WISCONSIN  
BEFORE THE MEDICAL EXAMINING BOARD

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IN THE MATTER OF THE LICENSE OF

RUDY V. BYRON, JR., M.D.,  
LICENSEE.

STIPULATION

**ORDER 0008182**

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Division of Legal Services and Compliance Case No. 19 MED 304

Rudy V. Byron, Jr., M.D. (Licensee), 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. Licensee consents to the resolution of this investigation by Stipulation.

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

- the right to a hearing on the allegations against Licensee, 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 Licensee;
- the right to call witnesses on Licensee's behalf and to compel their attendance by subpoena;
- the right to testify on Licensee'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 Licensee under the United States Constitution, the Wisconsin Constitution, the Wisconsin Statutes, the Wisconsin Administrative Code, and other provisions of state or federal law.

3. Licensee is aware of Licensee's right to seek legal representation and has been provided an opportunity to obtain legal counsel before signing this Stipulation.

4. Licensee agrees to the adoption of the attached Final Decision and Order for Remedial Education by the Wisconsin Medical Examining Board (Board). The parties to the Stipulation consent to the entry of the attached Final Decision and Order for Remedial Education without further notice, pleading, appearance or consent of the parties. Licensee 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

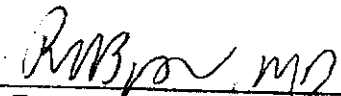
of Legal Services and Compliance for further proceedings. In the event that the Stipulation is not accepted by the Board, the parties agree not to contend that the Board has been prejudiced or biased in any manner by the consideration of this attempted resolution.

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 Licensee, 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 for Remedial Education.


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

8. Licensee is further informed that should the Board adopt this Stipulation, the Board's Final Decision and Order for Remedial Education will be reported as required by the National Practitioner Databank (NPDB) Guidebook and as otherwise required by any licensure compact or any other state or federal law.


9. The Division of Legal Services and Compliance joins Licensee in recommending the Board adopt this Stipulation and issue the attached Final Decision and Order for Remedial Education.

  
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Rudy V. Byron, Jr., M.D., Licensee  
Racine, WI 53402  
License No. 42218-20

9/10/22  
Date

  
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Stacie H. Rosenzweig, Attorney for Respondent  
Halling & Cayo, S.C.  
320 E. Buffalo Street, Suite 700  
Milwaukee, WI 53202

09/12/2022  
Date

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

9/12/2022  
Date