

TEXAS STATE BOARD OF
MEDICAL EXAMINERS

VS

SYDNEY R. BYRD, D.V.M.

TEXAS VETERINARY MEDICAL
LICENSE NO. 1496

TEXAS VETERINARY MEDICAL
RENEWAL CERTIFICATE (1979)
NUMBER 1665

FINDINGS, CONCLUSIONS AND ORDERS OF THE BOARD

On the 12th day of November A.D. 1979, the TEXAS STATE BOARD OF VETERINARY MEDICAL EXAMINERS, being in a called meeting at the Lubbock Hilton Inn in Lubbock, Lubbock County, Texas, such meeting being called for the purpose of hearing and considering the above numbered and entitled complaint, as well as for the consideration of other Board business, and the above entitled and numbered complaint having been previously scheduled and notice of said hearing having been served upon said Defendant, DR. SYDNEY R. BYRD, on the 23rd of October, A.D. 1979, and the following members of the TEXAS STATE BOARD OF VETERINARY MEDICAL EXAMINERS being present, to-wit:

DR. FRANK E. MANN, JR., President	of Wharton, Texas
DR. DAN J. ANDERSON, Member	of Fort Worth, Texas
DR. DEMARIOUS K. FREY, Member	of Corpus Christi, Texas
DR. BILLY RAY TRIMMIER, Member	of San Antonio, Texas
DR. JOHN E. WILKINS, JR., Member	of Greenville, Texas

The President of the Board, DR. FRANK E. MANN, JR. ordered the case to proceed at which time it was ascertained that DR. SYDNEY R. BYRD was present in person and represented by counsel, The Honorable W. HOLLIS WEBB, JR., DR. SYDNEY R. BYRD through his attorney entered his plea of "Not Guilty" to said Docketed Complaint, and all counts thereof; WHEREUPON the Board then proceeded to hear the evidence presented by the State, and by DR. SYDNEY R. BYRD, in his behalf, and on the same day, Monday, November 12, 1979, all of the above members of said Board being present and participating, makes the following findings, to-wit:

FINDINGS OF FACT

1. The Board finds that all statutory requisites to its jurisdiction have been met.

2. On or about August 20, 1979, DR. SYDNEY R. BYRD accepted a dog belonging to DR. DAVID A. PETERSON for the purpose of being spayed, which surgery DR. BYRD performed.

(a) That the incision opened approximately five (5) days later and upon examination by DR. ROBERT FAULK, there was no evidence that the surgical area had been clipped prior to surgery as hair approximately two (2) inches long was still attached to the body was sutured into the incision at closing.

(b) That the closing of said incision was done with monofilament fishing line and the incision and surgical area was inflamed due to infection.

3. That on or about August 13, 1979, DR. SYDNEY R. BYRD accepted a sheep dog belonging to TIM J. TASKER to be groomed and bathed.

(a) That the sheep dog when returned to the owner had a large cut on his back leg and another deep cut under another of the pet's legs and the cuts had not been sutured.

(b) DR. BYRD represented to MR. TASKER that two stitches had been placed to close the cut on the hind leg of his pet but when examined by DR. HOWARD subsequently no evidence of the sutures could be found.

4. On or about August 13, 1979, DR. SYDNEY R. BYRD accepted a pet belonging to DAVID and KAROL GILES for grooming purposes. That DR. BYRD was specifically requested not to treat the dog for any condition without first informing the owners and receive their permission.

(a) During the process of grooming DR. BYRD cut the dog to such an extent it was necessary to suture the cut closed. That DR. BYRD did sedate the pet so he could insert sutures in the cut area.

(b) That approximately one-fourth of the body of the pet was covered with skin abrasions due to use of the clippers with several nicks in the ears.

(c) That a substantial cut which had been inflicted was sutured with monofilament fishing line in one continuous stitch with attached hair imbedded in the wound.

(d) Although specifically requested not to treat the dog in any manner for any condition without first calling the owner, DR. BYRD diagnosed and treated the pet for diarrhea at a cost of nearly double the agreed price for the previously contracted services.

5. That during the month of July 1979, DR. SYDNEY R. BYRD accepted a dog from KAREN BLACKWELL for treatment of an injured eyelid.

(a) That at the time the dog was accepted and placed on the table it was smeared with blood, DR. BYRD'S personal appearance including hands, nails and clothing were very dirty and smeared with blood.

(b) The dog was anesthetized and DR. BYRD removed some tissue from under the eyelid using his fingers.

(c) That following such tissue removal no suture was put in said eyelid nor was any antiseptic used in, during and following the treatment.

(d) That as a result of said treatment in the BYRD ANIMAL CLINIC it was necessary for KAREN BLACKWELL to seek further veterinary services.

(e) That when examined by DR. SCHEWEDE both eyes were ulcerated. One eyelid was sutured and medication dispensed for treatment.

6. On or about September 12, 1979, KATHERINE J. HARRISON presented her dog to DR. SYDNEY R. BYRD for treatment of an injured hind leg.

(a) That DR. SYDNEY R. BYRD diagnosed the leg injury as a dislocated hip and an open wound on the leg and DR. SYDNEY R. BYRD did put a modified Thomas splint on the leg of the pet which appeared to be too tightly applied.

(b) DR. BYRD did not X-ray the leg of the dog.

(c) Subsequent thereto it became necessary to take the pet to another veterinary clinic where the cast was removed by DR. ALLEN who X-rayed the leg. The pet did not have a dislocated hip but it did have a broken fibula and the ends were not in apposition.

(d) That the wound had been sutured without clipping the hair around the wound and it was sutured with monofilament fishing line with hair imbedded in the wound.

7. That DR. SYDNEY R. BYRD does not use proper or acceptable methods for sterilizing surgical instruments.

CONCLUSIONS OF LAW

1. That failure to clip and sterilize a surgical area and utilizing a fishing line for suturing material is a violation of Article 7465a V.A.T.S. Subsection e of Section 14 and Rules of Professional Conduct Number 11 and 18, duly promulgated by the Texas State Board of Veterinary Medical Examiners in accordance with the law.

2. That making an unauthorized diagnosis and treatment against the express request of his client KAROL GILES is a violation of Article 7465a V.A.T.S. Subsection e of Section 14 the Rules of Professional Conduct Number 19.

3. The failure to make or have made an X-ray for diagnostic purposes is a violation of Article 7465a V.A.T.S. Subsection e of Section 14 the Rules of Professional Conduct Number 4, 11 and 18, duly promulgated by the Texas State Board of Veterinary Medical Examiners in accordance with law.

4. That the method of immobilizing the leg of the HARRISON pet was professionally improper and a violation of Article 7465a V.A.T.S. Subsection e of Section 14 and Rules of Professional Conduct Number 4, 11 and 18.

5. That the failure to use proper and acceptable methods for sterilizing surgical instruments is a violation of Article 7465a V.A.T.S., Subsection e of Section 14 and Rules of Professional Conduct Number 11.

The Board finds that the facts and conclusions brought out at such hearing justify and require the following orders:

ORDERS OF THE BOARD

It is hereby ORDERED that Texas Veterinary Medical License Number 1496 and 1979 License Renewal Certificate Number 1665 heretofore issued to DR. SYDNEY R. BYRD, by the Texas State Board of Veterinary Medical Examiners, be, and the same are hereby REVOKED on this the 12th day of November, 1979, and the said DR. SYDNEY R. BYRD shall not hereafter practice veterinary medicine in the State of Texas. It is further ordered that the said DR. SYDNEY R. BYRD shall forthwith return the aforesaid license to practice veterinary medicine and the 1979 Renewal Certificate to the offices of the Board at 603 Capital National Bank Building, Austin, Texas 78701, by Certified Mail, Return Receipt Requested.

The above findings and order of the Texas State Board of Veterinary Medical Examiners are entered as the order of the Board by a unanimous vote of the members of the Board who were present and participating in

SYDNEY R. BYRD, D.V.M.

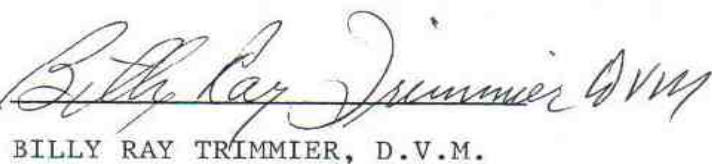
such hearing, deliberation and decision, and such FINDINGS and ORDERS are hereby made on this the 12th day of November, 1979, at Lubbock, Lubbock County. Texas.

The Executive Secretary of the Board is ORDERED to prepare the Board's findings and orders in appropriate forms and submit same to members of the Board for their signature, to transmit a copy of the said orders to DR. SYDNEY R. BYRD at his address to-wit:

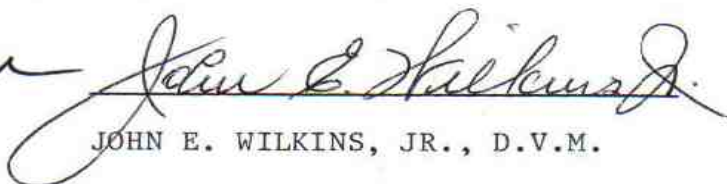
DR. SYDNEY R. BYRD
4535 Brownfield Highway
Lubbock, TX 79407

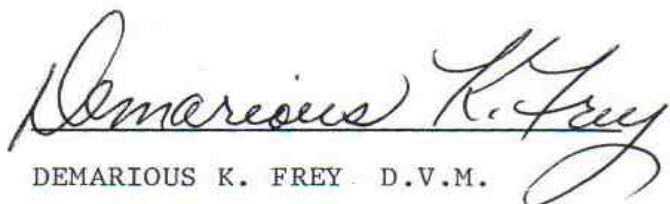
MADE THIS THE 12th day of November, A.D., 1979 and entered this the 27th day of November, 1979.


FRANK E. MANN, JR., D.V.M.


BILLY RAY TRIMMIER, D.V.M.


DAN J. ANDERSON, D.V.M.


JOHN E. WILKINS, JR., D.V.M.


DEMARIOUS K. FREY D.V.M.

BEFORE ME, a Notary Public in and for Travis County, Texas, on this day personally appeared ERNIE M. CARROLL, who after being by me duly sworn upon oath deposes and says that:

The said ERNIE M. CARROLL, being an employee of the Texas State Board of Veterinary Medical Examiners, did in the course of his employment make certain investigations into the professional conduct of one DR. SYDNEY R. BYRD, Texas Veterinary Medical License No. 1496, 1979-1980 Renewal Certificate No. 1665, a practitioner of veterinary medicine in the State of Texas, and in the course of said investigation it has come to the attention of the said ERNIE M. CARROLL that on or about the dates hereinafter specified that the said DR. SYDNEY R. BYRD did commit one or more of the following acts, and/or omissions, or a combination thereof or all of same, said acts and/or omissions being in violation of Article 7465a of the Civil Statutes of Texas (V.A.T.S.) and within the contemplation of Section 14 (c) of said statute, and Rules of Professional Conduct duly adopted according to law, to-wit:

1. On or about August 20, 1979, DAVID A. PETERSON, 2321 21st St., Lubbock, Texas, presented his dog Princess to the BYRD ANIMAL CLINIC at 4535 Brownfield Highway, to be spayed. On or about August 21, 1979 when DAVID A. PETERSON picked up his dog, the left side of the dog was covered with dried blood. On or about August 25, 1979, at approximately 12:30 o'clock p.m. DAVID A. PETERSON observed that the incision was open. The dog was taken to the Pet Hospital, at 2245 19th Street, in Lubbock, Texas. The surgical area was found to be sparsely covered with approximately two inch long hair and there was no evidence that it had been clipped prior to surgery. Clear suture material which resembled fishing line had been used to gather the skin. Inflammation was present where the skin had opened due to the suture material having torn through. It appeared that the internal suture line was intact but seemed to be cutting through the tissue. Because of this the internal sutures were removed and replaced with appropriate medical suture material and the surgical area was closed according to accepted medical practice.

Said acts or omissions being in violation of Rules of Professional Conduct No. 11 and 18, duly promulgated by the Board in accordance with law.

2. On or about August 13, 1979, TIM J. TASKER presented his sheep dog, Rags, to DR. SYDNEY R. BYRD of Shady Lane Kennels to be trimmed, groomed and bathed. When Rags was returned to TIM J. TASKER a large cut was apparent on his back leg. It appeared to be very deep and very close to the tendons. He was informed that DR. BYRD had put two stitches in the wound. Subsequently the leg became worse and the dog was taken to another veterinary clinic. Upon examination it was found that there were no stitches in the wound nor any indication that the wound had ever been sutured. At the time the dog was delivered to MR. TASKER the leg had not been bandaged and there was no evidence apparent that any precautions had been taken to avoid infection. Upon further examination another infected cut was found under the pet's leg which DR. BYRD had not disclosed to the owner.

Said acts or omissions being in violation of Rules of Professional Conduct No. 11, 18 and 19, duly promulgated by the Board in accordance with law.

3. On or about August 13, 1979, DAVID and CAROL GILES of 4418 42nd Street, Lubbock, Texas, after being quoted a price of \$35.00 to shave and bathe their pet and \$5.00 to clip his nails, presented their dog to DR. SYDNEY R. BYRD at his veterinary clinic and kennel for these services. DR. BYRD was specifically requested not to treat the dog for any other condition, to not treat the dog in any manner without first having informed the owners and received their permission. When MRS. GILES made a telephone inquiry she was informed that the dog was not ready and that he would have to be left overnight. DR. BYRD was informed that they refused to leave the dog overnight but DR. BYRD insisted stating that the dog had been sedated for the reason that during grooming he had cut the dog and had to use stitches to close the cut. When questioned as to fee DR. BYRD informed MRS. GILES that the fee was \$70.00. Explaining that the additional cost of \$30.00 was for antibiotics to treat diarrhea which condition or treatment had not, contrary to specific request, been cleared for treatment with the owner and to sedate the dog in order that he could insert the stitches in the area which DR. BYRD had cut while grooming the pet. On or about August 14, 1979, DAVID and CAROL GILES went to SHADY KENNELS to pick up their pet. Kennel personnel demanded cash payment of \$50.00 before the dog would be released. Upon payment of \$40.00 cash and a \$10.00 check they obtained possession of their pet.

When the dog was presented to them he had a cut on his chest between his front legs about the size of a silver dollar. Upon further examination it appeared that approximately one-fourth of his body had skin abrasions. It further appeared that there were several nicks in the ears and irritation over most of the body. The dog was presented to South University Veterinary Clinic. Upon examination it appeared that the cut inflicted during grooming had been sutured with a material that appeared to be a fishing line. The lesion had been sutured in one continuous stitch rather than interrupted sutures as is normally utilized in standard veterinary practice.

Said acts or omissions being in violation of Rules of Professional Conduct No. 11 and 19, duly promulgated by the Board in accordance with law.

4. During July 1979, KAREN BLACKWELL, 5531 17th Place, Lubbock, Texas, took her dog Fats to DR. SYDNEY R. BYRD, 4535 Brownfield Highway, Lubbock, Texas, for treatment of an injured eyelid. The dog was presented to DR. BYRD who placed the dog on the examination table which was smeared with blood. His personal appearance including hands, nails and clothing were very dirty and smeared with blood. Upon examination the dog was anesthetized. DR. BYRD cleaned out the eye and tore out some tissue from under the eyelid. He did not suture the area where he removed the tissue nor did he use any antiseptic in performing this function. She was informed that the dog would probably lose its eye. Shortly thereafter, KAREN BLACKWELL, returned to the BYRD CLINIC to pick up her dog and subsequently presented it to DR. SWEDE. Upon examination it was determined that both eyes were ulcerated. The area under the eyelid where DR. BYRD had removed the tissue was sutured and appropriate medication dispensed to treat both eyes.

Said acts or omissions being in violation of Rules of Professional Conduct No. 25, 11 and 18, duly promulgated by the Board in accordance with law.

5. On or about September 12, 1979, KATHERINE J. HARRISON, while visiting at 6901 Peoria, in Lubbock, Texas, took her dog to DR. SYDNEY R. BYRD'S ANIMAL HOSPITAL, 4535 Brownfield Highway, Lubbock, Texas. The dog was presented to DR. BYRD for treatment of an injured back leg. Upon examination DR. BYRD informed her that the dog had a dislocated hip.

There was an open wound on the leg which he would need to stitch. On or about September 13, 1979, when I went to pick up the dog I was informed that the cast would have to be on his leg at least two weeks. Later in the day observing that the dog appeared to be uncomfortable in that the cast appeared to be applied too tightly, the dog was taken to the South University Animal Clinic. The cast was removed, X-rays were taken and it was found that the hip was not dislocated. The wound had been stitched without clipping the hair and when sutured with material that appeared to be fishing line hair was sutured into the wound.

Said acts or omissions being in violation of Rules of Professional Conduct No. 11, 18 and 19, duly promulgated by the Board in accordance with law.

The above complaint is submitted to the Executive Secretary of the Texas State Board of Veterinary Medical Examiners on this the 17TH day of October, 1979.



ERNIE M. CARROLL

THE STATE OF TEXAS X
COUNTY OF TRAVIS X

SWORN AND SUBSCRIBED TO BEFORE ME BY ERNIE M. CARROLL, this the 17th day of October A.D. 1979, to certify which witness my hand and seal of office.



ORA LEE LINDHOLM

Notary Public in and for
Travis County, Texas