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State of Wisconsin
Before the Hearing and Speech Examining Board

In the Matter of Disciplinary Proceedings Against

Jackson Blumenthal
Respondent

Final Decision and Order
LS0603241HAD

03 HAD 003

The parties to this proceeding for purposes of s. 227.53, Stats., are:

Jackson Blumenthal
475 Waterman Street
Oregon WI 53575

Hearing and Speech Examining Board
Department of Regulation and Licensing
P.O. Box 8935
Madison WI 53708

Division of Enforcement
Department of Regulation and Licensing
P.O. Box 8935
Madison WI 53708

The parties having agreed to the attached stipulation, the Board makes the following:

Findings of Fact

1. Jackson Blumenthal ("Respondent") was born on September 16, 1955, and is licensed as a hearing instrument specialist in Wisconsin, pursuant to license number 1181, first granted on March 6, 2000.
2. On April 6, 2001, Respondent performed a hearing test on Rose Lamberty's right ear.
3. The documentation of that test shows that Respondent failed to apply proper masking to Mrs. Lamberty's left ear, making the results for both air conduction and bone conduction invalid for a hearing test of her right ear.
4. The documentation for that test shows no evidence that Respondent used any masking for speech audiometry, making the results of the hearing test unusable for decisions about whether Mrs. Lamberty could benefit from a hearing aid.
5. The documentation for that test shows that Respondent reversed some of the symbols on the key on the audiogram.
6. Respondent sold Mrs. Lamberty a hearing aid for her right ear.
7. A competent hearing instrument specialist would have performed proper air conduction, bone conduction, and speech audiometry masking of Mrs. Lamberty's left ear in attempting to determine whether she was an appropriate candidate for a hearing aid for her right ear.

Conclusions of Law

1. The Hearing and Speech Examining Board has jurisdiction in this matter pursuant to s. 459.10, Stats.
2. Respondent's conduct in selling Mrs. Lamberty a hearing aid for her right ear without properly conducting a hearing test constitutes engaging in conduct which evidences a lack of knowledge or inability to apply principles or skills of the practice of fitting and dealing in hearing aids, within the meaning of s. 459.10(1)(j), Stats.

Order

Now, therefore, it is Ordered that the license previously issued to Jackson Blumenthal is hereby suspended until such time as he retakes and passes the practical examination for licensure as a hearing instrument specialist.

It is further Ordered that Jackson Blumenthal shall pay the costs of this proceeding to the Department of Regulation and Licensing in the amount of \$2000.00 within 60 days of the date of this Order, pursuant to s. 440.22, Stats.

Dated 2/19/07

Wisconsin Hearing and Speech Examining Board

Alma Peters
A Member of the Board