

## 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 :  
 : FINAL DECISION AND ORDER  
JOEL H. BLUMIN, M.D., :  
RESPONDENT. : **ORDER 0007981**

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Division of Legal Services and Compliance Case No. 21 MED 439

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

Joel H. Blumin, M.D.  
Milwaukee, WI 53226

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 Joel H. Blumin, M.D., (Year of Birth 1965) is licensed in the state of Wisconsin to practice medicine and surgery, having license number 48024-20, first issued on April 14, 2005, and with registration current through October 31, 2023. Respondent's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is in Milwaukee, Wisconsin 53226.

2. At all times relevant to this proceeding, Respondent practiced as a physician specializing in otolaryngology at a hospital located in Milwaukee, Wisconsin (Facility).

3. On June 2, 2016, Respondent saw Patient A, a male born in 1960, upon referral for excision of a lesion in his throat. Patient A had had two prior lesions removed by another

provider who had advised him to stop smoking and to have the lesions assessed for cancerous cells. Respondent removed the third lesion and sent the tissue to pathology which revealed evidence of squamous cell carcinoma. There were no deficiencies in how Respondent assessed the third lesion, advised the patient of his options, or performed the surgery to remove the third lesion.

4. The only pathology report the Respondent received was transmitted to him via EPIC and placed in the "In Basket" on his phone. Respondent assumes he received the report in his "In Basket", but believes he inadvertently clicked a button that indicated he reviewed the report, and that when the click occurred, the report was removed from his "In Basket". Patient A did not appear for the anticipated follow-up exam at which time the report would have been discussed, and no other systems were in place at the time to advise Patient A about the report, such that Patient A did not find out about the report until he reported a lump to his primary care provider in 2019.

5. Respondent was the operative physician who ordered the pathology report. The standard of minimal competent medical practice in Wisconsin required the operative physician who ordered the pathology report to follow up to ensure Patient A was timely made aware of the pathology report.

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

#### CONCLUSIONS OF LAW

1. The 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, Respondent engaged in unprofessional conduct by departing from or failing to conform to the standard of minimally competent medical practice which creates an unacceptable risk of harm to a patient or the public whether or not the act or omission resulted in actual harm to any person, pursuant to Wis. Admin. Code § Med 10.03(2)(b).

3. As a result of the above violations, Respondent is subject to discipline pursuant to Wis. Stat. § 448.02(3).

#### ORDER

1. The attached Stipulation is accepted.

2. Respondent is REPRIMANDED.

3. Within ninety (90) days from the date of this Order, Respondent shall pay COSTS of this matter in the amount of \$504.00.

4. Any requests, petitions, payments of costs (made payable to Department of Safety and Professional Services), and other information required by this Order shall be submitted to:

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

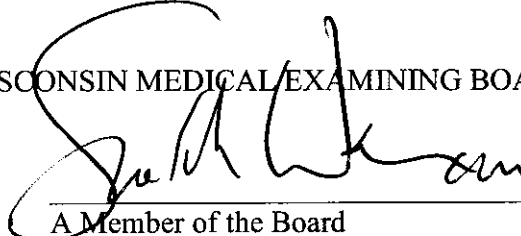
Respondent may also submit this information online at: <https://dpsmonitoring.wi.gov>.

5. In the event Respondent violates any term of this Order, Respondent's license and registration (number 48024-20) or Respondent's right to renew his license and registration to practice medicine and surgery in the state of Wisconsin, may, in the discretion of the Board or its designee, be SUSPENDED, without further notice or hearing, until Respondent has complied with the terms of the Order. The Board may, in addition and/or in the alternative refer any violation of this Order to the Division of Legal Services and Compliance for further investigation and action.

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

WISCONSIN MEDICAL EXAMINING BOARD

By:

  
A Member of the Board

5/13/22  
Date

STATE OF WISCONSIN  
BEFORE THE MEDICAL EXAMINING BOARD

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IN THE MATTER OF DISCIPLINARY  
PROCEEDINGS AGAINST

JOEL H. BLUMIN, M.D.,  
RESPONDENT.

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:  
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:  
:  
:

STIPULATION

**ORDER 0007981**

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Division of Legal Services and Compliance Case No. 21 MED 439

Respondent Joel H. Blumin, 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 been provided an opportunity to obtain legal counsel before signing this Stipulation. Respondent is represented by Attorney Jill Munson.

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 or Respondent's attorney, 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. Respondent is further informed that should the Board adopt this Stipulation, the Board's Final Decision and Order 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 Respondent in recommending the Board adopt this Stipulation and issue the attached Final Decision and Order.

  
\_\_\_\_\_  
Joel H. Blumin, M.D., Respondent  
Milwaukee, WI 53226  
License No. 48024-20

4/13/22  
\_\_\_\_\_  
Date

  
\_\_\_\_\_  
Jill Munson, Attorney for Respondent  
Hinshaw & Culbertson, LLP  
100 E. Wisconsin Ave., Ste 2600  
Milwaukee, WI 53202-4115

4.17.2022  
\_\_\_\_\_  
Date

  
\_\_\_\_\_  
Gretchen Mrozinski, Prosecuting Attorney  
Department of Safety and Professional Services  
Division of Legal Services and Compliance  
P.O. Box 7190  
Madison, WI 53707-7190

4/21/2022  
\_\_\_\_\_  
Date