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Nursing home faces lawsuit in man's death

Negligence claimed after device failed

BY RICK LINSK

A Wisconsin-based nursing home chain was responsible for the death last year of a 46-year-old White Bear Lake man whose breathing tube became clogged, the man's sister claimed in a federal lawsuit filed Friday. The lawsuit, filed in U.S. District Court in Minneapolis against three corporate entities associated with the Extendicare chain, also charges that the company has failed other patients at its Twin Cities facilities.

Donald Covelski died April 1, 2004, at Rose of Sharon Manor, an 85-bed nursing home in Roseville, just nine days after his admission. The suit, filed on behalf of Covelski's sister Nancy Hills on the one-year anniversary of his death, accuses the nursing home chain of negligence and wrongful death, violation of patient rights, consumer fraud, false advertising and more, in violation of a long list of state laws and regulations.

A Pioneer Press analysis published in January, and featuring the story of Covelski's death, found that nearly 4,000 people died in Minnesota nursing homes over a 15-year period from possibly avoidable causes such as pressure sores, dehydration, falls and external injuries.

Covelski, a former convenience store manager, was recovering from surgery to implant a tracheostomy tube because he suffered from obstructive sleep apnea. He weighed 450 pounds and needed rehabilitation therapy after the surgery.

On four consecutive days before his death, Covelski complained of difficulty breathing or said the tube felt clogged, according to the lawsuit. When Covelski suffered respiratory failure, the nursing home's employees were ill-trained to respond and lacked proper equipment, the lawsuit said.

The Minnesota Department of Health, after investigating a complaint by Covelski's family, ruled the death a case of neglect, citing a series of missteps. For instance, the department found workers did not try CPR. Paramedics concluded that Covelski's tracheostomy tube was clogged.

The lawsuit charges that Extendicare began seeking tracheostomy patients for the Roseville nursing home in January 2004, before employees were trained to properly care for them. Moreover, the chain had already experienced trouble caring for such patients at their other Minnesota nursing home facilities, the lawsuit said, citing 13 examples.

Extendicare operates 440 long-term care and assisted living facilities across North America. The company has 11 facilities in Minnesota and 35 in Wisconsin.

Holly Gould, a spokeswoman for Extendicare, said she had not seen the lawsuit — filed late Friday afternoon — and so could not comment immediately. "All I can say at this point in time is our lawyers will take a look at it and we'll respond when we can," Gould said. "We certainly extend our sympathy to the family of Donald Covelski."

The lawsuit, which seeks more than \$75,000 for Covelski's next of kin, was filed by Mark Kosieradzki and Joel Smith, partners in a Minnetonka law firm that specializes in actions against nursing homes.

Nancy Hills, the plaintiff in the lawsuit, said she was happy that "some justice will be done."