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## Nursing home sued over death

### Suit faults reporting of woman's fall

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**Waukesha** - A wrongful death lawsuit was filed Monday against a Menomonee Falls nursing home, contending that an older woman died from complications caused by broken bones in both legs that she suffered during a fall that was not properly reported.

Dorismae Burgardt fell while a nursing assistant at Menomonee Falls Health Care Center used an improper technique in giving her a shower, and the incident was not immediately reported to a registered nurse or the woman's physician, the lawsuit alleges. The first mention that something was amiss came the next day, when it was noted on her chart that Burgardt had "bruises" on both knees caused by being "lowered to the floor," the lawsuit contends.

Three weeks later, according to the lawsuit, Burgardt was dead. She was 81.

"This lawsuit is about dignity and safety," said attorney Jay Urban, who filed the lawsuit on behalf of Burgardt's estate and her husband, Allan Burgardt of Germantown.

"Dorismae had a strong mind but a weak body. She needed assistance to move. It is insulting and a form of elder abuse to deny that she was dropped and fail to get her the care that could have saved her life," he alleged.

The lawsuit, filed in Waukesha County Circuit Court, also names the corporation operating the home, Extendicare Health Services Inc. of Milwaukee, as a defendant in the case. Rob Hanson, area vice president for Extendicare, said he was unable to comment on the lawsuit because he had not yet seen it.

"We care deeply for every resident that is entrusted to our care," Hanson said. "We take our responsibility for providing quality care and patient safety very seriously by providing regular in-services and ongoing training for all our staff."

The lawsuit alleges that the nursing assistant did not use a required belt during the shower Jan. 3, 2005, and that she should have been assisted by another employee but was not.

The nursing assistant told a licensed practical nurse about the fall, according to the lawsuit, and the two helped Burgardt into a chair.

In addition to not reporting the matter to a physician or a registered nurse, the two failed to document it in Burgardt's chart, the lawsuit alleges.

Burgardt was taken to Community Memorial Hospital in Menomonee Falls, where X-rays revealed broken bones in both legs, according to the lawsuit.

Medical personnel tried to treat the injuries with external splints, the suit says, but the splints had to be removed because of swelling, and Burgardt's health declined in following weeks.

In another wrongful death lawsuit filed in Waukesha County Circuit Court by Urban, Heartland Health Care Center of Pewaukee is being sued concerning the care of a patient who had a series of falls there. That lawsuit also names the corporation operating the facility, HRC Manor Care Services Inc. of Toledo, Ohio, as a defendant.

The patient, Eleanor Kroepel, 92, died July 10, 2005, after a series of falls that left her with a broken hip were not properly chronicled or investigated, even though her health steadily deteriorated, the suit alleges.

"We are very sympathetic to Mrs. Kroepel's health problems and feel our staff acted appropriately in providing good care to her and communicating with her family," said Julie Beckert, a spokesman for HRC Manor Care.

"Heartland has high standards for our employees and the level of care they deliver."

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