

MEMORANDUM

Texas Department of Human Services LTC Policy * Survey and Certification Clarification

TO: Long Term Care-Regulatory
Regional Directors, State Office Section Managers

FROM: Evelyn Delgado
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State Office MC: E-340

SUBJECT: Merry Walker Issue — **S&CC #02-18**

DATE: December 31, 2002

The purpose of this memorandum is to provide information and clarification to surveyors regarding a letter that nursing facilities received from Mary Harroun of the Merry Walker Corporation. The letter misrepresented the Centers for Medicare and Medicaid Services (CMS) policy for coding the Merry Walker on the Minimum Data Set (MDS). The letter indicated that the Merry Walker was no longer listed under the category of "Chair Prevents Rising" on the MDS and in the MDS Users Manual. The envelope which contained the letter stated, "Restraint-Free Ambulation Device."

The letter also inferred that the Merry Walker was endorsed by CMS and DHS surveyors when, in fact, it is not the DHS surveyor's responsibility to support or endorse the use of a particular medical product. The facility alone is responsible for evaluating residents and determining their needs.

CMS has not changed its policy regarding the coding of the "Merry Walker Ambulation Device" on the MDS. If the device meets the definition of a physical restraint, it should be coded on the MDS in the category of "Chair Prevents Rising" in Section P4E. The name "Merry Walker" has never appeared on the MDS; it was only identified in the Resident Assessment Instrument (RAI) User's Manual. The only change has been removal of the trademark name, "Merry Walker," from the RAI Manual. It was replaced with a more generic description — "enclosed framed wheeled walker with or without a posterior seat."

Evelyn Delgado