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United States Senate

COMMITTEE ON
HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS
WASHINGTON, DC 20510-6250

RICHARD J. KESSLER, STAFF DIRECTOR
KEITH B. ASHDOWN, MINORITY STAFF DIRECTOR

April 18, 2013

Dr. Steve Silverman
Med-Care Diabetic & Medical Supplies, Inc.
933 Clint Moore Road
Boca Raton, FL 33487-2802

Dear Dr. Silverman:

We are writing to advise you that the Subcommittee is issuing a subpoena to compel your attendance at the Subcommittee's April 24, 2013 hearing entitled, "Oversight and Business Practices of Durable Medical Equipment Companies."

As you know, on April 5, 2013, we wrote to you requesting information regarding Med-Care Diabetic & Medical Supplies, Inc., including revenue received from Medicare reimbursement for durable medical equipment and advertising and marketing practices for Medicare recipients. We requested that you provide this information no later than April 12, 2013. On April 5, April 8, and April 12, Subcommittee staff attempted to confirm that you would respond to the request for information. The Subcommittee has not received any response.

On April 12, 2013, we invited you to appear as a witness at the Subcommittee's hearing on April 24, 2013, at 10:00 a.m. We requested that you testify about Med-Care Diabetic & Medical Supplies, Inc.'s sale and reimbursement of durable medical equipment to Medicare beneficiaries under Medicare Part B. Specifically, we requested that you testify about payments by CMS from 2010 through 2012, including any overpayments that have been identified by CMS for durable medical equipment, as well as promotion and marketing of durable medical equipment to Medicare beneficiaries, including compliance with applicable statutes and regulations. We also asked that you be prepared to answer questions regarding audits or closed investigations that relate to the sale of durable medical equipment under Medicare Part B. The Subcommittee has not received any response.

Your refusal to assist the Subcommittee is adversely affecting the Subcommittee's ability to conduct oversight. We would like to advise you that if you fail to respond or refuse to attend, we will be forced to serve the subpoena for your attendance at the Subcommittee's hearing. However, if you do not voluntarily agree to assist the Subcommittee with its investigation by **3:00 P.M., April 19, 2013**, we will serve a subpoena for your attendance at the Subcommittee's April 24, 2013 hearing.

The jurisdiction of the Subcommittee on Financial and Contracting Oversight is set forth in Senate Rule XXV clause 1(k); Senate Resolution 445 section 101 (108th Congress); and Senate Resolution 64 (113th Congress).

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Please contact Alan Kahn with Senator McCaskill's Subcommittee staff at (202) 224-6814 with any questions.

Sincerely,



Claire McCaskill
Chairman
Subcommittee on Financial and
Contracting Oversight



Ron Johnson
Ranking Member
Subcommittee on Financial and
Contracting Oversight