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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

Jon Letko
U.S. Healthcare Supply, LLC
14 Bridge Street, P.O. Box 372
Milford, NJ 08848

C/o Jura C. Zibas
Wilson Elser Moskowitz Edelman & Dicker LLP
150 East 42nd Street
New York, NY 10017

Dear Mr. Letko:

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 U.S. Healthcare Supply, LLC, including revenue received from Medicare reimbursement for durable medical equipment and advertising and marketing practices for Medicare recipients. On April 10, 2013, Jura C. Zibas, of Wilson Elser Moskowitz Edelman & Dicker LLP, informed the Subcommittee that her law firm serves as your Counsel. After speaking with Subcommittee staff, on April 12, 2013, Ms. Zibas provided information responsive to the Subcommittee's request for information. Ms. Zibas also informed Subcommittee staff that your involvement in an ongoing investigation by the Department of Health and Human Services' Office of Inspector General precluded your participation.

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 U.S. Healthcare Supply, LLC'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.

At that time, we asked Ms. Zibas to respond by April 15, 2013, confirming your intention to appear at the hearing. On April 15, 2013, Subcommittee staff contacted Ms. Zibas again to ask for a response. On April 16, 2013, Ms. Zibas wrote to the Subcommittee and provided additional information,

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and again informed Subcommittee staff that your involvement in an ongoing investigation would not permit you to testify at the hearing.

We believe that your testimony will provide the Subcommittee with useful information that will assist the Subcommittee in its 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. We would like to avoid the need to use this compulsory process. 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).

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