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United States Senate

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

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April 5, 2013

Marilyn Tavenner
Acting Administrator
Centers for Medicare & Medicaid Services
7500 Security Boulevard
Baltimore, MD 21244

Dear Ms. Tavenner:

We are writing to invite you or your designee to testify before the Subcommittee on Financial and Contracting Oversight at a hearing entitled, "Oversight and Business Practices of Durable Medical Equipment Companies." The hearing will be held on Wednesday, April 24, 2013 at 10:30 a.m. in Room SD-342 of the Dirksen Senate Office Building.

The purpose of the hearing is to review payments by the Centers for Medicare & Medicaid Services (CMS) under Medicare Part B to suppliers of medical products such as diabetic testing equipment, CPAP machines, power mobility devices, and back braces, also known as durable medical equipment. The hearing will also examine the promotion and marketing of these types of products by durable medical equipment companies to patients and their doctors. The hearing will also assess CMS' oversight of durable medical equipment reimbursements under Medicare Part B, including its efforts to control costs and detect and prevent abusive practices and improper payments.

Your testimony should address CMS' activities to combat potentially improper and abusive solicitation and sales by durable medical equipment companies to Medicare recipients that often result in improper payments. You should also be prepared to discuss the role of CMS' Zone Program Integrity Contractors (ZPICs), Medicare Administrative Contractors (MACs), and other contractors that assist CMS in payment and recovery efforts. In addition, you should be prepared to discuss the effectiveness of CMS' efforts to combat waste and fraud by durable medical equipment companies. You should also be prepared to discuss recent reports by the Department of Health and Human Services Inspector General relating to CMS' oversight of durable medical equipment, including a report finding that CMS has failed to recover nearly \$70 million in overpayments to durable medical equipment companies.¹

¹ Department of Health and Human Services, Office of Inspector General, *Surety Bonds Remain an Underutilized Tool to Protect Medicare from Supplier Overpayments* (March 21, 2013) (OEI-03-11-00350).

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We request that you summarize your testimony in 5 minutes, although a longer written statement may be submitted for the official record. This will allow adequate time for you to engage in questions and answers with members of the Subcommittee. **Subcommittee rules require that your testimony be submitted by no later than 2:00 P.M. on Monday, April 22, 2013.** Please send official correspondence relating to this invitation, including an electronic copy of your written statement and a brief one page biography, to Subcommittee Clerk, Lauren Corcoran, at Lauren_Corcoran@hsgac.senate.gov.

We also request that you provide a briefing on these issues for Subcommittee staff **by no later than Monday, April 15, 2013.**

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).

We look forward to your participation. Please contact Alan Kahn with Senator McCaskill's Subcommittee staff at (202) 224-6814 or Ritika Rodrigues with Senator Johnson's Subcommittee staff at (202) 224-2210 with any questions.

Sincerely,



Claire McCaskill
Chairman
Subcommittee on Financial and
Contracting Oversight



Ron Johnson
Ranking Member
Subcommittee on Financial and
Contracting Oversight