Session of 2025

House Concurrent Resolution No. 5013

By Representatives Sutton, Neighbor, Bryce, W. Carpenter, Francis, Hoheisel, Howe, Hoye, Humphries, Long, Minnix, Resman, C. Smith, Wasinger and White

3-12

A CONCURRENT RESOLUTION urging Congress to give state insurance regulators authority over Medicare Advantage plans.

WHEREAS, On July 30, 1965, President Lyndon B. Johnson signed Medicare into law to be administered by the Federal Government; and

WHEREAS, The Kansas legislature in 1981 passed a statute requiring the Kansas Insurance Commissioner to regulate and establish specific standards for Medicare supplement policies delivered or issued for delivery in the state of Kansas; and

WHEREAS, The Balanced Budget Act of 1997 created Medicare Part C, known now as Medicare Advantage; and

WHEREAS, The Medicare Prescription Drug, Improvement, and Modernization Act of 2003, also known as the Medicare Modernization Act, created Medicare Part D but also limited the authority of states to oversee Medicare Advantage plans; and

WHEREAS, Since the implementation of the Medicare Modernization Act and because of the lack of state oversight, state departments of insurance, state health insurance programs and consumer advocacy organizations have reported patterns of overly aggressive, deceptive and abusive marketing and sales practices in the Medicare private plan marketplace; and

WHEREAS, There have been complaints made to the state insurance departments, including Kansas, regarding misrepresentations in the marketing and sales of Medicare Advantage plans, particularly Private Fee-for-Service plans, including misrepresentations about provider networks, provider acceptance of plans, reimbursements, benefits, premiums and other features; and

WHEREAS, The sale of Medicare Advantage plans often involves aggressive sales tactics that include the attempt to sell additional non-Medicare related products to seniors and vulnerable adults; and

WHEREAS, The State of Kansas, along with the other 49 states, are unable to assist consumers in such matters, because their hands are tied due to the passage of the Medicare Modernization Act; and

WHEREAS, The Centers for Medicare and Medicaid Services, which are charged with the regulation of Medicare Advantage plans, have failed

in their duty to regulate the advertising of Medicare Advantage plans and protect the most vulnerable Kansans: Now, therefore,

Be it resolved by the House of Representatives of the State of Kansas, the Senate concurring therein: That we urge Congress to give state insurance regulators authority over Medicare Advantage plans, because state-based regulation is more efficient and effective at protecting the citizens of Kansas; and

Be it further resolved: That we urge Congress to conclude that states are better equipped to oversee Medicare plans and protect vulnerable populations from abusive and fraudulent marketing and advertising of Medicare Advantage plans, just as they oversee other health plans; and

Be it further resolved: That we urge Congress to pass legislation that allows states to enforce their own marketing and consumer disclosure laws and regulations on Medicare plans; and

Be it further resolved: That the Secretary of State shall send enrolled copies of this resolution to the Speaker of the United States House of Representatives, the President Pro Tempore of the United States Senate and the Kansas Department of Insurance.