



# Kansas Department of Insurance

Commissioner Vicki Schmidt

## Proponent Testimony for HCR 5013

March 17, 2025

Chairman Sutton and Members of the Committee,

Thank you for the opportunity to testify in support of House Concurrent Resolution 5013.

House Concurrent Resolution 5013 urges the U.S. Congress to pass legislation that would allow states to regulate Medicare Advantage plans, and enforce state marketing and consumer disclosure laws.

The Kansas Department of Insurance receives thousands of complaints from Kansas policyholders each year. In 2024, 11% of all health insurance-related complaints submitted to the department concerned Medicare Advantage marketing practices. Because Medicare Advantage plans are regulated almost exclusively by the Centers for Medicare and Medicaid (CMS), consequently the Department is unable to assist aggrieved policyholders concerning these matters and must simply refer complaints to CMS. This has been the status quo for all state insurance departments since the passage of the Medicare Modernization Act in 2003.

CMS has failed to adequately protect the public from deceptive marketing practices and advertising. States are fundamentally better equipped to protect policyholders in this regard, as the state-based system of insurance regulation already provides the necessary consumer protections within the private health insurance market.

The Kansas Department of Insurance supports the passage of House Concurrent Resolution 5013, supporting state-based regulation of insurance and urging Congress to allow the Department to better protect Kansas consumers.

Eric Turek  
Director of Government Affairs