



Kansas Department of Insurance

Commissioner Vicki Schmidt

Proponent Testimony for HCR 5013

January 26, 2025

Chair Dietrich and Members of the Committee,

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

In the United States, insurance is regulated at the state level, and state-based insurance regulation has proven effective for both the financial regulation of insurance companies and the protection of consumers. Departments of Insurance, including Kansas, have strong track records of protecting policyholders while fostering a robust and competitive insurance market.

Thousands of Kansans contact the Kansas Department of Insurance (KDOI) each year for assistance and over the past seven years, the KDOI has recovered over \$202M for Kansas policyholders by investigating and resolving insurance complaints.

Every day the KDOI receives calls concerning Medicare Advantage about claim denials, coordination of benefits, network issues, deceptive marketing, and other matters. Despite this, the KDOI has zero authority to investigate complaints regarding Medicare Advantage because it is regulated by the federal government, specifically the Centers for Medicare and Medicaid (CMS). As the KDOI receives these complaints, the Department forwards them to CMS; seldom does the KDOI receive responses or notification of resolution. In fact, many Kansans continue to contact the KDOI concerning their unresolved Medicare Advantage issues and lack of communication from CMS.

State departments of insurance (DOIs) across the nation are experiencing this same exact problem. Sales abuses, deceptive advertising, improper denials, and fraud continue to plague the Medicare Advantage market, and complaints go seemingly unaddressed. Medicare Supplement on the other hand is regulated by DOIs.

The Department proposes this resolution as an opportunity for Kansas to show support for the state-based regulation of insurance and remind Congress that states are both better qualified and better equipped to regulate Medicare Advantage plans than the federal government.

HCR 5013 passed the House Committee of the Whole 116-2.

Eric Turek
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