

SESSION OF 2025

**SUPPLEMENTAL NOTE ON HOUSE CONCURRENT  
RESOLUTION NO. 5013**

As Recommended by House Committee on  
Insurance

**Brief\***

HCR 5013, if adopted, would state its purpose is to urge Congress to give state insurance regulators authority over Medicare Advantage Plans.

The concurrent resolution would urge Congress to do the following:

- Give state insurance regulators authority over Medicare Advantage plans;
- 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 states oversee other health plans; and
- Pass legislation that allows states to enforce their own marketing and consumer disclosure laws and regulations on Medicare plans.

The resolution contains whereas clauses stating 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 complaints have been made to the state insurance

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\*Supplemental notes are prepared by the Legislative Research Department and do not express legislative intent. The supplemental note and fiscal note for this bill may be accessed on the Internet at <https://klrd.gov/>

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. The resolution contains a *whereas* clause stating 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.

The resolution also contains *whereas* clauses stating no state is able to assist consumers in such matters, because of provisions in the Medicare Modernization Act. The Centers for Medicare and Medicaid Services have failed in their duty to regulate the advertising of Medicare Advantage plans and to protect the most vulnerable Kansans.

The resolution would require the Secretary of State to send an enrolled copy of this resolution to the Speaker of the U.S House of Representatives, the President *Pro Tempore* of the U.S. Senate, and the Kansas Department of Insurance.

## **Background**

The concurrent resolution was introduced by Representatives Sutton, Neighbor, Bryce, W. Carpenter, Francis, Hoheisel, Howe, Hoyer, Humphries, Long, Minnix, Resman, C. Smith, Wasinger, and White.

## ***House Committee on Insurance***

In the House Committee hearing, **proponent** testimony was provided by a representative of the Kansas Insurance Department (Department), who indicated the resolution would support state-based regulation of insurance, enforce state marketing and consumer disclosure laws, and urge Congress to allow the Department to better protect Kansas consumers.

No other testimony was provided.

U.S. Congress; state insurance regulators; Medicare Advantage plans; Kansas Insurance Department; Secretary of State; medical insurance