



State of New Hampshire Insurance Department

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FOR IMMEDIATE RELEASE

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New Hampshire Insurance Department Urges Congress to Restore State Agencies Authority to Regulate Marketing of Medicare Advantage Products

State Regulators Are Best Equipped to Oversee Medicaid Advantage Plans and Protect Vulnerable Populations From Misleading and Deceptive Advertising

CONCORD, NH (August 24, 2022) – Today, New Hampshire Insurance Department (NHID) Commissioner Chris Nicolopoulos and Deputy Commissioner D.J. Bettencourt sent a letter to New Hampshire’s Congressional delegation urging the federal government revisit a provision of the Medicare Modernization Act of 2003 (MMA) that limits the authority of states to oversee Medicare Advantage products, specifically as it pertains to marketing these products.

Before the MMA, states had full authority to review marketing practices, undertake market conduct exams, and hold bad actors accountable. This gave state regulators the ability to protect consumers from patterns of overly aggressive, deceptive, and abusive marketing and sales practices – as well as fraudulent activity – in the Medicare private plan marketplace.

Following passage of the MMA, states only have the authority to regulate solvency and licensing of Medicare Advantage products with all other oversight being federally preempted. However, as the state’s insurance regulator we are seeing an increase in complaints from senior citizens about confusing, misleading, and deceptive advertising in the marketing of these plans. We are unable to assist consumers in these matters because the MMA does not give our department the necessary regulatory authority.

A copy of Commissioner and Deputy Commissioner’s letter to the delegation can be found at <https://www.nh.gov/insurance/media/pr/2022/documents/nhid-to-federal-delegation-mma-marketing.pdf>.

The New Hampshire Insurance Department Can Help

The New Hampshire Insurance Department's mission is to promote and protect the public good by ensuring the existence of a safe and competitive insurance marketplace through the development and enforcement of the insurance laws of the State of New Hampshire. Contact us with any questions or concerns you may have regarding your insurance coverage at 1-800- 852-3416 or (603) 271-2261, or by email at consumerservices@ins.nh.gov. For more information, visit <https://www.nh.gov/insurance>.

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