



July 28, 2025

The Honorable Jason Smith
1011 Longworth House Office Building
Washington, D.C. 20515

The Honorable Vern Buchanan
2409 Rayburn House Office Building
Washington, D.C. 20515

The Honorable David Schweikert
166 Cannon House Office Building
Washington, D.C. 20515

The Honorable Richard Neal
1129 Longworth House Office Building
Washington, D.C. 20515

The Honorable Lloyd Doggett
2307 Rayburn House Office Building
Washington, D.C. 20515

The Honorable Terri Sewell
1035 Longworth House Office Building
Washington, D.C. 20515

Re: Medicare Advantage: Past Lessons, Present Insights, Future Opportunities

Dear Chairmen and Ranking Members:

On behalf of the National Association of Insurance & Financial Advisors (NAIFA) and our member agents across the country, I write to provide comments regarding the critical role of licensed insurance professionals in the Medicare Advantage program and to offer recommendations for strengthening consumer protections while preserving access to professional guidance.

About NAIFA

Founded in 1890, NAIFA is the oldest and largest association representing insurance and financial advisors in the United States. Our members serve in every Congressional district, helping millions of Americans navigate complex insurance decisions, including Medicare Advantage enrollment. NAIFA members subscribe to a strict Code of Ethics and are committed to promoting financial security and well-being for all Americans through professional guidance and personalized services.

The Medicare landscape is changing rapidly, making it more important than ever that beneficiaries have access to professional, qualified agents that ensure they are making the best choices that fit their healthcare needs. To better support the millions of Medicare beneficiaries and the agents that serve them, NAIFA has partnered with several leading Field Marketing Organizations to form a Medicare Collective that supports policies protecting access to trusted guidance and improving beneficiary outcomes.

Importance of Trusted, Professional Guidance

NATIONAL ASSOCIATION OF INSURANCE AND FINANCIAL ADVISORS

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Medicare Advantage now serves 33.4 million people, more than half of all eligible Medicare beneficiaries. This growth underscores the program's value to seniors, as you noted during the Joint Subcommittee hearing on July 22, but it also highlights the increasing complexity of options and information that are available to them. Licensed, professional agents provide invaluable services to meet this challenge by:

- Educating beneficiaries on how Medicare works both broadly and in conjunction with other coverage options.
- Analyzing individual healthcare needs, prescription medicine requirements, and financial circumstances.
- Comparing networks, formularies, and benefit structures across dozens of options to ensure beneficiaries are enrolled in the plans that best meet their healthcare needs.
- Providing ongoing support throughout the plan year, not just during the annual open enrollment period, whenever inevitable issues arise.
- Conducting annual reviews in coordination with beneficiaries to ensure continued plan suitability.

Despite the many services agents provide to Medicare beneficiaries, the business model under which they operate has recently come under attack. A lack of regulation and enforcement has allowed many leading carriers, including UnitedHealth, Anthem and Aetna, to name a few, to reduce commissions or, in some cases, eliminate compensation altogether for enrollment in certain Medicare Advantage and Part D plans. These decisions, which have been announced abruptly, often in the middle of the annual open enrollment period, are extremely detrimental to the personalized services Medicare agents provide to millions of beneficiaries who rely on their expert advice. If left unchecked, these policies will disrupt service for millions, shifting the burden to overextended government resources. **We urge Congress to work with CMS to require carriers to honor commissions for sold plans, prohibit commission changes after October 1, and ensure the continuation of lifetime commissions.**

Additionally, several CMS regulatory requirements have created unnecessary barriers that prevent agents from effectively serving beneficiaries while providing no meaningful consumer protection benefits. NAIFA respectfully urges Congress to consider the following regulatory concerns.

Eliminate Burdensome Call Recording Requirements

CMS Rule CMS-4192-P implemented recording requirements for third-party marketing organizations (TPMOs) that were intended to protect customers from unscrupulous marketing practices. However, the rule's broad definition of TPMOs has unnecessarily impacted many legitimate entities working in good faith, including individual agents, who provide personalized services to beneficiaries.

The recording requirements present significant challenges for licensed professionals, including:



- Many agents and brokers are small businesses without the technical or financial resources to implement comprehensive recording systems.
- The ten-year retention requirement raises serious privacy concerns for consumers who may not want their health and financial information stored for a decade.
- The requirements have reduced the number of available agents, leaving beneficiaries with fewer choices for professional enrollment assistance.

NAIFA recommends that CMS narrow the definition of TPMOs to exclude licensed insurance professionals who are already subject to state regulatory oversight and professional standards, or provide reasonable alternatives that accomplish consumer protection goals without creating prohibitive barriers.

Reform Scope of Appointment Requirements

Under CMS-4201-F, agents and brokers must document the scope of appointment (SOA) at least 48 hours before meeting with beneficiaries, limiting discussion topics to those pre-approved areas. While intended to prevent sales pressure, this requirement creates practical problems, including:

- The SOA requirement inevitably limits what topics and plan options agents can discuss, often confusing beneficiaries who may have multiple insurance needs.
- If a beneficiary wants to discuss an issue outside the original SOA, agents must document a new SOA and wait an additional 48 hours before resuming the conversation.
- This process is inconvenient for beneficiaries and prevents agents from providing comprehensive, timely assistance.

CMS should reconsider the current requirements to enhance the agent-beneficiary relationship, which also guarantees appropriate transparency and compliance to prevent abuse.

Simplify Annual Certification Requirements

The Medicare agent annual certification process requires agents to complete standardized Medicare courses and undergo annual certification from each applicable carrier. While NAIFA supports ensuring agents are properly trained to sell insurance products, the current structure is unnecessarily duplicative and burdensome.

- Agents must complete similar training modules from multiple carriers, covering largely identical information.
- The process is time-consuming and costly without providing tangible benefits to consumers or meaningful differentiation in agent knowledge.
- The administrative burden reduces time that agents can spend serving clients.



NAIFA recommends streamlining certification through a single, comprehensive annual training that would be recognized by all Medicare Advantage and Part D carriers, which would reduce duplication while maintaining educational standards.

Conclusion

Medicare Advantage has become an integral part of the Medicare program, serving the majority of eligible beneficiaries. However, the program's success depends on maintaining robust consumer protections, appropriate oversight, and access to professional guidance. We urge Congress to recognize the vital role of licensed insurance professionals in ensuring Medicare Advantage services beneficiaries effectively and ethically.

NAIFA stands ready to work with Congress, CMS, and other stakeholders to strengthen the Medicare Advantage program while preserving consumer choice and access to professional guidance. We believe that through collaborative effort, we can address current challenges while maintaining the benefits that have made Medicare Advantage a preferred choice for millions of Americans.

Thank you for your consideration of these comments. We welcome the opportunity to provide additional information or testimony as Congress continues its important oversight work.

Sincerely,

Doug Massey
President
NAIFA