



**HB 2214 Opponent Testimony  
Michael Kelly  
Kansas Council of Chapters  
Military Officers Association of America**

**The Kansas Council of Chapters of MOAA opposes passage of HB 2214.**

**Kansas provides appropriated funds to operate the Kansas Office of Veterans Services and funds the Veterans Claim Assistance Program, currently through the American Legion and Veterans of Foreign Wars under KSA 73-1234. These organizations are not for profit entities and are mandated to prosecute all claims to the federal Department of Veterans Administration with an accredited representative. Their long history of service is entirely consistent with Kansas Consumer Protection Law.**

**It is not clear that for profit entities can comply with the VA statement “no one can charge a claimant for preparing or filing an application for benefits with the VA without violating the law.”**

**The VA warns “perpetrators of pension poaching scams can present themselves in many professions, including attorneys and financial planners.” Any true professional should support the rule of law, in particular the Kansas Consumer Protection Laws in 50-623 et seq. I urge every committee member to vote against this bill. Please see the two attachments for other specific points in opposition to HB 2214.**

**Respectfully submitted,**

***Mike Kelly***

**State Legislative Lead  
Kansas Council of Chapters  
Military Officers Association of America**

## Attachment 1: MOAA Opponent Testimony HB 2214

### 3.2 Unaccredited claims agents continue to aggressively target many veterans for their benefits

Veterans often have benefits such as pensions or disability compensation that unaccredited claims agents, often referred to as “claim sharks,” target through ads and other forms of marketing. According to the Department of Veterans Affairs, claim sharks have adapted their tactics to gain access to veteran benefits, including the expanded benefits made available after the passage of the Sergeant First Class Heath Robinson Honoring our Promise to Address Comprehensive Toxics Act of 2022 Act (PACT Act).

These agents often use misleading solicitations in an attempt to get veterans to sign away part of their future benefits in exchange for promised expedited benefits processing or work as a benefits “coach” or “consultant.” These fees are unauthorized by the VA and the payment terms can leave veterans with unaffordable bills for extended periods.

- Consumer Finance Protection Bureau Office of Servicemembers Affairs Annual Report, September 2024, page 28

## **Attachment 2: MOAA Opponent Testimony HB 2214**

### **Bill Section 1.(a)(1)**

**Definition does not match 38 CFR § 3.3, 38 CFR § 3.4 and 38 CFR 3.5**

### **Section 1.(a)(2)**

**Definition does not include all relevant federal cabinet departments such as DHS for US Coast Guard veterans and DHHS for USPHS veterans**

### **Section 1.(a)(3)**

**Definition should be veteran, dependent, or survivor and not include other listed legal entities that are not natural persons. Also inconsistent with KSA 50-624.**

### **Section 1.(b)(1)(B)**

**Creates a loophole “unless the veteran... is choosing to deny the free services available to such a veteran.” This section is inconsistent with KSA 50-625 regarding waivers which is settled law passed in 1974. “a consumer may not waive or agree to forego rights or benefits under this act.”**

### **Section 1.(b)(1)(B)(2) and (B)(3)**

**These sections would wrongly create a legal right to charge veterans for a service provided free of charge and a service Kansas subsidizes with a \$1 million appropriation consistent with KSA 73-1234. These provisions are diametrically opposed to the Department of Veterans Affairs official position that a *veteran should expect to pay nothing* for their initial application for benefits or services. Also, VA policy in cases of appeals of denied applications, a veteran may use an *accredited* attorney with a fee per 38 CFR §14.632.**

### **Section 1.(c)(1)**

**This section should be classified under KSA 50-627 unconscionable acts and practices not merely deceptive acts and practice.**

### **Section 1.(c)(2)**

**Prevents a veteran or survivor from suing an unprofessional attorney or financial advisor for violations; denying standing for such litigation except to the state attorney general.**

### **Section 1.(c)(4)**

**Wrongly creates a Kansas loophole inconsistent with 38 CFR 14.632 “Standards of Conduct for persons providing representation before the department”**