

**DRAFT FOR EXECUTIVE BOARD CONSIDERATION
RESOLUTION OF THE EXECUTIVE BOARD
DISTRICT OF COLUMBIA
HEALTH BENEFIT EXCHANGE AUTHORITY**

To establish an automatic enrollment policy for the Individual Exchange marketplace and to define “exceptional circumstances” permitting a Special Enrollment Period.

WHEREAS, the Health Benefit Exchange Authority Establishment Act of 2011, effective March 4, 2012 (D.C. Law 19-94; D.C. Official Code § 31-3171.01 *et seq.*) (“Act”) created the District of Columbia Health Benefit Exchange Authority (“Authority”), an independent authority of the Government of the District of Columbia, and its governing Executive Board;

WHEREAS, §5 of the Act (D.C. Official Code §31-3171.04(a)(1) & (9)) requires the Authority to establish an American Health Benefit Exchange for individuals and families, including the establishment of enrollment periods, and §7 of the Act (D.C. Official Code §31-3171.06(a) & (b)) authorizes the Executive Board to take necessary lawful action to implement provisions of the Affordable Care Act of 2010 (“ACA”) (P.L. 111-148 & P.L. 111-152);

WHEREAS, 45 C.F.R. §155.410(g) enables the Exchange to enable individuals to be automatically enrolled into Qualified Health Plans(QHP), “subject to the Exchange demonstrating to HHS that it has good cause to perform such automatic enrollments.”

WHEREAS, under 45 C.F.R. §155.335(j) an enrollee who remains eligible for coverage in a QHP upon annual redetermination will remain in the QHP selected the previous year unless such enrollee terminates coverage from such plan, including termination of coverage in connection with enrollment in a different QHP;

WHEREAS, 45 C.F.R. §155.420(d)(1) – (8) establishes a series of circumstances in which QHPs must permit qualified individuals to receive a 60-day special enrollment period (SEP) to enroll in the Individual Exchange marketplace outside an Open Enrollment Period;

WHEREAS, 45 C.F.R. §155.420(d)(9) permits the Exchange to define “exceptional circumstances” establishing additional SEPs;

WHEREAS, on April 17, 2013 the Eligibility, Enrollment, and Churn Working Group deliberated the issue and did not reach a consensus recommendation on the topic of auto-enrollment for existing enrollees whose plan was not going to be offered in the subsequent plan year. This non-consensus recommendation was referred to the Executive Board’s IT Infrastructure and Eligibility Working Committee; and

WHEREAS, on May 3, 2013, the Executive Board’s IT Infrastructure and Eligibility Working Committee discussed the topic of auto-enrollment for existing enrollees whose plan was not going to be offered in the subsequent plan year, and developed consensus recommendations for Executive Board consideration.

NOW, THEREFORE, BE IT RESOLVED that the Executive Board hereby approves the following recommendations presented by the Executive Board's IT Infrastructure and Eligibility Working Committee:

Auto-Enrollment in Similar Plan; Allow an Additional SEP:

The District of Columbia Health Benefit Exchange (DCHBX) will enable an individual to be automatically enrolled if he or she does not select a new plan, and does not terminate such coverage when their existing plan is no longer offered in a subsequent plan year, into a similar plan, if available. A similar plan is defined as same carrier, metal tier, and provider network.

Additionally, a new 60-day SEP is established. The triggering date is the effective date for the plan in which the individual has been automatically enrolled. This provides the individual an additional opportunity to change plans.

No Auto-Enrollment if Similar Plan Not Available; Allow an Additional SEP to select new plan:

There is no automatic enrollment if there is no similar plan available.

Additionally, a new 60-day SEP is established. The triggering date is the first day coverage is terminated. This provides the individual an additional opportunity to select a new plan.

I HEREBY CERTIFY that the foregoing Resolution was adopted on this _____ day of _____, 2013, by the Executive Board of the District of Columbia Health Benefit Exchange Authority in an open meeting.

Khalid Pitts, Secretary/Treasurer
District of Columbia Health Benefits Exchange Authority