RESOLUTION

EXECUTIVE BOARD OF THE DISTRICT OF COLUMBIA HEALTH BENEFIT EXCHANGE AUTHORITY

To establish a default setting for the amount of advanced payment of premium tax credit displayed to users during plan selection.

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) & (10)) requires the Authority to establish an American Health Benefit Exchange for individuals and families, including establishing a website for individuals to shop for Qualified Health Plans, 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. §155.310(d)(2) requires the Exchange to allow qualified individuals to take less than the full amount of advance payment of premium tax credits (APTC) for which he or she is determined eligible;

WHEREAS, 26 C.F.R. 1.36B-4 permits individuals whose premium tax credit (calculated at the time of income tax filing for the benefit year) exceeds the amount taken as an APTC to receive the remaining amount of the credit due as an income tax refund; and

WHEREAS, on April 17, 2013, the Eligibility, Enrollment, and Churn Working Group deliberated on this and reached a consensus recommendation.

NOW, THEREFORE, BE IT RESOLVED that the Executive Board hereby approves the following consensus recommendation presented by the Eligibility, Enrollment, and Churn Working Group:

The portion of the online system used by individuals to compare and select plans shall display a default APTC of eighty-five percent (85%) of the maximum APTC the individual is determined eligible for. The online system shall indicate that the amount can be changed to a higher amount, up to the maximum APTC for which the individual is eligible, or a lower amount.

I HEREBY CERTIFY that the foregoing Resolution was adopted on this ___**9th**___ day of _**May**____, 2013, by the Executive Board of the District of Columbia Health Benefit Exchange Authority in an open meeting.

_____   _____

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