HBX
DC Health Benefit
Exchange Authority

RESOLUTION

EXECUTIVE BOARD OF THE DISTRICT OF COLUMBIA HEALTH BENEFIT EXCHANGE AUTHORITY

For technical and clarifying amendments to HBX's enabling legislation.

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.*) ("HBX's enabling legislation") 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 where individuals and families can access coverage, 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, on September 30, 2025, the Authority received approval from the Centers for Medicare and Medicaid Services (CMS) to operate a Basic Health Plan in the District of Columbia, known as Healthy DC Plan, leveraging Exchange private health insurance marketplace standards;

WHEREAS, 45 C.F.R. §155.420(d)(9) permits the Exchange to define "exceptional circumstances" for special enrollment periods (SEPs);

WHEREAS, the Loss of Medicaid SEP, which had been in place under federal guidance since January 2023, and most recently extended by the Executive Board of the District of Columbia Health Benefit Exchange Authority on December 2, 2025, expires on December 31, 2026;

WHEREAS, the Healthy DC Plan follows individual market enrollment rules for PY2027, including requiring individuals to report a qualifying event to enroll outside of the annual open enrollment period;

WHEREAS, on August 17, 2026, the Standing Advisory Board met to consider extending the Loss of Medicaid SEP through PY2027 and discussed that residents, especially those with small income changes resulting in a loss of Medicaid and who are eligible for Healthy DC Plan, may not recognize their loss of Medicaid until they try to use services, which is generally beyond the 90-day window to enroll;

WHEREAS, on August 17, 2026, the Standing Advisory Board voted unanimously to recommend that the Executive Board extend the “exceptional circumstance” SEP in the Individual/Family market, which also applies to Healthy DC Plan, for individuals losing Medicaid through December 2027.

NOW, THEREFORE, BE IT RESOLVED that the Executive Board hereby adopts the following recommendation:

<u>Individual & Family Marketplace and Healthy DC Plan</u>

SEP Eligibility –the Loss of Medicaid exceptional circumstance special enrollment periods shall be extended through December 31, 2027, in the Individual/Family marketplace, which applies to the Healthy DC Plan, for individuals who lose Medicaid eligibility on or before December 31, 2027.

ADOPTED: September __, 2026 by the Executive Board of the District of Columbia Health Benefit Exchange Authority in an open meeting.