



DC Health Benefit  
Exchange Authority

**Standing Advisory Board Meeting  
Draft Minutes**

**Date:** Wednesday, January 30, 2019  
**Time:** 4:30 PM  
**Location:** 1225 “Eye” Street NW, 4<sup>th</sup> Floor, Board Conference Room or by Conference Call  
**Call- in Number:** 1-650-479-3208; access code 730 599 017

**Members Present:** Jill DeGraff, Kevin Dougherty, Chris Gardiner, Laurie Kuiper, Billy MacCartee, Dania Palanker

**Members Absent:** Chile Ahaghotu, Dave Chandrasekaran, Claire McAndrew,

**I. Welcome, Opening Remarks and Roll Call, *Chris Gardiner, Chair***

Mr. Gardiner called the meeting to order at 4:37 p.m. A roll call of members present confirmed that there was a quorum with six members present: Ms. DeGraff, Mr. Dougherty, Mr. Gardiner, Ms. Kuiper, Mr. MacCartee, and Ms. Palanker.

**II. Approval of Draft Agenda, *Chris Gardiner, Chair***

It was moved and seconded to approve the draft agenda. The motion passed unanimously, with Ms. DeGraff, Mr. Dougherty, Mr. Gardiner, Ms. Kuiper, Mr. MacCartee, and Ms. Palanker voting yes.

**III. Approval of Minutes, October 25, 2018 meeting -- *Chris Gardiner, Chair***

It was moved and seconded to approve the minutes of the October 25, 2018 meeting. The motion passed unanimously, with Ms. DeGraff, Mr. Dougherty, Mr. Gardiner, Ms. Kuiper, Mr. MacCartee, and Ms. Palanker voting yes.

**IV. Executive Director Report, *Mila Kofman, Executive Director***

**OPEN ENROLLMENT UPDATE:** Open Enrollment closes at the end of Thursday, January 31<sup>st</sup>. As a reminder, while the federal government shortened the federal marketplace open enrollment, we have maintained

a longer open enrollment because we know it benefits our customers. And, you on the Standing Advisory Board have led the way on that and we appreciate your efforts.

Our new enrollments have lagged several hundred behind last year. For example, as of this morning, 1/30, we had 4,487 new customers compared to 4,920 at the same time last year. We are still investigating why that may be the case. Some have suggested it may be due to a strong economy with more people covered through employer-sponsored coverage. We also have anecdotal evidence that the public charge proposed rule is keeping legal immigrants from applying for coverage – Medicaid or even private coverage seeking financial assistance.

**DENTAL INSURANCE:** A value offered through DC Health Link, but not widely understood, is the ability to purchase a stand-alone dental plan as an individual. Before we were in operation, dental plans were not marketed to individuals in the District at all. Many people who have health insurance, or Medicare, do not have dental coverage. This year, we started an ad campaign on metro buses to promote this offering. And, staff are researching additional ways to get the word out.

**LEGISLATIVE UPDATE:** Thanks in part to work done through the Standing Advisory Board on short-term limited health plans, DISB and HBX worked together to get legislation to Council to protect District residents from junk health plans like short-term limited duration plans and Association Health Plans. The Health Insurance Marketplace Improvement Act of 2018 is now law in the District. This law should help the District make sure that people are enrolled in qualify, affordable coverage that covers all essential health benefits.

**INDIVIDUAL RESPONSIBILITY REQUIREMENT:** Ms. Kofman reminded everyone that the District enacted its own local individual responsibility requirement after the federal government effectively repealed the federal law in their major tax bill in December 2017. HBX has been working with sister agencies on implementation of the requirements.

## V. Discussion Item

- a. To define additional time-limited “exceptional circumstances” for a Special Enrollment Period related to the enactment of a new District of Columbia Individual Responsibility Requirement – *Debbie Curtis, HBX Staff*

Mr. Gardiner welcomed Debbie Curtis, Deputy Director for Policy and Exchange Programs, to lead a discussion for us about a staff proposal to create a new time-limited special enrollment period, or SEP.

Ms. Curtis stated that after the federal government zeroed out the tax penalty for not having health coverage, Mayor Bowser asked us to reconvene our ACA Working Group, and that group came to consensus that the District should enact a local law. Mayor Bowser heeded that advice and included the requirement in the Budget Support Act. It is now law and went into effect January 1, 2019.

This proposed SEP responds to the fact that the District of Columbia enacted a local individual responsibility requirement that became effective January 1, 2019. There was significant media attention to the federal government’s effective repeal of their individual responsibility requirement. However, far

less media attention paid to the District's enactment of its local requirement. This SEP would enable uninsured residents who learn of the new District law when they are filing their 2018 or 2019 District taxes, to obtain a SEP to enroll in coverage at that time. This proposed SEP is consistent with an earlier time-limited SEP that was enacted by HBX, after review and approval by the Standing Advisory Board and the HBX Board, in connection with the implementation of the federal individual responsibility requirement on 2014 federal income tax filings.

Ms. Curtis stated that uninsured residents who learn of the individual responsibility requirement when filing their District income taxes for 2018 or 2019 would have a 60 day SEP to obtain health insurance and minimize the impact of the tax penalty. If they contact DC Health Link before they file, the SEP starts the day they contact DC Health Link. If they contact DC Health Link after they file, the SEP starts the date they filed. Since this SEP is just for those who are learning about the new law for the first time, individuals would only be eligible for this SEP once.

Ms. Kuiper asked if there is a reason the SEP should be two years instead of one. Ms. Curtis said that the information is not really "out" to the tax preparers and others. Many people will not know about the new District requirement until 2019 taxes are filed in 2020.

Ms. Kuiper said Kaiser is reluctant to expansion of SEPs to a point where open enrollment periods lose their meaning, but could support one year. Ms. Curtis said when HBX did a similar thing a few years ago, there were only a handful of people who took advantage of the SEP, but those people were really helped. Ms. Kofman said she did not think any gaming or adverse selection would result from the SEP and there was no evidence such adverse selection had occurred earlier. Ms. Kuiper suggested doing one year, and reassessing the situation at that time. Ms. Kofman agreed to create the SEP related to 2018 only, but that HBX would come back to the Standing Advisory Board prior to the 2020 tax filing (for 2019) season.

Ms. Curtis stated the revision as follows: that uninsured residents who learn of the individual responsibility requirement when filing their District income taxes for 2018 would have a 60 day SEP to obtain health insurance and minimize the impact of the tax penalty.

## **VI. Public Comment**

No public comment was proffered.

## **VII. Vote**

- a. Time-limited SEP related to the District of Columbia's new Individual Responsibility Requirement

It was moved and seconded to approve the time-limited SEP related to the District of Columbia Individual Responsibility Requirement. The motion passed unanimously, with Ms. DeGraff, Mr. Dougherty, Mr. Gardiner, Ms. Kuiper, Mr. MacCartee, and Ms. Palanker voting yes.

**VIII. Closing Remarks and Adjourn, *Chris Gardiner, Chair***

The meeting was adjourned at 5:04 p.m.