



## RESOLUTION

### EXECUTIVE BOARD OF THE DISTRICT OF COLUMBIA HEALTH BENEFIT EXCHANGE AUTHORITY

**To define additional “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 (“HBX”), 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 HBX 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. §155.420(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**, HBX, through monitoring market conditions, identified a situation where an additional “exceptional circumstances” SEP warranted consideration by the Standing Advisory Board; and

**WHEREAS**, on September 17, 2015, the Standing Advisory Board considered the staff recommendation, deliberated on the topic, took public comment, and unanimously approved the recommendation to the Executive Board;

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

The District of Columbia Health Benefit Exchange Authority will consider it an “exceptional circumstance”, permitting a new special enrollment period (SEP) due to one of the following circumstances. Unless otherwise indicated, effective dates follow the rules established in 45 C.F.R. §155.420(b)(1) and the length of the SEP shall be in accordance with 45 C.F.R. §155.420(c)(1).

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- 13) Losing access to a group health plan, or other employer-sponsored coverage, because an employer that is responsible for submitting a portion (or all) of the premiums fails to submit them on time. The triggering event shall be when the notice is received by the individual of a loss of coverage. The effective date of coverage shall be based on circumstances as determined by HBX with the intent of preventing gaps in health coverage for the consumer.

**I HEREBY CERTIFY** that the foregoing Resolution was adopted on this \_\_\_\_\_ day of \_\_\_\_\_, 2015, 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

\_\_\_\_\_  
Date