

**Post-Employment Rules\* – Section 31-3171.10(b)**

**Comparison of HBX Establishment Act and BEGA Comprehensive Code of Conduct – 4/1/2019**

Type of Restriction	Health Benefit Exchange Authority Conflict of Interest Statute		Board of Ethics and Government Accountability Comprehensive Code of Conduct	
	<i>Board Member</i>	<i>Staff</i>	<i>Board Member</i>	<i>Staff</i>
Restrictions while seeking employment			Requirement to have written recusal in place <b>before</b> applying for positions with entities that create a financial COI.  D.C. Official Code §1-1162.23	Requirement to have written recusal in place <b>before</b> applying for positions with entities that create a financial COI.  D.C. Official Code §1-1162.23
Prohibiting specific employment available after leaving HBX	1 year bar on employment with “any health carrier that offers a qualified health benefit plan through the exchanges”  D.C. Official Code §31-3171.10(b)	1 year bar on employment with “any health carrier that offers a qualified health benefit plan through the exchanges”  D.C. Official Code §31-3171.10(b)	Regulates specific activities, not specific employment ( <i>see below</i> )	Regulates specific activities, not specific employment ( <i>see below</i> )
Permanent Prohibitions			Cannot knowingly act in representational role before agency or make any oral or written communication to an agency with the intent to influence when related to a particular matter and a specific party where the employee substantially participated.  6-B DCMR §1811.4	Same as board.  6-B DCMR §1811.4

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	<i>Board Member</i>	<i>Staff</i>	<i>Board Member</i>	<i>Staff</i>
1 year ban			Cannot participate in any transactions with former agency if <b>intended to influence the agency</b> and connected to a particular matter pending before the agency, or in which the agency has a direct or substantial interest. Applies whether representing self or a third party.  6-B DCMR §1811.10 <i>et seq.</i>	Same as board.  6-B DCMR §1811.10 <i>et seq.</i>
2 year ban on representation before HBX			Cannot <b>knowingly</b> act in a representational role before former agency if employee had official responsibility for that matter.  6-B DCMR §1811.5 <i>et seq.</i>	Same as board.  6-B DCMR §1811.5 <i>et seq.</i>
2 year ban on providing behind the scenes advice			Cannot <b>knowingly</b> aid, counsel, advise, consult, or assist <b>any person</b> where the employee was involved in a particular matter with that specific party while employed at the agency.  6-B DCMR §1811.8 and 1811.9	Same as board.  6-B DCMR §1811.8 and 1811.9

\* Not applicable to government employment.