



## RESOLUTION

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

**To define an additional “exceptional circumstance” Special Enrollment Period (SEP) for the Individual/Family marketplace, which applies to Healthy DC Plan, related to Medicaid eligibility terminations.**

**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) & (9)) requires the Authority to establish an American Health Benefit Exchange for 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 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 November 19, 2024, expires on December 31, 2025;

**WHEREAS**, effective January 1, 2026, the District of Columbia Fiscal Year 2026 Budget Support Act of 2025 (D.C. Act 26-0148) reduces Medicaid eligibility for Childless Adults and Parent/Caretakers to those at or below 138% FPL; and

**WHEREAS**, on November 24, 2025, the Standing Advisory Board voted unanimously to recommend that the Executive Board extend the “exceptional circumstance” SEP in the Individual/Family market, which applies to Healthy DC Plan for individuals losing Medicaid through 2026.

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

Individual & Family Marketplace and Healthy DC Plan

*SEP Eligibility* - the Loss of Medicaid exceptional circumstance special enrollment periods shall be extended through December 31, 2026, in the Individual/Family marketplace, which applies to the Healthy DC Plan, for individuals who lose Medicaid eligibility on or before December 31, 2026.

**I HEREBY CERTIFY** that the foregoing Resolution was adopted on this 2<sup>nd</sup> day of December, 2026, by the Executive Board of the District of Columbia Health Benefit Exchange Authority in an open meeting.

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

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Date