



RESOLUTION

EXECUTIVE BOARD OF THE DISTRICT OF COLUMBIA HEALTH BENEFIT EXCHANGE AUTHORITY

To extend “exceptional circumstance” Special Enrollment Periods related to Medicaid Unwinding for both the Individual/Family marketplace and the SHOP marketplace.

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 an a Small Business Health Options (SHOP) Exchange through which qualified employers can access coverage for employees, 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) and 155.726(c) establish a series of circumstances in which QHPs must permit qualified individuals, employees, and dependents to receive special enrollment periods (SEPs) to enroll in the Individual/Family or the SHOP Exchange outside an Open Enrollment Period;

WHEREAS, 45 C.F.R. §155.420(d)(9) and 155.726(c)(2)(i) permits the Exchange to define “exceptional circumstances” for SEPs;

WHEREAS, the Families First Coronavirus Response Act (“FFRA”) (P.L. 116-127) required all states to maintain Medicaid enrollment for individuals enrolled in the program as of March 2020. The enrollment was maintained until the end of the federal public health emergency related to the COVID-19 pandemic (“continuous enrollment”);

WHEREAS, on December 29, 2022, the Consolidated Appropriations Act of 2023 (P.L. 117-328) ended the continuous coverage requirement effective March 31, 2023, beginning a process known as “Medicaid Unwinding”;

WHEREAS, on January 27, 2023, the Centers for Medicare and Medicaid Services (CMS) announced a Special Enrollment Period (SEP) in the federal marketplace for qualified

individuals and their families losing Medicaid or CHIP coverage at any point between March 31, 2023 and July 31, 2024 due to Medicaid Unwinding. HBX adopted this “Unwinding SEP” for both the Individual/Family and SHOP marketplaces;

WHEREAS, on March 28, 2024, CMS announced extension of the “Unwinding SEP” in the federal marketplace to individuals losing Medicaid at any point through November 30, 2024. HBX adopted this extension for both the Individual/Family and SHOP marketplaces;

WHEREAS, in August of 2024, CMS provided states flexibility to extend the Medicaid unwinding period to complete unwinding-related renewals through December of 2025; and

WHEREAS, on October 16, 2024, the Standing Advisory Board voted unanimously to recommend that the Executive Board extend the Unwinding SEP in the Individual/Family and SHOP markets through December 31, 2025;

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

Individual & Family Marketplace and SHOP Marketplace

- *SEP Eligibility* - the Medicaid Unwinding exceptional circumstance special enrollment periods shall be extended through December 31, 2025, in both the Individual/Family and the SHOP marketplaces, to individuals who lose Medicaid eligibility on or before December 31, 2025.

I HEREBY CERTIFY that the foregoing Resolution was adopted on this 19 day of November 2024, 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