RESOLUTION

EXECUTIVE BOARD OF THE DISTRICT OF COLUMBIA
HEALTH BENEFIT EXCHANGE AUTHORITY

To extend "exceptional circumstance" Special Enrollment Periods related to COVID-19 for both the Individual and 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 a Small Business Health Options (SHOP) Exchange through which qualified employers can access coverage for employees and 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. §§155.725(j), 155.726(c), and 45 C.F.R. §155.420(d) establish a series of circumstances in which QHPs must permit qualified employees and dependents to receive special enrollment periods (SEPs) to enroll in the SHOP Exchange outside an Open Enrollment Period;

WHEREAS, 45 C.F.R. §155.420(d)(9), 155.725(j), and 155.726(c) permits the Exchange to define "exceptional circumstances" for SEPs;

WHEREAS, the Mayor of the District of Columbia declared the existence of a Public Emergency and a Public Health Emergency in response to the coronavirus (COVID-19) on March 11, 2020 (Mayor's Order 2020-045 and Mayor's Order 2020-046), which remains in effect;

WHEREAS, the Authority eliminated hurdles allowing District residents and their families and SHOP employees to enroll in coverage through an exceptional circumstance SEP with the goal of promoting access to health care coverage during the COVID-19 pandemic;

WHEREAS, such exceptional circumstance SEPs in the individual and family marketplace and SHOP marketplace expire on September 15, 2020:

WHEREAS, as of September 3, 2020, 14,186 District residents have been infected with COVID-19 and 611 have died as a result;

WHEREAS, On August 26, 2020, the Standing Advisory Board unanimously approved a recommendation to the Executive Board to keep exceptional circumstance SEPs available for District residents, SHOP employees, and their dependents in response to the on-going COVID-19 pandemic and the District's ongoing Public Health Emergency;

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

Exceptional circumstance SEPs will be available in the Individual/Family and SHOP marketplaces, in response to the coronavirus (COVID-19), under the following conditions:

Individual & Family Marketplace and SHOP Marketplace

- These exceptional circumstance special enrollment periods are available through the last day of the DC Health Link Individual & Family 2021 Open Enrollment Period (January 31), unless the District of Columbia COVID-19 Public Health Emergency (PHE), as declared by the Mayor, is still in place on that date, in which case the SEP is available until end of the month in which the PHE ends.

- *Effective Date of Coverage -* The effective date of coverage shall be the first day of the month in which the individual or employee selects a plan or first day of the month following plan selection, at the option of the qualified individual or employee. If enrolling in family coverage, dependents will have the same effective date as the enrolling individual or employee.

I HEREBY CERTIFY that the foregoing Resolution was adopted on this _____ day of September, 2020, by the Executive Board of the District of Columbia Health Benefit Exchange Authority in an open meeting.

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