

DRAFT



**RESOLUTION OF THE EXECUTIVE BOARD
DISTRICT OF COLUMBIA
HEALTH BENEFIT EXCHANGE AUTHORITY**

To adopt recommendations modifying standard qualified health plans at each of the four metal level tiers for plan year 2023, plus a standard HSA-compatible plan at the bronze level.

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, §1301(a)(1)(C)(ii) of the ACA requires QHP issuers to offer one silver-level and one gold-level plan at a minimum;

WHEREAS, D.C. Official Code §31-3171.09(5)(B)(i) requires QHP issuers to offer at least one bronze plan;

WHEREAS, 45 C.F.R. §155.1000(c) allows state exchanges to limit certification to those plans that it finds are in the best interest of qualified individuals and employers and 45 C.F.R. §156.200(d) allows state exchanges to require additional certification requirements beyond the federal minimums;

WHEREAS, §5 of the Act (D.C. Official Code §31-3171.04(a)(7)) authorizes the Authority to implement procedures for certification, recertification, and decertification of QHPs;

WHEREAS, on March 22, 2013, the Executive Board adopted a Resolution to develop standardized benefit plans (benefits and cost-sharing) at each of the four metal level tiers based on input from consumers, employers, carriers, and based on early purchase preferences;

WHEREAS, on November 12, 2014, the Executive Board adopted a Resolution setting standard plans at all four metal level tiers for Plan Year 2016;

WHEREAS, on March 9, 2015, the Executive Board adopted consensus recommendations to modify the standard Bronze plan to be consistent with the 2016 Plan Year Actuarial Calculator released by the Center for Consumer Information and Insurance Oversight;

WHEREAS, on April 6, 2016, the Executive Board adopted a Resolution modifying the standard plans at all four metal level tiers for Plan Year 2017;

WHEREAS, on February 8, 2017, the Executive Board adopted a Resolution modifying the standard plans at all four metal level tiers, plus an HSA-compatible bronze plan for Plan Year 2018;

WHEREAS, on March 14, 2018, the Executive Board adopted a Resolution modifying the standard plans at the gold, silver and bronze copay levels for Plan Year 2019;

WHEREAS, on February 13 and May 8, 2019, the Executive Board adopted a Resolution modifying the standard plans at the gold, silver and bronze copay levels for Plan Year 2020;

WHEREAS, on April 1, 2020, the Executive Board adopted a Resolution modifying the standard plans at the gold, silver, bronze copay and bronze HSA-compatible levels for Plan Year 2021;

WHEREAS, on February 10, 2021, the Executive Board adopted a Resolution modifying the standard plans at the gold, silver, bronze copay and bronze HSA-compatible levels for Plan Year 2022;

WHEREAS, on July 14, 2021, the Executive Board adopted a Resolution adopting the recommendations of the Social Justice and Health Disparities Working Group;

WHEREAS, the Standard Plans Working Group came to consensus on the policy of providing certain services, medications, and supplies for Type 2 diabetics at \$0 cost-sharing in standard plans as allowed by law;

WHEREAS, on November 10, 2021, the Executive Board adopted a Resolution modifying the standard plans at the platinum, gold, silver, and bronze copay levels for Plan Year 2023 by providing certain services, medications, and supplies for Type 2 diabetics at \$0 cost-sharing in standard plans as allowed by law, and providing that standard plans be made available in SHOP for Plan Year 2023;

WHEREAS, the draft federal actuarial value calculator for Plan Year 2023 was issued December 28, 2021;

WHEREAS, HBX raised concerns, in response to the PY2023 Notice of Benefit and Payment Parameters Proposed Rulemaking and Draft PY2023 Actuarial Value Calculator, that the proposed actuarial value standards would hinder state efforts to address health equity initiatives and pose challenges for our ongoing equity work. Stakeholders, including health plans, commented and raised concerns about the actuarial value and/or de minimus. HBX specifically requested that CMS allow a higher de minimus range for both gold and silver metal levels;

WHEREAS, the Standard Plans Working Group met on February 15, 2022, February 22, 2022, and March 1, 2022 by conference call;

WHEREAS, the Standard Plans Working Group developed the following recommendations, a worst-case scenario based on the draft federal actuarial value calculator for Plan Year 2023;

WHEREAS, the Standard Plans Working Group came to consensus on the modifications required to make the gold and silver standard plans compliant with the 2023 draft federal actuarial value calculator, and to modify the bronze copay standard plan to maintain consistency between all the standard plans regarding levels of benefits;

NOW, THEREFORE, BE IT RESOLVED that the Executive Board hereby approves the following recommendations from the Standard Plans Advisory Working Group:

If the PY2023 actuarial value calculator and de minimus are finalized as proposed, the Executive Board adopts the recommendation for standard plans for DC Health Link at the platinum, gold, silver, bronze copay, and HSA-compatible bronze metal level tiers for 2023 as set forth in the *Recommendations of the Standard Plans Advisory Working Group to the District of Columbia Health Benefit Exchange Authority*, dated March 9, 2022. If there's a change in the final PY2023 actuarial value calculator and/or de minimus, the Executive Board approves adjustments proposed by the Standard Plans Advisory Working Group absent an objection by any single board member. In the event a board member objects, the Executive Board will consider the Standard Plans Advisory Working Group proposal of adjustments.

I HEREBY CERTIFY that the foregoing Resolution was adopted on this 9th day of March, 2022, by the Executive Board of the District of Columbia Health Benefit Exchange Authority in an open meeting.

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

March 9, 2022
Date