



## *RESOLUTION*

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

**To establish a Special Enrollment Period, which, when combined with the open enrollment period, effectively creates an annual three month open enrollment period from November 1<sup>st</sup> through January 31<sup>st</sup>.**

**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 (“HBX”), 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)(2) & (9) requires the Authority to establish 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**, §8 of the Act (D.C. Official Code §31-3171.07) requires the Authority to create a Standing Advisory Board (SAB), and consult with the SAB on certain matters, including any policy or operational issues within the Executive Board’s discretion;

**WHEREAS**, the federal government has established a six week open enrollment period, November 1st through December 16th of each year;

**WHEREAS**, 45 C.F.R. §155.420(d) establishes a series of circumstances in which QHPs must permit qualified individuals to receive a special enrollment period (SEP) to enroll in the individual marketplace outside of an annual open enrollment period;

**WHEREAS**, 45 C.F.R. §155.420(d)(9) permits the Exchange to define “exceptional circumstances” establishing additional grounds for granting a SEP;

**WHEREAS**, in May of 2018 and June of 2017, the HBX Executive Board approved a SEP of December 16 through January 31<sup>st</sup> effectively establishing a three-month open enrollment period;

**WHEREAS**, on May 2, 2019, the Standing Advisory Board met and unanimously approved a recommendation to the Executive Board to adopt a SEP to effectively create an annual three-month individual market Open Enrollment Period based on the needs of the District and the significant enrollment activity experienced by through January 31st every year, including numerous renewals in the small business (SHOP) marketplace occurring in the months of November and December as well as Congressional Open Enrollment which also occurs in this window;

**NOW, THEREFORE, BE IT RESOLVED** that the Executive Board hereby adopts the consensus recommendation from the Standing Advisory Board as follows:

Establish an annual Special Enrollment Period for individual market enrollment that would effectively establish a three-month individual market open enrollment period every year from November 1st through January 31st. Together, the regular open enrollment period under 45 C.F.R. §155.410(e)(3) and the special enrollment period established by this resolution together provide for a three month annual open enrollment period as has become customary in the District.

All individuals meeting the criteria established under 45 C.F.R. §155.305(a) shall be eligible for this Special Enrollment Period, which lasts for 47 days between December 16 and January 31 of each year. Effective dates shall be based on 45 C.F.R. §155.410(f)(2).

**I HEREBY CERTIFY** that the foregoing Resolution was adopted on this 8th day of May, 2019, 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

5/8/2019  
Date