



## RESOLUTION

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

**To define an additional “exceptional circumstance” for a SHOP marketplace Special Enrollment Period related to COVID-19.**

**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 and 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. §§155.725(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);

**WHEREAS**, Authority staff, through monitoring market conditions, identified a situation where an additional “exceptional circumstances” SEP for small business employees in SHOP warranted consideration by the Executive Board; and

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

An “exceptional circumstance” related to COVID-19 for a special enrollment period for a

qualified employee.

Reporting Deadline

This exceptional circumstance special enrollment period may be reported through June 15, 2020. The Executive Director is authorized, based on ongoing circumstances related to the COVID-19 public emergency, to extend the reporting deadline for this special enrollment period through September 15, 2020.

Effective Date of Coverage

The effective date of coverage shall be the first day of the month in which the qualifying employee requests a COVID-19 SEP or first of the month following the date the qualifying employee requests a COVID-19 SEP.

**I HEREBY CERTIFY** that the foregoing Resolution was adopted on this 1st day of April, 2020, by the Executive Board of the District of Columbia Health Benefit Exchange Authority in an open meeting.

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

April 1, 2020  
Date