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, §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.

___________________________

April 1, 2020

/s/Khalid Pitts, Secretary/Treasurer

District of Columbia Health Benefits Exchange Authority

Date