



## *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**, on April 1, 2020, the Authority create an exceptional circumstance SEP in the SHOP marketplace, eliminating barriers to enrollment for small business employees and their families;

**WHEREAS**, on September 9, 2020, the Authority created an exceptional circumstance SEP in the individual and family marketplace and extending the April 1, 2020 SEP in the SHOP marketplace, eliminating barriers to enrollment for District residents and their

families and SHOP employees, with the goal of promoting access to health care coverage during the COVID-19 pandemic;

**WHEREAS**, on March 11, 2021, President Biden signed into law the American Rescue Plan Act which provides for approximately \$36 million in lower premiums for District residents, both new and existing customers in 2021;

**WHEREAS**, the public health emergency in the District is scheduled to expire on July 25, 2021 and without an extension, the COVID-19 SEP will expire July 31, 2021;

**WHEREAS**, on May 6, 2021, the Standing Advisory Board the Standing Advisory Board voted 7 to 1 to recommend that the Executive Board extend the existing COVID-19 SEPs in the individual and SHOP markets through January 31, 2022, the end of DC Health Link's next open enrollment period, or the last day of the month in which the District's PHE expires, whichever is later;

**WHEREAS**, on July 7, 2021, the Executive Board's Insurance Market Committee voted unanimously to recommend the Executive Board adopt the Standing Advisory Board's recommendation for a SEP extension.

**NOW, THEREFORE, BE IT RESOLVED** that the Executive Board hereby adopts the following extension as reflected in red below:

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 2022 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 14th day of July, 2021, by the Executive Board of the District of Columbia Health Benefit Exchange Authority in an open meeting.

/s/ Khalid Pitts  
Khalid Pitts, Secretary/Treasurer

July 14, 2021

Date District of Columbia Health Benefits Exchange  
Authority