



## RESOLUTION

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

**To define an additional “exceptional circumstance” for a Special Enrollment Period related to individuals who are pregnant.**

**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), (2), & (9)) requires the Authority to establish an American Health Benefit Exchange for individuals and families and a Small Business Health Options Program (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. §155.420(d)(1) – (8) & (10) – (14) and 45 C.F.R. §§155.725(j) and 155.726(c) establish a series of circumstances in which QHPs must permit qualified individuals as well as qualified employees and dependents to receive special enrollment periods (SEPs) to enroll in the Individual Exchange or SHOP marketplaces outside the Open Enrollment Periods;

**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**, Authority staff, through monitoring market conditions, identified a situation where an additional “exceptional circumstances” SEP warranted consideration by the Standing Advisory Board; and

**WHEREAS**, on December 13, 2019, the Standing Advisory Board considered the staff recommendation, deliberated on the topic, took public comment, and unanimously approved the recommendation to the Executive Board;

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

A new special enrollment period shall be available to individuals, and their dependents, to enroll in an individual market or SHOP market Qualified Health Plan (QHP) if that individual is pregnant, as confirmed by a health care practitioner.

Triggering Event

This triggering event for this special enrollment period is the date of confirmation of pregnancy by the health care practitioner.

Effective Date of Coverage

The effective date of coverage shall be either of the following dates, at the option of the individual.

- the first of the month in which the individual receives confirmation of pregnancy from a health care practitioner; or
- the first of the month following the date the individual makes a plan selection.

When an individual enrolls dependents via this SEP, the dependents receive the same effective date selected by the individual.

SEP Length

This special enrollment period shall last for:

- 60 days from the triggering event in the individual market; and
- 30 days from the triggering event in the SHOP market.

**I HEREBY CERTIFY** that the foregoing Resolution was adopted on this 8th day of January, 2020, 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 Benefits Exchange Authority

1/8/2020  
Date