



RESOLUTION

EXECUTIVE BOARD OF THE DISTRICT OF COLUMBIA HEALTH BENEFIT EXCHANGE AUTHORITY

To define additional “exceptional circumstances” permitting a Special Enrollment Period.

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 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. §155.420(d)(1) – (8) establishes a series of circumstances in which QHPs must permit qualified individuals to receive special enrollment periods (SEPs) to enroll in the Individual Exchange marketplace outside an Open Enrollment Period;

WHEREAS, 45 C.F.R. §155.420(d)(9) permits the Exchange to define “exceptional circumstances” establishing additional SEPs;

WHEREAS, Authority staff continuously monitor market conditions, including “exceptional circumstances” definitions established by other marketplaces;

WHEREAS, on February 5, 2016, the federally-facilitated market announced that it considered ineligibility for advanced premium tax credit (APTC) based on failure to reconcile APTCs received in 2014, when accompanied by certain other conditions, to be an “exceptional circumstance” permitting an SEP;

WHEREAS, on February 18, 2016, the Standing Advisory Board considered and debated the federally-facilitated market’s definition of “exceptional circumstances” to include loss of APTC based on failure to reconcile APTCs received in 2014, when accompanied by certain other conditions; and

WHEREAS, on February 18, 2016, the Standing Advisory Board unanimously concurred with the federally-facilitated marketplace's definition in this regard and approved a recommendation to the Executive Board which mirrors the language and conditions adopted by the federally-facilitated marketplace.

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

The District of Columbia Health Benefit Exchange Authority will consider it an "exceptional circumstance", permitting a new special enrollment period (SEP), for qualified individuals who:

- 1) Are not currently enrolled in 2016 coverage through the DC Health Benefit Exchange's Individual Market.
- 2) Are not receiving APTC in 2016 because they failed to file a tax return for 2014 and reconcile their APTC.

AND

- 3) Subsequently filed their 2014 tax return and reconciled their 2014 APTC.

Duration of SEP

This SEP shall be available for qualified individuals through March 31, 2016.

Effective Dates

The effective date of coverage under this SEP will be the first of the month following plan selection.

I HEREBY CERTIFY that the foregoing Resolution was adopted on this 26th day of February, 2016, by the Executive Board of the District of Columbia Health Benefit Exchange Authority in an open meeting.

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

Date