



RESOLUTION

EXECUTIVE BOARD OF THE DISTRICT OF COLUMBIA HEALTH BENEFIT EXCHANGE AUTHORITY

To define additional “exceptional circumstances” permitting a SEP for SHOP employees who reside outside of the DC-Metro area but enroll in a QHP with a DC-only network and a SEP for SHOP employees whose employer does not have a broker.

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 (“HBX”), 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)(2) & (9) requires the Authority to establish a 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) and 45 C.F.R. §155.420(d) establish a series of circumstances in which QHPs must permit qualified employees or dependents of a qualified employee to receive a special enrollment period (SEP) to enroll in the SHOP marketplace outside of an annual employee open enrollment period or enrollment period available to new employees;

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

WHEREAS, §8 of the Act (D.C. Official Code §31-3171.07) requires the Authority to create a Standing Advisory Board (SAB), and consult with the SAB on certain matters, including any policy or operational issues within the Executive Board’s discretion;

WHEREAS, HBX, through monitoring market conditions, identified two situations where additional “exceptional circumstances” SEPs in the SHOP marketplace warranted consideration by the Standing Advisory Board;

WHEREAS, the SAB met on June 29, 2017 to consider staff recommendations, deliberate, and take public comments;

WHEREAS, the SAB met on July 10, 2017 and unanimously approved a recommendation to the Executive Board to expand the definition of “exceptional circumstances”;

NOW, THEREFORE, BE IT RESOLVED that the Executive Board hereby adopts the consensus recommendation from the Standing Advisory Board as follows:

An “exceptional circumstance” for a special enrollment period includes the following:

- 14) A qualified employee who resides outside of the DC-Metro area , whose enrollment in a QHP with a DC-only provider network is unintentional, inadvertent, or erroneous and is the result of the error.
- 15) A qualified employee’s enrollment or non-enrollment in a QHP is unintentional, inadvertent, or erroneous and is the result of the error, misrepresentation, misconduct, or inaction of a SHOP employer acting without a broker of record.

I HEREBY CERTIFY that the foregoing Resolution was adopted on this 12th day of July, 2017, 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

July 12, 2017
Date