



## 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) & (10) establishes a series of circumstances in which QHPs must permit qualified individuals to receive a 60-day special enrollment period (SEP) 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**, on May 9, 2013, the Executive Board defined several “exceptional circumstances” SEPs;

**WHEREAS**, after open enrollment ended, Authority staff conducted a survey of “exceptional circumstances” SEPs established by the federally-facilitated and other state-based American Health Benefit Exchanges and compiled a list of recommendations of additional “exceptional circumstances” for consideration and debate by the Standing Advisory Board; and

**WHEREAS**, on May 30, 2014, the Standing Advisory Board received the staff recommendations, deliberated on this topic, and unanimously approved recommendations to the Executive Board;

**WHEREAS**, on June 11, 2014, the Executive Board defined additional “exceptional circumstances” SEPs;

**WHEREAS**, on June 20, 2014, the Standing Advisory Board deliberated further on the topic, and unanimously approved the following amendments to their prior recommendations to the Executive Board;

**NOW, THEREFORE, BE IT RESOLVED** that the Executive Board hereby amends the special enrollment period exceptional circumstances definitions adopted on June 11, 2014 as follows:

Additional language is underlined.

- 4) If a person is leaving an abusive spouse or domestic partner. For purposes of this SEP, the term “domestic partner” shall include persons in a domestic partnership recognized by D.C. Official Code §32-702. The triggering event shall be the date the individual leaves the spouse or domestic partner.
  
- 8) Getting divorced or legally separated. This circumstance shall apply equally to the termination of a domestic partnership recognized under D.C. Official Code §32-702. The triggering event is the date the divorce, legal separation, or partnership termination. Effective dates shall mirror those available based on marriage under 45 CFR §155.420(b)(2)(ii).

**I HEREBY CERTIFY** that the foregoing Resolution was adopted on this 9th day of July, 2014, by the Executive Board of the District of Columbia Health Benefit Exchange Authority in an open meeting.

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

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Date