



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 (“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)(1) & (9)) requires HBX 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 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 June 11, 2014, the Executive Board defined the loss of COBRA coverage due to failure of employer to pay premiums as an “exceptional circumstances” SEP;

WHEREAS, HBX identified a need for additional clarity and technical corrections for compliance with federal law to the previously approved loss of COBRA coverage SEP;

WHEREAS, on September 17, 2015, 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 amends the special enrollment period exceptional circumstances definitions adopted on June 11, 2014 as follows:

Deleted language is ~~stricken~~ and additional language is underlined.

The District of Columbia Health Benefit Exchange Authority will consider it an “exceptional circumstance”, permitting a new special enrollment period (SEP) due to one of the following circumstances. Unless otherwise indicated, effective dates follow the rules established in 45 C.F.R. §155.420(b)(1) and the length of the SEP shall be in accordance with 45 C.F.R. §155.420(c)(1).

- 12) Losing access to COBRA because an employer that is responsible for submitting a portion (or all) of the premiums fails to submit them on time. The triggering event shall be when the date of the notice is received by the individual of a loss of coverage. ~~The length of the SEP shall be based on circumstances as determined by the Authority.~~ The effective date of coverage shall be based on circumstances as determined by HBX with the intent of preventing gaps in health coverage for the consumer.

I HEREBY CERTIFY that the foregoing Resolution was adopted on this 21st day of September, 2015, 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