



RESOLUTION

EXECUTIVE BOARD OF THE DISTRICT OF COLUMBIA HEALTH BENEFIT EXCHANGE AUTHORITY

To extend the annual Small Business Health Options Program (SHOP) Open Enrollment Period through Calendar Year 2023 for small businesses renewing 2023 coverage, and not apply participation and contribution requirements to child development centers and homes participating in HealthCare4ChildCare that offers free or low premium coverage.

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 through which qualified employers can access coverage for qualified 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. §147.104(b)(1)(i) permits the application of minimum participation and minimum contribution requirements in the small group market provided small groups are offered an annual enrollment period where eligibility is not conditioned on meeting the minimum participation or minimum contribution requirements;

WHEREAS, the April 8, 2013 Executive Board Resolution established a requirement that small businesses offer at least a 50% minimum contribution towards the employee’s individual reference plan premium (minimum contribution) and have at least 2/3 of qualified SHOP employees either participate in SHOP coverage or submit a waiver due to having other qualifying coverage (minimum participation) as a condition to offer coverage through the SHOP Exchange outside of the annual employer open enrollment period;

WHEREAS, the SHOP Exchange annual employer open enrollment period, where minimum participation and minimum contribution requirements do not apply, is for plan years that begin on January 1 of each calendar year;

WHEREAS, the Executive Board passed a resolution to extend the SHOP open enrollment through calendar year 2020 on January 8, 2020;

WHEREAS, the Executive Board passed a resolution to extend the SHOP open enrollment through calendar year 2022 on September 23, 2020 to provide additional flexibility to small businesses seeking to offer coverage to their employees, and were adopted after deliberation and consideration of factors including the economic impact of COVID-19 on small businesses;

WHEREAS, pursuant to D.C. Code §1–325.431(c)(1B), the Health Benefit Exchange Authority is implementing a health insurance affordability program in connection with the Office of the State Superintendent of Education called HealthCare4ChildCare to provide free or lower premiums through DC Health Link for early childhood providers and their teams;

WHEREAS, on July 29, 2022, the Insurance Market Committee met and voted to approve to extend open enrollment flexibility for renewing groups through calendar year 2023 and permanently for employers participating in HealthCare4ChildCare;

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

Extended SHOP Employer Open Enrollment Period Through 2023:

Extending the annual SHOP employer open enrollment, during which the 50% minimum contribution and 2/3 minimum participation eligibility requirements will not apply, through calendar year 2023 for small businesses enrolled in SHOP as of December 31, 2022.

Permanent Flexibility for SHOP Employers Enrolled in HealthCare4ChildCare:

For SHOP employers who are approved for and participating in the HealthCare4ChildCare program, the 50% minimum contribution and 2/3 minimum participation eligibility requirements will not apply as long as the employer is participating in HealthCare4ChildCare.

I HEREBY CERTIFY that the foregoing Resolution was adopted on this ____ day of September, 2022, 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