

ENROLLED ORIGINAL

A RESOLUTION

20-102

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

April 9, 2013

To declare the existence of an emergency with respect to the need to amend the Department of Health Functions Clarification Act of 2001 to streamline the procurement process for the Health Benefit Exchange Authority by clarifying that such procurements are not subject to the Procurement Practices Reform Act of 2010.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Health Benefit Exchange Authority Establishment Emergency Declaration Resolution of 2013”.

Sec. 2. (a) The purpose of the District of Columbia Health Benefit Exchange Authority (“the Authority”) is to establish, manage, and maintain the District’s health insurance exchange.

(b) The Patient Protection and Affordable Care Act of 2010, approved March 23, 2010 (124 Stat. 588; 42 U.S.C. 18001, note), as amended by the federal Health Care and Education Reconciliation Act, approved March 30, 2010 (124 Stat. 1029; 42 U.S.C. 1305, note), (collectively, the “Act”) made significant changes in the laws regulating the sale of private health insurance.

(c) The Act calls for the creation of state-based health insurance exchanges that will allow individuals, families, and small business owners to shop for coverage, compare policies, and choose the health plan that best meets their needs and budget. States were given the option of creating their own exchanges or having the federal government establish exchanges in the states.

(d) Individuals and small businesses wishing to receive federal tax credits to reduce the cost of insurance coverage can only do so through an exchange.

(e) The Act requires that individuals and small businesses be able to shop for coverage through a newly created exchange portal beginning in the fall of 2013, for coverage beginning January 1, 2014.

(f) The Act requires that an exchange shall establish a call center available to individuals and small businesses beginning in the fall of 2013, to assist them with the process of enrollment.

(g) On December 12, 2012, the District received conditional approval to establish a state-based exchange from the U.S. Department of Health and Human Services.

(h) The Centers for Medicare & Medicaid Services Center for Consumer Information and Insurance Oversight approved the District’s application based on the Authority’s self-

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assessment, progress to date, and expected progress across the entire spectrum of exchange requirements, and this approval is contingent on meeting several conditions including:

- (1) Timely demonstration of the ability to perform all required exchange activities in line with the attestations the District of Columbia has made in its Exchange Blueprint Application submission;
- (2) Ongoing compliance with future guidance and regulations, including all timelines related to guidance and infrastructure development;
- (3) The exchange's ability to ensure a sustainability model; and
- (4) Building an IT infrastructure with significant testing by the federal government which begins in April.

(i) Clarifying that the Authority is exempt from the requirements of the Procurement Practices Reform Act of 2010, effective April 8, 2011 (D.C. Law 18-371; D.C. Official Code §2-351.01 *et seq.*), will allow the Commission to accomplish its statutory mandate within the deadline set forth in the Act.

Sec 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Health Benefit Exchange Authority Establishment Emergency Amendment Act of 2013 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.