

## Florida Law Reminder for Early Prescription Refills

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**TALLAHASSEE, Fla.** – Following Governor Scott’s Executive Order declaring a state of emergency in all 67 Florida counties as the state prepares for Subtropical Storm Alberto, the Florida Office of Insurance Regulation (OIR) issued the following notice to all health insurers, managed care organizations and other health entities licensed by OIR:

**To: All Health Insurers, Managed Care Organizations and Other Health Entities**

**RE: Florida Law Reminder for Early Prescription Refills**

### DECLARATION OF EMERGENCY BY GOVERNOR

This notice is a reminder that all health insurers, managed care organizations and other health entities must comply with the provisions of section 252.358, Florida Statutes, which allows for early prescription refills in the event that the Governor issues an Executive Order declaring a State of Emergency or when a county Emergency Operations Center (EOC) is activated. This mandate remains in effect until the Governor’s Executive Order is rescinded or expires. See below for reference materials:

**Governor’s Executive Order:** Available [here](#)

### Florida Statute language:

**252.358** Emergency-preparedness prescription medication refills.—All health insurers, managed care organizations, and other entities that are licensed by the Office of Insurance Regulation and provide prescription medication coverage as part of a policy or contract shall waive time restrictions on prescription medication refills, which include suspension of electronic “refill too soon” edits to pharmacies, to enable insureds or subscribers to refill prescriptions in advance, if there are authorized refills remaining, and shall authorize payment to pharmacies for at least a 30-day supply of any prescription medication, regardless of the date upon which the prescription had most recently been filled by a pharmacist, when the following conditions occur:

1. The person seeking the prescription medication refill resides in a county that:
  - a. Is under a hurricane warning issued by the National Weather Service;
  - b. Is declared to be under a state of emergency in an executive order issued by the Governor; or

- c. Has activated its emergency operations center and its emergency management plan.
2. The prescription medication refill is requested within 30 days after the origination date of the conditions stated in this section or until such conditions are terminated by the issuing authority or no longer exist. The time period for the waiver of prescription medication refills may be extended in 15- or 30-day increments by emergency orders issued by the Office of Insurance Regulation.

This section does not excuse or exempt an insured or subscriber from compliance with all other terms of the policy or contract providing prescription medication coverage. This section takes effect July 1, 2006.

The Governor has issued an emergency order for all counties and many counties have activated their EOCs.

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