

Tuesday, November 8, 2022

## TROPICAL STORM NICOLE: EARLY PRESCRIPTION REFILLS PERMITTED UNDER STATE OF EMERGENCY



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**Tallahassee, Fla.**— Today, On November 7, 2022, Governor Ron DeSantis issued [Executive Order 22-253](#), expanding the State of Emergency to 34 counties in the potential path of Tropical Storm Nicole. The 34 counties are: Brevard, Broward, Charlotte, Citrus, Clay, Collier, DeSoto, Duval, Flagler, Glades, Hardee, Hendry, Highlands, Hillsborough, Indian River, Lake, Lee, Manatee, Martin, Miami-Dade, Nassau, Okeechobee, Orange, Osceola, Palm Beach, Pasco, Polk, Putnam, Sarasota, Seminole, St. Johns, St. Lucie, Sumter, and Volusia.

The Florida Department of Health (Department) is working with emergency managers statewide to prepare for any impacts to communities and reminds Floridians to have enough of prescriptions on hand in the event pharmacies are temporarily unavailable. Under a State of Emergency, Floridians are permitted to receive early prescription refills regardless of typical limits.

On November 7, 2022, the Department distributed a [provider alert](#) regarding early prescription refills under an Executive Order to all licensed pharmacists and pharmacies.

Additionally, the Florida Office of Insurance Regulation (OIR) has issued the [following reminder](#) to all health insurers, managed care organizations, and health entities:

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### Florida Law Reminder for Early Prescription Refills

This notice is a reminder that all health insurers, managed care organizations, and other health entities must comply with provisions of [section 252.358, Florida Statutes](#), which allows for early prescription refills in the event the Governor issues an Executive Order declaring a State of Emergency. **This mandate remains in effect until the Governor's Executive Order is rescinded or expires. Please be governed accordingly.**

### Executive Order 22-253

In accordance with [section 252.358](#), F.S., 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.

### **Department of Health**

The Florida Department of Health is responsible for the regulation of health practitioners for the preservation of the health, safety, and welfare of the public. The Licensing and Regulation Section provides information relating to professional, facility, and permit licensing along with information on enforcement.

### **OIR**

The Florida Office of Insurance Regulation has primary responsibility for regulation, compliance, and enforcement of statutes related to the business of insurance and the monitoring of industry markets. For more information about OIR, please visit [flor.com](http://flor.com) or follow on Twitter [@FLOIR\\_comm](https://twitter.com/FLOIR_comm).

### **About the Florida Department of Health**

The Florida Department of Health, nationally accredited by the [Public Health Accreditation Board](#), works to protect, promote and improve the health of all people in Florida through integrated state, county and community efforts.

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