



INFORMATIONAL MEMORANDUM

OIR-20-02M

ISSUED

March 10, 2020

Florida Office of Insurance Regulation

David Altmaier, Commissioner

TO ALL HEALTH INSURERS, HEALTH MAINTENANCE ORGANIZATIONS AND OTHER HEALTH ENTITIES AUTHORIZED TO DO BUSINESS IN FLORIDA

~ *EARLY PRESCRIPTION REFILLS PURSUANT TO EXECUTIVE ORDER 20-52* ~

Following Governor DeSantis' Executive Order 20-52 declaring an emergency in the state of Florida in response to the COVID-19 public health emergency, the Florida Office of Insurance Regulation (OIR) is issuing this Informational Memorandum to all health insurers, health maintenance organizations and other health entities authorized to do business in Florida as a reminder of Florida law regarding early prescription refills.

Declaration of Emergency by Governor DeSantis

Governor Ron DeSantis has issued Executive Order 20-52, declaring a state of emergency in the state of Florida regarding the COVID-19 Public Health Emergency. Executive Order 20-52 is available [here](#).

This memorandum is a reminder that all health insurers, health maintenance 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 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 This mandate remains in effect until the Governor's Executive Order is rescinded or expires.

In accordance with [section 252.358](#), Florida Statutes, 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.

In accordance with [section 465.0275](#), Florida Statutes, emergency prescription refill, if the Governor issues an emergency order or proclamation of a state of emergency, the pharmacist may dispense up to a 30-day supply in the areas or counties affected by the order or proclamation, provided that:

- (a) The prescription is not for a medicinal drug listed in Schedule II appearing in chapter 893.
- (b) The medication is essential to the maintenance of life or to the continuation of therapy in a chronic condition.
- (c) In the pharmacist's professional judgment, the interruption of therapy might reasonably produce undesirable health consequences or may cause physical or mental discomfort.
- (d) The dispensing pharmacist creates a written order containing all of the prescription information required by this chapter and chapters 499 and 893 and signs that order.
- (e) The dispensing pharmacist notifies the prescriber of the emergency dispensing within a reasonable time after such dispensing.