



Tuesday, September 24, 2024

## Potential Tropical Cyclone Nine: Early Prescription Refills Permitted Under State of Emergency

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On September 24, 2024, Governor Ron DeSantis issued [Executive Order 24-209](#), amending [Executive Order 24-208](#), declaring a state of emergency in Alachua, Baker, Bay, Bradford, Brevard, Calhoun, Charlotte, Citrus, Clay, Collier, Columbia, DeSoto, Dixie, Duval, Escambia, Flagler, Franklin, Gadsden, Gilchrist, Glades, Gulf, Hamilton, Hardee, Hendry, Hernando, Highlands, Hillsborough, Holmes, Jackson, Jefferson, Lafayette, Lake, Lee, Leon, Levy, Liberty, Madison, Manatee, Marion, Monroe, Nassau, Okaloosa, Okeechobee, Orange, Osceola, Pasco, Pinellas, Polk, Putnam, Santa Rosa, Sarasota, Seminole, St. Johns, Sumter, Suwannee, Taylor, Union, Volusia, Wakulla, Walton, and Washington counties in preparation for Potential Tropical Cyclone Nine's projected landfall.

The Florida Department of Health is working with emergency managers statewide to prepare for any impacts to communities and reminds Floridians to have enough of their prescriptions on hand in the event pharmacies are temporarily unavailable. Under a state of emergency, Floridians are permitted to receive early prescription refills. An early refill may include controlled substances as long as the medical drug is not listed in Schedule II appearing in [Chapter 893, Florida Statutes](#), of the Florida Comprehensive Drug Abuse Prevention and Control Act.

Furthermore, the Florida Office of Insurance Regulation 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 This mandate remains in effect until the Governor's executive order is rescinded or expires.

### Executive Order 24-209

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.

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

The Florida Department of Health is responsible for the regulation of health care 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.

### **About the Florida Office of Insurance Regulation**

The Florida Office of Insurance Regulation (OIR) 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 [www.floir.com](http://www.floir.com) or follow on X