FOR IMMEDIATE RELEASE:    CONTACT:
July 7, 2005            Tami Torres or Bob Lotane
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* * *CONSUMER ALERT* * *

GALLAGHER SAYS HMOS, HEALTH INSURANCE COMPANIES WILL BE FLEXIBLE ON PRESCRIPTION REFILLS

TALLAHASSEE – With Hurricane Dennis gaining strength as he heads toward the state’s Gulf Coast, Florida’s Chief Financial Officer Tom Gallagher wants Floridians to know that the state’s health insurance companies and Health Maintenance Organizations (HMO) have temporarily suspended their regulations regarding prescription refills.

“People who are potentially being asked to evacuate should not have to worry about their medication,” said Gallagher, who oversees the Florida Department of Financial Services. “If you need to get your prescriptions refilled, your HMO or insurance company should allow you to get a refill, regardless of when your prescriptions are due. This action should help ensure you have one less thing to worry about as Hurricane Dennis approaches.”

The order, put in place in anticipation of Tropical Storm Arlene with the help of Insurance Commissioner Kevin McCarty, requires health insurance companies and HMOs to waive restrictions on refills so insureds can fill prescriptions in advance. It also authorizes payments to pharmacies for at least a thirty-day supply of medication regardless of the date the prescription had last been refilled. The order is effective through July 31, 2005.

# # #

See following order.
IN THE MATTER OF:
Suspension of Certain Rules and Statutes
and Policy Provisions Based on State of
Emergency - Natural Disaster

Early Prescription Refills

CASE NO.: 81926-05-CO

_________________________________________/

EMERGENCY ORDER

TO: All Health Insurers, HMOs, and other entities regulated by the
Office of Insurance Regulation that may cover prescription medications.

THIS CAUSE having come before the Commissioner of the Office of Insurance Regulation as a
result of the state of emergency created by Tropical Storm Arlene, and being fully informed in the
premises,

NOW THEREFORE, the Commissioner hereby FINDS as follows:

JURISDICTION AND FINDINGS OF FACT
1. The Office of Insurance Regulation (the “Office”) has the duty, pursuant to s. 624.307(2),
Florida Statutes, to enforce the provisions of the Insurance Code (Chapters 624-632, 634,635, 636, 641,
642, 648, and 651, henceforth, the “Code”). The Office shall have the powers and authority expressly
conferred upon it by, or reasonably implied from, the provisions of the Code, pursuant to s. 624.307(2),
Florida Statutes.
2. Section 120.569(2)(n), Florida Statutes, provides that “if an agency head finds that an
immediate danger to the public health, safety or welfare requires an immediate final order, it shall recite
with particularity the facts underlying such finding in the final order…”
3. This Emergency Order is being issued pursuant to sections 120.569(2)(n), and 252.46,
Florida Statutes, because the facts as stated herein demonstrate that there is an immediate threat to the
public health, safety and welfare, as a result of the direct effects of the statewide impact of Tropical Storm
Arlene. Further, this Emergency Order is being issued pursuant to Paragraph 11 of Governor Jeb Bush’s
Executive Order Number 05-121, declaring a state of emergency in Florida on June 10, 2005. Executive
Order 05-121 is attached as Exhibit 1.
4. By this Order, and in accordance with the authority listed in the paragraphs above, the
Commissioner of the Office of Insurance Regulation is suspending the operation of certain statutes in the
Florida Insurance Code and the rules that implement the Florida Insurance Code relating to insurance, and
certain provisions found in policies and group policies for health insurance and health maintenance
organizations.
5. Tropical Storm Arlene is threatening the state, and resulting in large scale evacuations.
6. In the ordinary course of business of health insurers and health maintenance
organizations, contracts that include coverage for prescription medication have restrictions on such
coverage so that covered medication is provided in thirty day batches, refillable every 30 days. Because
of the storm damage, mass evacuations and the inability of many of the insureds to stay in their homes,
these restrictions result in many storm victims being without the medications necessary for their health or
their very lives. This Order provides temporary emergency relief to the insureds so that they are not left
without their necessary medications during the remainder of this crisis.
7. The issuance of this Emergency Order and the procedural safeguards set forth herein are
fair under the circumstances due to the potential grave harm described above. As indicated in the Notice
of Rights herein, Respondents are afforded an opportunity for a review of this Order. Procedures set
forth therein will afford the Respondents an opportunity to challenge these actions.
WHEREFORE, pursuant to the Florida Insurance Code and other applicable statutes, including, s.s 120.569(2)(n) and 252.46(2), Florida Statutes, and Governor Jeb Bush's Executive Order Number 05-121, the OFFICE finds that as a result of the direct effects of the statewide impact of Tropical Storm Arlene, an immediate danger to the public health, safety and welfare exists so as to require the issuance of this Emergency Order.

Accordingly, IT IS HEREBY ORDERED:

(1) All health insurers, HMO’s and other licensees that provide prescription medication coverage as a part of any policy or contract shall, through July 31, 2005, waive restrictions on prescription medication refills to enable insureds to fill prescriptions in advance, and shall authorize payment to pharmacies for at least a thirty day supply of any prescription medication, regardless of the date upon which the prescription had most recently been filled.

(2) The provisions of this Emergency Order shall be liberally construed to effectuate the intent and purposes expressed therein and to afford maximum consumer protection.

DONE and ORDERED this _______ day of _____________, 2005.

____________________________________
Kevin M. McCarty
Commissioner
Office of Insurance Regulation

EXHIBIT:
Executive Order 05-121, June 10, 2005

NOTICE OF RIGHTS

Any party to these proceedings adversely affected by this Order is entitled to seek review of this Order pursuant to S. 120.68, Florida Statutes, and Rule 9.110, Fla.R.App.P. Review proceedings must be instituted by filing a petition or notice of appeal with the General Counsel, acting as the agency clerk, at 612 Larson Building, 200 East Gaines Street, Tallahassee, Florida 32399-0333, and a copy of the same with the appropriate district court of appeal, within thirty (30) days of rendition of this Order.

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