

1 A bill to be entitled
 2 An act relating to emergency preparedness for life-
 3 sustaining medical services; amending s. 252.358,
 4 F.S.; requiring specified entities, plans, and
 5 programs to enact flexibilities and waivers during an
 6 emergency; defining the terms "emergency" and "life-
 7 sustaining medical services"; specifying the
 8 flexibilities and waivers such specified entities,
 9 plans, and programs must enact; providing when such
 10 flexibilities and waivers become effective;
 11 authorizing the time period for such flexibilities and
 12 waivers to be extended by the Office of Insurance
 13 Regulation or the Agency for Health Care
 14 Administration; providing construction; providing an
 15 effective date.

16
 17 Be It Enacted by the Legislature of the State of Florida:

18
 19 **Section 1. Section 252.358, Florida Statutes, is amended**
 20 **to read:**

21 252.358 Emergency preparedness for life-sustaining medical
 22 services ~~Emergency-preparedness prescription medication~~
 23 ~~refills.~~-

24 (1) In order to preserve access to life-sustaining medical
 25 services during an emergency, all health insurers, managed care

26 organizations, and other entities that are licensed by the
27 Office of Insurance Regulation; plans participating in the state
28 Medicaid managed care program; and any other health care
29 insurance program administered, regulated, or licensed by this
30 state shall enact the flexibilities and waivers identified in
31 this section, as well as any additional flexibilities or waivers
32 designated by the Office of Insurance Regulation and the Agency
33 for Health Care Administration, as applicable.

34 (2) As used in this section, the term:

35 (a) "Emergency" means that a county:

36 1. Is under a state of emergency declared by an executive
37 order or proclamation issued by the Governor under chapter 252;

38 2. Is under a hurricane warning issued by the National
39 Weather Service; or

40 3. Has activated the county's emergency operations center
41 and its emergency management plan.

42 (b) "Life-sustaining medical services" means hospital
43 care, skilled nursing care, inpatient rehabilitation, long-term
44 acute care and other post-acute care needs, durable medical
45 equipment and supplies, home health services, hospital services,
46 nursing facility services, chemotherapy, dialysis services, and
47 other care that is deemed by the provider as medically
48 necessary.

49 (3) All health insurers, managed care organizations, and
50 other entities that are licensed by the Office of Insurance

51 Regulation; all plans participating in the state Medicaid
52 managed care program; and any other health care insurance
53 program administered, regulated, or licensed by this state must
54 enact all of the following flexibilities and waivers during an
55 emergency:

56 (a) A waiver on the ~~and provide prescription medication~~
57 ~~coverage as part of a policy or contract shall waive time~~
58 ~~restrictions on prescription medication refills, which include~~
59 ~~suspension of electronic "refill too soon" edits to pharmacies,~~
60 ~~to enable insureds or subscribers to refill prescriptions in~~
61 ~~advance, if there are authorized refills remaining. All~~
62 entities, plans, and programs identified in subsection (1), ~~and~~
63 ~~shall authorize payment to pharmacies for at least a 30-day~~
64 ~~supply of any prescription medication, regardless of the date~~
65 ~~upon which the prescription had most recently been filled by a~~
66 ~~pharmacist.~~

67 (b) A waiver on all prior authorization, utilization
68 management, and concurrent review requirements for patients who
69 need life-sustaining medical services.

70 (c) A waiver on transfer authorizations.

71 (d) A waiver on the time requirements for filing a notice
72 of admission for at least 30 days after the emergency ends.

73 (e) A waiver on filing and appeal deadlines and timeframes
74 during the emergency. Such deadlines and timeframes will resume
75 the day after the emergency ends.

76 (f) An extension of the time requirements on
77 authorizations or precertifications that were provided to a
78 patient before the emergency until 30 days after the emergency
79 ends.

80 (g) A waiver of out-of-network costs for patients who are
81 displaced after an emergency.

82 (h) Reimbursement to hospitals for the care provided to
83 patients because an emergency delayed patient discharge.

84 (4) The flexibilities and waivers required under
85 subsection (3) become effective, when the following conditions
86 occur:

87 (a)(1) The person seeking life-sustaining medical services
88 the prescription medication refill resides in a county that is
89 in an emergency as defined in paragraph (2) (a):

90 ~~(a) Is under a hurricane warning issued by the National~~
91 ~~Weather Service;~~

92 ~~(b) Is declared to be under a state of emergency in an~~
93 ~~executive order issued by the Governor; or~~

94 ~~(c) Has activated its emergency operations center and its~~
95 ~~emergency management plan.~~

96 (b)(2) The life-sustaining medical services are
97 prescription medication refill is requested within 30 days after
98 the origination date of the emergency as defined in paragraph
99 (2) (a) conditions stated in this section or until such emergency
100 is conditions are terminated by the issuing authority or no

101 longer exists ~~exist~~.

102 (5) The time period for flexibilities and waivers ~~the~~
103 ~~waiver of prescription medication refills~~ may be extended in 15-
104 or 30-day increments by emergency orders issued by the Office of
105 Insurance Regulation or the Agency for Health Care
106 Administration.

107 (6) This section does not excuse or exempt an insured or a
108 subscriber from compliance with all other terms of the policy or
109 contract providing life-sustaining medical services ~~prescription~~
110 ~~medication coverage~~.

111 **Section 2.** This act shall take effect July 1, 2025.