

6/7/18 Mass. Law. Wkly. (Pg. Unavail. Online)
2018 WLNR 18117610

Massachusetts Lawyers Weekly
Copyright (c) 2018 Massachusetts Lawyers Weekly (MA)

June 7, 2018

Section: News

Pharmacy must notify doctor about authorization need

Tom Egan

A pharmacy that refused to dispense prescribed medication to an epileptic patient without a prior authorization form from the prescribing physician could be sued for failing to notify the physician that the patient's insurer required prior authorization, the Supreme Judicial Court has ruled in a split decision. Defendant Walgreens Eastern Co. was sued over the death of Yarushka Rivera. "Because we conclude that Walgreens had a limited duty to take reasonable steps to notify both the patient and her prescribing physician of the need for prior authorization each time Rivera tried to fill her prescription, we reverse the allowance of summary judgment for Walgreens," Justice Barbara A. Lenk wrote for the majority. "Walgreens's duty extends no further, however the pharmacy was not required to follow up on its own or ensure that the prescribing physician in fact received the notice or completed the prior authorization form," Lenk added. Justice David A. Lowy wrote a dissenting opinion disagreeing with the majority's conclusion that pharmacists have a duty to notify the prescribing physician of the need for prior authorization every time the patient attempts to fill a prescription. "Imposing such a duty is neither implied by contract, mandated by statute, nor until today recognized by common law," Lowy stated. The 33-page decision is *Correa v. Schoeck, et al.*, Lawyers Weekly No. 10-102-18. [Click here to read the full text of the opinion.](#)

Copyright © 2018 BridgeTower Media. All Rights Reserved.

---- **Index References** ----

Company: EASTERN COMPANY THE; WALGREENS BOOTS ALLIANCE INC

Industry: (Drugstores (1DR73); Healthcare (1HE06); Healthcare Services (1HE13); Pharmaceuticals (1PH33); Pharmaceuticals & Biotechnology (1PH13); Pharmaceuticals Cost-Benefits (1PH30); Pharmacy (1PH23))

Language: EN

Other Indexing: (Barbara Lenk; Yarushka Rivera; David Lowy)

Keywords: Legal activity (lawsuits etc.)Keywords:

Word Count: 236

End of Document

© 2020 Thomson Reuters. No claim to original U.S. Government Works.

NewsRoom