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Worcester Medicine publishes “The Duty of Care and the Quest for Payment”

BY PETER J. MARTIN • OCTOBER 25, 2018

The Worcester District Medical Society published an article by Peter Martin in the September/October 2018 edition of its quarterly publication, Worcester Medicine. Below is an excerpt from the article.

Does a pharmacy have a legal duty to a patient to notify that patient’s physician about the need for prior authorization for a prescription medication? In a recent wrongful death action involving a patient who died due to an inability to afford medication for life-threatening seizure disorder, the Massachusetts Supreme Judicial Court answered this question in the affirmative. The decision expands the scope of pharmacists’ duties beyond conducting prospective drug reviews and offering to counsel patients to include communicating vital insurance coverage information to prescribers. The rationale for this expansion of legal duties appears to be that the pharmacist is best placed to perform the new function of acting as intermediary between the third-party payer and the prescriber. Can the same rationale be used to increase the legal duties of other caregivers as they navigate between patients, payers and other providers?

Continue reading “[The Duty of Care and the Quest for Payment.](#)”