Wisconsin v Walgreen Brief

Prepared by Chanakya Gaur

I. Opening

Case: Wisconsin v Walgreen

Case No: LS-9505221-PHM

Court: Wisconsin Appellate Court

Petitioner - Wisconsin Pharmacy Examining Board

Respondent - Walgreens Co.

Argued Date – May 14, 1996

Decision Date – February 19, 1998

II. Facts

Walgreen Co., a national company which conducts business in the field of pharmaceutical medicine tested a computer system which involved ten physicians to send electronic prescriptions to any Walgreen pharmacy. These electronic prescriptions contained the exact information as that of a written prescription. However, it did not include the signature of the physician. This violated various regulatory statutes and administrative rules regarding acceptance of prescriptions by pharmacies. The board claims that Walgreens violated statute 450.11 since a computer electronic mail was more analogous compared to a prescription, written or oral, since it only contained letters and numbers and lacked a signature. The board also claimed that Walgreens violated the rebate rule since they received financial benefit from supplying the physicians participating with computers.

III. Issue

Is Walgreen violating the statute 450.11?

IV. Decision

No.

V. Rationale *-*

The court disagreed with the argument made by the board and claimed that a computer transmitted prescription was analogous to a handwritten prescription and should have been treated the same. The court went on to say that it was very much like an oral prescription which according to the statute was legal. It reasoned that like a telephone call, a computer-transmitted message is similar electronic transmissions.

VI. Holding

The statute 450.11 states that prescriptions must be delivered to the pharmacy either orally or in written format. However, electronic mail does not violate this statute as it is similar to both a written as well as oral prescription.

VII. Opinion

I agree with the decision of the court. However, I also believe that emails can be forged and thus without a signature, the trust value of the prescription may lower. Nonetheless, Walgreens did not violate the statute directly but used a loophole since electronic transmissions were not a part of it.