

ALERTS AND UPDATES

Nevada Supreme Court Imposes Duty to Warn on Pharmacists

December 2, 2011

On November 23, 2011, the Nevada Supreme Court ruled in *Klasch v. Walgreen Co.*, Nev. No. 54805, 1123(11), that a pharmacist who has knowledge that a patient may be at risk with respect to specific prescription drugs may be liable for failing to warn the patient or prescribing physician. In doing so, the court ruled that Nevada-licensed pharmacists have a duty to exercise reasonable care by warning patients or the prescribing physicians of a patient on the specific risks associated with that drug product. The Nevada court rejected the idea that the learned intermediary doctrine under which the physician, and not the pharmacist, had the legal obligation to warn patients about general drug risks relieved a pharmacist of the obligation to warn a physician or the patient related to a specific risk. The Nevada Supreme Court followed a March 2002 ruling by the Illinois Supreme Court in *Happel v. Wal-Mart Stores, Inc.*, 766 N.E.2d 1118 (Ill. 2002).

For Further Information

If you have any questions concerning this, please contact [Frederick R. Ball](#), any other [member](#) of the [Pharmaceutical, Pharmacy & Food](#) industry group or the attorney in the firm with whom you are regularly in contact.

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