Legal Liability as Poison Center Consultant

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To the Editor,

We appreciated the article by Curtis and Greenberg: “Legal liability of medical toxicologists serving as poison control center consultants: A review of relevant legal statutes and survey of the experience of Medical Toxicologists” published in September [1].

We conducted a similar review using Westlaw instead of Lexus-Nexus searching state statutes and common law decisions that define poison center indemnification and immunity via search terms (“poison control,” “immunity,” “indemnification”, and “medical director”) [2].

We found similar results of the states that specifically indemnify or limit the liability of poison control center consultants: California, Louisiana, Florida, Texas, Tennessee, Illinois, Arkansas, Florida, and Washington [1, 2]. In addition, we found that several states (North Carolina, Missouri, Connecticut, and Georgia) have common law or statutory “public immunity” doctrines which could hypothetically cover state-created Poison Control Centers (PCCs), but such doctrines do not specifically include PCCs within their scope.

We agree with their statement that almost all states have “Good Samaritan” and/or volunteer statutes that potentially exempt volunteers providing emergency consultation through PCCs. These Good Samaritan or sovereign immunity doctrines may protect PCCs to the extent they are state-created, funded, and operated. This area of law, however, remains undefined and no reported cases exist litigating the issue. We also agree with the authors that it is essential that PCC consultants should be aware of specific laws affecting poison control practice in their state, and that other centers can use this information when attempting to initiate legislation in their state.

References

1. Curtis JA, Greenberg MI (2009) Legal liability of medical toxicologists serving as poison control center consultants: a review of relevant legal statutes and survey of the experience of Medical Toxicologists. *J Med Toxicol* 5:144–148
2. Williams C, Bryant SM, Aks SE (2009) State legal statutes for poison center liability. *Clin Toxicol* 47:736

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