

RESIDENT-ABUSE

35B.

~~(A) ABUSE OF RESIDENTS OF MENTAL HEALTH FACILITIES AND MENTAL RETARDATION FACILITIES.~~

~~(1) IN THIS SUBHEADING, THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.~~

~~(2) "HEALTH PRACTITIONER" MEANS ANY PHYSICIAN, PSYCHOLOGIST, DENTIST, ANY REGISTERED OR LICENSED PRACTICAL NURSE, AND ANY OTHER PERSON AUTHORIZED TO ENGAGE IN THE PRACTICE OF HEALING, ANY RESIDENT OR INTERN IN ANY OF THESE PROFESSIONS, AND ANY OTHER PERSON ATTENDING OR TREATING A CLIENT IN THE ABSENCE OF A PRACTITIONER OF ANY OF THESE PROFESSIONS.~~

~~(3) "LOCAL STATE'S ATTORNEY" MEANS THE STATE'S ATTORNEY IN THE JURISDICTION IN WHICH THE MENTAL HEALTH OR MENTAL RETARDATION FACILITY IS LOCATED, OR WHERE THE ABUSE IS ALLEGED TO HAVE TAKEN PLACE, IF DIFFERENT.~~

~~(4) "EDUCATOR OR SOCIAL WORKER" MEANS ANY TEACHER, COUNSELOR, OR OTHER PROFESSIONAL EMPLOYEE OF ANY SCHOOL, OR ANY CASEWORKER OR SOCIAL WORKER OR OTHER PROFESSIONAL EMPLOYEE OF ANY PUBLIC OR PRIVATE SOCIAL, EDUCATIONAL, HEALTH, OR SOCIAL SERVICE AGENCY, OR ANY PROBATION OR PAROLE OFFICER, OR ANY PROFESSIONAL EMPLOYEE OF A CORRECTIONAL INSTITUTION, MENTAL HEALTH OR MENTAL RETARDATION FACILITY.~~

~~(5) "LAW ENFORCEMENT OFFICER" MEANS ANY POLICE OFFICER, SHERIFF, DEPUTY, OR STATE TROOPER IN THE SERVICE OF THE STATE OF MARYLAND OR ANY COUNTY OR MUNICIPALITY THEREOF.~~

~~(6) "LAW ENFORCEMENT AGENCY" MEANS ANY POLICE DEPARTMENT, BUREAU, FORCE, OR SHERIFF'S OFFICE OF ANY COUNTY OR BALTIMORE CITY, ANY POLICE DEPARTMENT, BUREAU, OR FORCE OF ANY INCORPORATED MUNICIPALITY, OR THE MARYLAND STATE POLICE.~~

~~(7) (1) "ABUSE" MEANS ANY PHYSICAL INJURY OR SEXUAL ABUSE SUSTAINED BY A MENTALLY DISORDERED OR MENTALLY RETARDED PERSON PATIENT OF A MENTAL HEALTH FACILITY AS A RESULT OF CRUEL OR INHUMANE TREATMENT BY OR INTENTIONAL ACT OF ANY EMPLOYEE OF A MENTAL HEALTH OR MENTAL RETARDATION FACILITY, OR OTHER PERSON WHO HAS THE PERMANENT OR TEMPORARY CARE OR RESPONSIBILITY FOR SUPERVISION OF A MENTALLY DISORDERED OR MENTALLY RETARDED PERSON IN A MENTAL HEALTH OR MENTAL RETARDATION FACILITY. IT DOES NOT INCLUDE THE PERFORMANCE OF ACCEPTED MEDICAL PROCEDURES ORDERED BY A LICENSED PHYSICIAN.~~

~~(8) (2) "SEXUAL ABUSE" MEANS SEXUAL ACTS, SEXUAL CONTACTS, AND VAGINAL INTERCOURSE AS THESE TERMS ARE DEFINED IN ARTICLE 27, § 461 OF THE CODE.~~