

~~(9) (3) "MENTAL HEALTH FACILITY" OR "MENTAL RETARDATION FACILITY" MEANS ANY CLINIC, HOSPITAL OR OTHER INSTITUTION, PUBLIC OR PRIVATE, OTHER THAN A VETERANS' ADMINISTRATION HOSPITAL, WHICH PURPORTS TO OR DOES PROVIDE PROVIDES TREATMENT, RESIDENTIAL CARE, OR OTHER SERVICES FOR MENTALLY DISORDERED OR MENTALLY RETARDED PERSONS. THIS DEFINITION INCLUDES GROUP HOMES, HALFWAY HOUSES, AND OTHER COMMUNITY RESIDENCES FOR THE MENTALLY ILL OR MENTALLY RETARDED, AS DEFINED IN DEPARTMENT OF HEALTH AND MENTAL HYGIENE REGULATIONS.~~

~~(10) "MENTAL DISORDER" MEANS MENTAL OR BEHAVIORAL OR EMOTIONAL ILLNESS RESULTING FROM PSYCHIATRIC OR NEUROLOGICAL DISORDER.~~

~~(11) "MENTAL RETARDATION" MEANS SIGNIFICANT SUBAVERAGE GENERAL INTELLECTUAL FUNCTIONING WHICH ORIGINATES DURING THE DEVELOPMENTAL PERIOD OR WHICH IS CAUSED BY TRAUMA RESULTING IN A MENTAL INCAPACITY IN WHICH THERE IS A DEMONSTRATED NEED FOR CARE AND TREATMENT TO THE SAME EXTENT AS THAT REQUIRED IF ORIGINATED DURING THE DEVELOPMENT PERIOD, AND IS ASSOCIATED WITH AN IMPAIRMENT IN ADAPTIVE BEHAVIOR.~~

~~(B) PURPOSE~~

~~THE GENERAL ASSEMBLY DECLARES THAT ITS LEGISLATIVE INTENT AND PURPOSE IS THE PROTECTION OF RESIDENTS OF MENTAL HEALTH FACILITIES AND MENTAL RETARDATION FACILITIES, WHO BECAUSE OF THEIR PHYSICAL OR MENTAL CONDITION AND SEPARATION FROM THEIR FAMILY AND COMMUNITY AT LARGE ARE VULNERABLE TO ABUSE BY EMPLOYEES OF THE FACILITIES AND BY OTHER PERSONS WHO HAVE THE PERMANENT OR TEMPORARY CARE OR RESPONSIBILITY FOR SUPERVISION OF RESIDENTS OF THESE FACILITIES. THE GENERAL ASSEMBLY SEEKS TO EFFECT ITS PURPOSE BY MAKING ABUSE OF THESE RESIDENTS A CRIMINAL OFFENSE, MANDATING THE REPORTING OF SUSPECTED ABUSE, EXTENDING IMMUNITY TO THOSE WHO REPORT SUSPECTED ABUSE IN GOOD FAITH, REQUIRING PROMPT INVESTIGATION OF THESE REPORTS, AND PROMOTING COOPERATIVE EFFORTS BY THE RESPONSIBLE AGENCIES ON BEHALF OF THE RESIDENTS OF THESE FACILITIES.~~

~~(C) EVERY HEALTH PRACTITIONER, EDUCATOR OR SOCIAL WORKER, LAW ENFORCEMENT OFFICER OR EMPLOYEE OF A MENTAL HEALTH FACILITY, AND MENTAL RETARDATION FACILITY, WHO CONTACTS, EXAMINES, ATTENDS, OR TREATS A PERSON AND WHO HAS REASON TO BELIEVE THAT THE PERSON HAS BEEN ABUSED BY ANY EMPLOYEE OF SUCH FACILITIES OR BY ANY OTHER PERSON WHO HAS THE PERMANENT OR TEMPORARY CARE OR RESPONSIBILITY FOR THE SUPERVISION OF A RESIDENT OF ANY SUCH FACILITY SHALL MAKE A REPORT IN THE FORM AND MANNER PROVIDED BY THIS SECTION, NOTWITHSTANDING ANY OTHER SECTION OF THE LAW RELATING TO PRIVILEGED COMMUNICATIONS.~~

~~(D) TIME AND FORM OF REPORTING~~