

Article 43 - Health

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(A) IN THIS SECTION, THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED:

(1) "ABUSE" MEANS ANY PHYSICAL INJURY, SUSTAINED OR NEGLECT, OR BEHAVIOR WHICH IS DETRIMENTAL TO THE PHYSICAL AND OR MENTAL WELL-BEING OF A PATIENT SUSTAINED--BY--A RESIDENT--PATIENT--OF IN A NURSING HOME AS--A-RESULT-OF RESULTING FROM CRUEL OR INHUMANE TREATMENT. "ABUSE" DOES NOT INCLUDE THE PERFORMANCE OF ACCEPTED MEDICAL PROCEDURES ORDERED BY A LICENSED PHYSICIAN.

(2) "NURSING HOME" MEANS THE DEFINITION FOUND IN § 556(E)(1) OF THIS ARTICLE.

(3) "LAW-ENFORCEMENT AGENCY" MEANS ANY POLICE DEPARTMENT, BUREAU OR FORCE OF ANY COUNTY OR BALTIMORE CITY, AND POLICE DEPARTMENT, BUREAU OR FORCE OF ANY INCORPORATED MUNICIPALITY OR THE MARYLAND STATE POLICE.

(B) ANY PERSON WHO HAS REASON TO BELIEVE THAT A PERSON IN A NURSING HOME HAS BEEN ABUSED SHALL REPORT THE ABUSE TO AN APPROPRIATE LAW ENFORCEMENT AGENCY AND THE SECRETARY OF HEALTH AND MENTAL HYGIENE. THE REPORT MAY BE ORAL OR IN WRITING AND SHALL CONTAIN AS MUCH INFORMATION AS THE PERSON MAKING THE REPORT IS ABLE TO PROVIDE.

(C) (1) THE LAW ENFORCEMENT AGENCY SHALL MAKE A THOROUGH INVESTIGATION OF THE REPORTED ABUSE AND SHALL ATTEMPT TO INSURE THE PROTECTION OF THE VICTIM.

(2) THE INVESTIGATION SHALL INCLUDE A DETERMINATION OF THE NATURE, EXTENT, AND CAUSE OF THE ABUSE, THE IDENTITY OF THE ACCUSED, AND ALL OTHER FACTS OR MATTERS FOUND TO BE PERTINENT.

(3) THE LAW ENFORCEMENT AGENCY SHALL RENDER A WRITTEN REPORT OF ITS FINDINGS TO THE STATE'S ATTORNEY, THE SECRETARY OF HEALTH AND MENTAL HYGIENE, AND THE ADMINISTRATOR OF THE FACILITY NURSING HOME NOT LATER THAN 10 WORKING DAYS AFTER THE COMPLETION OF THE INVESTIGATION.

(D) ANY PERSON, EXCEPT A PERSON ACCUSED OF ABUSE, WHO MAKES A GOOD FAITH REPORT UNDER THIS SECTION, OR WHO PARTICIPATES IN AN INVESTIGATION OR IN A JUDICIAL PROCEEDING ARISING FROM A REPORT, IS IMMUNE FROM ANY CIVIL LIABILITY FOR THIS ACTION.

(E) (1) THE DEPARTMENT OF HEALTH AND MENTAL HYGIENE SHALL SUPPLY TO EACH FACILITY--A-SIGN NURSING HOME SIGNS SPECIFYING THE REPORTING REQUIREMENTS OF THIS SECTION.