

52A.

(a) As used in this subtitle, the following words have the meanings indicated:

(3) "Mental health facility" means any clinic, hospital or other institution, public or private, other than a Veterans' Administration hospital, which 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].

Article 59A - Mental Retardation

12A.

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

(1) "ABUSE" MEANS ANY PHYSICAL INJURY OR, SEXUAL ABUSE, OR INHUMANE TREATMENT SUSTAINED BY A PATIENT OF A FACILITY ~~AS--A--RESULT--OF--CRUEL--OR--INHUMANE--TREATMENT~~. IT DOES NOT INCLUDE THE PERFORMANCE OF ACCEPTED MEDICAL PROCEDURES ORDERED BY A LICENSED PHYSICIAN OR ACCEPTED BEHAVIORAL PROCEDURES ORDERED BY A CERTIFIED PSYCHOLOGIST.

(2) "SEXUAL ABUSE" MEANS A SEXUAL ACT, SEXUAL CONTACT, OR VAGINAL INTERCOURSE AS THOSE TERMS ARE DEFINED IN ARTICLE 27, SECTION 461 OF THE CODE.

(B) ANY PERSON WHO BELIEVES THAT A MENTALLY RETARDED PERSON IN A FACILITY HAS BEEN ABUSED SHALL REPORT THE ALLEGED ABUSE TO THE ~~SUPERINTENDENT~~ RESPONSIBLE EXECUTIVE OF THAT FACILITY. THE ~~SUPERINTENDENT~~ RESPONSIBLE EXECUTIVE SHALL PROMPTLY FORWARD THE REPORT TO THE APPROPRIATE LAW ENFORCEMENT AGENCY. THE REPORT MAY BE ORAL OR IN WRITING AND SHALL CONTAIN AS MUCH INFORMATION AS THE REPORTER IS ABLE TO PROVIDE.

(C) (1) THE LAW ENFORCEMENT AGENCY SHALL MAKE A THOROUGH INVESTIGATION OF THE REPORTED ABUSE AND 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 AND THE ~~SUPERINTENDENT~~ RESPONSIBLE EXECUTIVE OF THE FACILITY AS SOON AS POSSIBLE, BUT NOT LATER THAN 10 WORKING DAYS AFTER THE COMPLETION OF THE INVESTIGATION.

(D) ANY PERSON, EXCEPT AN ABUSER, WHO MAKES A REPORT IN GOOD FAITH PURSUANT TO THIS SECTION, OR PARTICIPATES IN