

BY adding to

Article 27 - Crimes and Punishments  
Section 35B  
Annotated Code of Maryland  
(1987 Replacement Volume and 1988 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:

Article 27 - Crimes and Punishments

35B.

(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(2) (I) "ABUSE" MEANS THE SUSTAINING OF ANY PHYSICAL INJURY BY A VULNERABLE ADULT AS A RESULT OF CRUEL OR INHUMANE TREATMENT OR AS A RESULT OF A MALICIOUS ACT BY ANY PERSON A CARE GIVER UNDER CIRCUMSTANCES THAT INDICATE THAT THE VULNERABLE ADULT'S HEALTH OR WELFARE IS HARMED OR THREATENED.

(II) "ABUSE" DOES NOT INCLUDE THE PERFORMANCE OF AN ACCEPTED MEDICAL OR BEHAVIORAL PROCEDURE ORDERED BY A LICENSED HEALTH PROFESSIONAL ACTING WITHIN THE SCOPE OF THE PROFESSIONAL'S PRACTICE.

(3) "CARE GIVER" MEANS A PERSON UNDER A DUTY TO CARE FOR A VULNERABLE ADULT BECAUSE OF:

~~(I) -- A VOLUNTARY UNDERTAKING TO PROVIDE CARE;~~

~~(II) A CONTRACTUAL UNDERTAKING TO PROVIDE CARE;~~

OR

~~(III) -- A FIDUCIARY DUTY IMPOSED BY LAW.~~

~~(3) (4) "LICENSED HEALTH PROFESSIONAL" MEANS AN INDIVIDUAL LICENSED UNDER THE HEALTH OCCUPATIONS ARTICLE.~~

~~(4) (5) (I) "NEGLECT" MEANS THE SUSTAINING OF SERIOUS PHYSICAL HARM BY A VULNERABLE ADULT AS THE RESULT OF THE WILLFUL DEPRIVATION OF ADEQUATE FOOD, CLOTHING, ESSENTIAL MEDICAL TREATMENT OR HABILITATIVE THERAPY, SHELTER, OR SUPERVISION.~~

(II) "NEGLECT" DOES NOT INCLUDE THE PROVISION OF NONMEDICAL REMEDIAL CARE AND TREATMENT FOR THE HEALING OF INJURY OR DISEASE, WITH THE CONSENT OF THE VULNERABLE ADULT, RECOGNIZED BY STATE LAW INSTEAD OF MEDICAL TREATMENT.