

Approved May 2, 1994.

CHAPTER 270

(House Bill 454)

AN ACT concerning

Abuse of Vulnerable Adults – Changes in Definition ~~and Penalty~~

FOR the purpose of altering certain definitions; ~~altering the penalty for violation of this Act~~; defining certain terms; and generally relating to the abuse of vulnerable adults.

BY repealing and reenacting, with amendments,

Article 27 – Crimes and Punishments

Section 35B

Annotated Code of Maryland

(1992 Replacement Volume and 1993 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†~~ ~~OF~~ a vulnerable adult ~~†as a result of cruel or inhumane treatment or as a result of a malicious act by a care giver†~~ ~~BY~~, A PARENT OR OTHER PERSON WHO HAS PERMANENT OR TEMPORARY CARE OR CUSTODY OR RESPONSIBILITY FOR THE SUPERVISION OF A VULNERABLE ADULT, OR BY ANY HOUSEHOLD OR FAMILY MEMBER under circumstances that indicate that the vulnerable adult’s health or welfare is SIGNIFICANTLY harmed or ~~†threatened.†~~ ~~AT RISK OF BEING SIGNIFICANTLY HARMED.~~

(II) “ABUSE” INCLUDES THE SEXUAL ABUSE OF A VULNERABLE ADULT.

[(ii)](III) “Abuse” does not include the performance of an accepted medical or behavioral procedure ordered by a [licensed] health [professional] CARE PROVIDER acting within the scope of the [professional’s] HEALTH CARE PROVIDER’S practice.

~~†~~(3) “Care giver” means a person under a duty to care for a vulnerable adult because of a contractual undertaking to provide care.~~†~~

~~†~~(4) “FAMILY MEMBER” MEANS A RELATIVE OF A VULNERABLE ADULT BY BLOOD, MARRIAGE, ADOPTION, OR THE MARRIAGE OF A CHILD.