

(n) (1) A person, INCLUDING THE LEGAL REPRESENTATIVE OF THE RESIDENT; may not use [money] THE ASSETS OR INCOME of a resident for any purpose that is not authorized by the resident [or], a designee or LEGAL REPRESENTATIVE, INCLUDING A representative payee of the resident.

(o) (1) If there is an abuse of funds, a person who misused the money is guilty of a misdemeanor and on conviction is subject to a fine not exceeding [\\$500] \$10,000.

(2) Any person who violates another provision of this section is subject to a fine of [\\$500] \$10,000.

**Article 27 – Crimes and Punishments**

35D.

(a) (1) In this section the following words have the meanings indicated.

(2) (i) “Abuse” means the sustaining of any physical PAIN OR injury by a vulnerable adult as a result of cruel or inhumane treatment or as a result of a malicious act by a care giver, 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 harmed or threatened.

(ii) “Abuse” includes the sexual abuse of a vulnerable adult.

(iii) “Abuse” does not include the performance of an accepted medical or behavioral procedure ordered by a health care provider acting within the scope of the 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.

(5) “Health care provider” means any person who is authorized to practice under the Health Occupations Article.

(6) “Household” means the location:

(i) In which the vulnerable adult resides;

(ii) Where the abuse or neglect of a vulnerable adult is alleged to have taken place; or

(iii) Where the person suspected of abusing or neglecting a vulnerable adult resides.

(7) “Household member” means an individual who lives with, or is a regular presence in, a home of a vulnerable adult at the time of the alleged abuse or neglect.