

(8) (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 rehabilitative therapy, shelter, or supervision] INTENTIONAL FAILURE TO PROVIDE NECESSARY ASSISTANCE AND RESOURCES FOR THE PHYSICAL NEEDS OF THE VULNERABLE ADULT, INCLUDING FOOD, CLOTHING, TOILETING, ESSENTIAL MEDICAL TREATMENT, 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.

(9) (i) "Sexual abuse" means any act that involves sexual molestation or exploitation of a vulnerable adult 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 member or family member.

(ii) "Sexual abuse" includes:

1. Incest, rape, or sexual offense in any degree;
2. Sodomy; and
3. Unnatural or perverted sexual practices.

(10) "Vulnerable adult" means an adult who lacks the physical or mental capacity to provide for the adult's daily needs.

(b) (1) A care giver, a parent or other person who has permanent or temporary care or responsibility for the supervision of a vulnerable adult, or any household member or family member, who causes abuse or neglect of a vulnerable adult is guilty of a misdemeanor and on conviction is subject to a fine not exceeding \$5,000 or imprisonment for not more than 5 years, or both.

(2) A sentence imposed under this section shall be in addition to any other sentence imposed for a criminal conviction arising from the same facts and circumstances unless the evidence required to prove each offense is substantially identical.

(c) If a person reports to a State or local agency that an adult has been or is currently subjected to abuse or neglect, an investigation shall be conducted in accordance with:

(1) § 7-1005 of the Health - General Article if the adult is an individual with a developmental disability as defined in § 7-101 of the Health - General Article;

(2) § 10-705 of the Health - General Article if the adult is an individual in a facility as defined in § 10-101 of the Health - General Article;

(3) § 19-346 or § 19-347 of the Health - General Article if the adult is a resident of a related institution as defined in § 19-301 of the Health - General Article; and

(4) § 14-301 through § 14-309 of the Family Law Article if the adult does not meet the criteria of paragraphs (1), (2), or (3) of this subsection.