

A SENTENCE IMPOSED UNDER THIS SECTION SHALL BE IN ADDITION TO ANY OTHER SENTENCE IMPOSED FOR A CONVICTION ARISING FROM THE SAME FACTS AND CIRCUMSTANCES UNLESS THE EVIDENCE REQUIRED TO PROVE EACH CRIME IS SUBSTANTIALLY IDENTICAL.

(E) INVESTIGATION.

IF A STATE OR LOCAL UNIT RECEIVES A REPORT OF PRESENT OR PAST ABUSE OR NEGLECT OF A VULNERABLE ADULT, AN INVESTIGATION SHALL BE CONDUCTED IN ACCORDANCE WITH:

(1) § 7-1005 OF THE HEALTH – GENERAL ARTICLE IF THE ADULT HAS 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 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 ITEM (1), (2), OR (3) OF THIS SUBSECTION.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 27, § 35D.

In subsection (a)(2)(i) and (8)(i) of this section, the former references to actions by a “caregiver, 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” are deleted as duplicative of the references to a “caregiver, a parent, or other person who has permanent or temporary care or responsibility for the supervision of a vulnerable adult” and a “household member or family member” in subsection (b)(1) and (2) of this section, respectively.

In subsection (a)(2)(iii) of this section, the former definition of “health care provider” is incorporated into an exception to the definition of “abuse” because that exception is the only place where the defined term was used in the former law.

In subsection (a)(5) of this section, the reference to a household member as a regular presence in a “home” of a vulnerable adult is retained, although the defined term “household” may be more appropriate. It is not clear that the adult child of the owner of an elder day care facility would be a “household member” as defined with the reference to “home”. Substituting the defined term “household” for the term “home” would more clearly address this. Because the substitution would constitute a substantive change, the Criminal Law Article Review Committee brings this matter to the attention of the General Assembly.