

Section 52A, to be under the new subtitle
"Resident Abuse"
Annotated Code of Maryland
(1972 Replacement Volume and 1978 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
MARYLAND, That section(s) of the Annotated Code of Maryland
be repealed, amended, or enacted to read as follows:

Article 59 - Mental Hygiene

RESIDENT ABUSE

52A.

(A) AS USED IN THIS SUBTITLE, THE FOLLOWING WORDS
HAVE THE MEANINGS INDICATED:

(1) "ABUSE" MEANS ANY PHYSICAL INJURY OR SEXUAL
ABUSE SUSTAINED BY A PATIENT OF A MENTAL HEALTH FACILITY AS
A RESULT OF CRUEL OR INHUMANE TREATMENT. IT DOES NOT
INCLUDE THE PERFORMANCE OF ACCEPTED MEDICAL PROCEDURES
ORDERED BY A LICENSED PHYSICIAN.

(2) "SEXUAL ABUSE" MEANS SEXUAL ACTS, SEXUAL
CONTRACTS, AND VAGINAL INTERCOURSE AS THOSE TERMS ARE
DEFINED IN ARTICLE 27, SECTION 461 OF THE CODE.

(3) "MENTAL HEALTH FACILITY" MEANS ANY CLINIC,
HOSPITAL OR OTHER INSTITUTION, PUBLIC OR PRIVATE, OTHER THAN
A VETERANS' ADMINISTRATION HOSPITAL, WHICH PROVIDES
TREATMENT, RESIDENTIAL CARE, OR OTHER SERVICES FOR MENTALLY
DISORDERED OR MENTALLY RETARDED PERSONS. THIS DEFINITION
INCLUDES GROUP HOMES, HALFWAY HOUSES, AND OTHER COMMUNITY
RESIDENCES FOR THE MENTALLY ILL OR MENTALLY RETARDED.

(B) ANY PERSON WHO HAS REASON TO BELIEVE A PERSON IN
A MENTAL HEALTH FACILITY HAS BEEN ABUSED SHALL REPORT THE
ABUSE TO THE APPROPRIATE LAW ENFORCEMENT AGENCY, OR TO THE
SUPERINTENDENT OF THE FACILITY WHO SHALL PROMPTLY FORWARD IT
TO THE APPROPRIATE LAW ENFORCEMENT AGENCY. THE REPORT MAY
BE ORAL OR IN WRITING AND SHALL CONTAIN AS MUCH INFORMATION
AS THE REPORTER IS ABLE TO PROVIDE.

(C) (1) THE LAW ENFORCEMENT AGENCY SHALL MAKE A
THOROUGH INVESTIGATION OF THE REPORTED ABUSE AND SHALL
ATTEMPT TO INSURE THE PROTECTION OF THE VICTIM.

(2) THE INVESTIGATION SHALL INCLUDE A
DETERMINATION OF THE NATURE, EXTENT, AND CAUSE OF THE ABUSE,
IF ANY, THE IDENTITY OF THE PERSON WHO MAY HAVE CAUSED THE
ABUSE, AND ALL OTHER FACTS OR MATTERS FOUND TO BE PERTINENT.

(3) THE LAW ENFORCEMENT AGENCY SHALL RENDER A
WRITTEN REPORT OF ITS FINDINGS TO THE STATE'S ATTORNEY AND
AND THE SUPERINTENDENT OF THE FACILITY AS SOON AS POSSIBLE,