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§3–604.

(a) (1) In this section and §§ 3-605 and 3-606 of this subtitle the following words have the meanings indicated.

(2) (i) "Abuse" means the sustaining of physical pain or injury by a vulnerable adult as a result of cruel or inhumane treatment or as a result of a malicious act 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 an accepted medical or behavioral procedure ordered by a health care provider authorized to practice under the Health Occupations Article or § 13-516 of the Education Article acting within the scope of the health care provider's practice.

(3) "Caregiver" 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) "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.

(6) "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.

(7) (i) "Neglect" means the intentional failure to provide necessary assistance and resources for the physical needs of a vulnerable adult, including:

1. food;

2. clothing;

3. toileting;

4. essential medical treatment;

5. shelter; or

6. supervision.

(ii) "Neglect" does not include the provision of nonmedical remedial care and treatment for the healing of injury or disease that is:

1. given with the consent of the vulnerable adult; and

2. recognized by State law in place of medical treatment.

(8) "Serious physical injury" means physical injury that:

(i) creates a substantial risk of death; or

(ii) causes permanent or protracted serious:

1. disfigurement;

2. loss of the function of any bodily member or organ; or

3. impairment of the function of any bodily member or organ.

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

(ii) "Sexual abuse" includes:

1. incest;

2. rape;

3. sexual offense in any degree;

4. sodomy; and

5. 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 caregiver, a parent, or other person who has permanent or temporary care or responsibility for the supervision of a vulnerable adult may not cause abuse or neglect of the vulnerable adult that:

(i) results in the death of the vulnerable adult;

(ii) causes serious physical injury to the vulnerable adult; or

(iii) involves sexual abuse of the vulnerable adult.

(2) A household member or family member may not cause abuse or neglect of a vulnerable adult that:

(i) results in the death of the vulnerable adult;

(ii) causes serious physical injury to the vulnerable adult; or

(iii) involves sexual abuse of the vulnerable adult.

(c) A person who violates this section is guilty of the felony of abuse or neglect of a vulnerable adult in the first degree and on conviction is subject to imprisonment not exceeding 10 years or a fine not exceeding $10,000 or both.

(d) 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.

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