

18. Duty to Report Abuse, Neglect, Self Neglect, or Exploitation of Vulnerable Adults

FAMILY LAW ARTICLE, §§14-101,--14-103, 14-302, 14-308, 14-309

§ 14-101. Definitions

- (a) In general. -- In this title the following words have the meanings indicated.
- (b) Abuse. -- "Abuse" means the sustaining of any physical injury by a vulnerable adult as a result of cruel or inhumane treatment or as a result of a malicious act by any person.
- (c) Director. -- "Director" means the director of the local department in the county where the vulnerable adult lives.
- (d) Disabled person. -- "Disabled person" has the meaning stated in § 13-101(e) of the Estates and Trusts Article.
- (e) Emergency. -- "Emergency" means any condition in which an individual is living that presents a substantial risk of death or immediate and serious physical harm to the individual or others.
- (f) Exploitation. -- "Exploitation" means any action which involves the misuse of a vulnerable adult's funds, property, or person.
- (g) Health practitioner. -- "Health practitioner" includes any person who is authorized to practice healing under the Health Occupations Article.
- (h) Human service worker. --
- (1) "Human service worker" means any professional employee of any public or private health or social services agency or provider.
 - (2) "Human service worker" includes:
 - (i) any social worker; and
 - (ii) any caseworker.
- (i) Law enforcement agency. -- "Law enforcement agency" means a State, county, or municipal police department, bureau, or agency.
- (j) Local department. -- Except as provided in §§ 14-201, 14-402, and 14-403 of this title, "local department" means the local department that has jurisdiction in the county:

(1) where the vulnerable adult lives; or

(2) where the abuse is alleged to have taken place.

(k) Local State's Attorney. -- "Local State's Attorney" means the State's Attorney for the county:

(1) where the vulnerable adult lives; or

(2) where the abuse is alleged to have taken place.

(l) Neglect. --

(1) "Neglect" means the willful deprivation of a vulnerable adult of adequate food, clothing, essential medical treatment or habilitative therapy, shelter, or supervision.

(2) "Neglect" does not include the providing 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.

(m) Police officer. -- "Police officer" means any State or local officer who is authorized to make arrests as part of the officer's official duty.

(n) Review board. -- "Review board" means the adult public guardianship review board.

(o) Secretary. -- "Secretary" means the Secretary of Human Resources.

(p) Self-neglect. -- "Self-neglect" means the inability of a vulnerable adult to provide the vulnerable adult with the services:

(1) that are necessary for the vulnerable adult's physical and mental health; and

(2) the absence of which impairs or threatens the vulnerable adult's well-being.

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

§ 14-102. Legislative policy and intent

(a) Legislative policy. -- It is the policy of the State that adults who lack the physical or mental capacity to care for their basic daily living needs shall have access to and be provided with needed professional services sufficient to protect their health, safety, and welfare.

(b) Legislative intent. -- The General Assembly intends that the provisions for appointment of public officials as guardian of the person be used sparingly and with utmost caution and only if an alternative does not exist.

§ 14-103. Scope of title

This title does not apply to:

- (1) the abuse of a patient in a mental health facility, under Title 10 of the Health - General Article;
- (2) the abuse of a patient in a facility for individuals with an intellectual disability under Title 7 of the Health - General Article;
- (3) the abuse of a patient in a nursing home under Title 19 of the Health - General Article; or
- (4) the abuse of a patient in a hospital under Title 19 of the Health - General Article.

§ 14-302. Reporting abuse, etc

(a) Mandatory reporting by health practitioner, police officer, or human service worker. -- Notwithstanding any law on privileged communications, each health practitioner, police officer, or human service worker who contacts, examines, attends, or treats an alleged vulnerable adult, and who has reason to believe that the alleged vulnerable adult has been subjected to abuse, neglect, self-neglect, or exploitation shall:

(1) notify the local department; and

(2) if acting as a staff member of a hospital or public health agency, immediately notify and give all the information required by this section to the head of the institution or the designee of the head.

(b) Manner of mandatory reporting. -- An individual who is required to make a report under subsection (a) of this section shall make the report by telephone, direct communication, or in writing to the local department as soon as possible.

(c) Reporting by others. -- Any individual other than a health practitioner, human service worker, or police officer who has reason to believe that an alleged vulnerable adult has been subjected to abuse, neglect, self-neglect, or exploitation may file with the local department an oral or written report of the suspected abuse, neglect, self-neglect, or exploitation.

(d) Contents of report. -- Insofar as is reasonably possible, an individual who makes a report under this section shall include in the report the following information:

(1) the name, age, and home address of the alleged vulnerable adult;

(2) the name and home address of the person responsible for the care of the alleged vulnerable adult;

- (3) the whereabouts of the alleged vulnerable adult;
- (4) the nature of the alleged vulnerable adult's incapacity;
- (5) the nature and extent of the abuse, neglect, self-neglect, or exploitation of the alleged vulnerable adult, including evidence or information available to the reporter concerning previous injury possibly resulting from abuse, neglect, self-neglect, or exploitation; and
- (6) any other information that would help to determine:
 - (i) the cause of the suspected abuse, neglect, self-neglect, or exploitation; and
 - (ii) the identity of any individual responsible for the abuse, neglect, self-neglect, or exploitation.

§ 14-308. Confidentiality of persons making report

(a) In general. -- Subject to the provisions of subsection (b) of this section, the identity of any person who makes a report under § 14-302 of this subtitle shall be confidential.

(b) Disclosure. -- The identity of a person who makes a report under § 14-302 of this subtitle may be disclosed if:

- (1) the person consents; or
- (2) the court orders the disclosure.

§ 14-309. Persons immune from civil liability

Any person who makes or participates in making a report under this subtitle or participates in an investigation or a judicial proceeding resulting from a report under this subtitle shall have the immunity from liability described under § 5-622 of the Courts and Judicial Proceedings Article.