THE MICHIGAN PENAL CODE (EXCERPT)
Act 328 of 1931

750.145m Definitions.

Sec. 145m.

As used in this chapter:

(a) "Adult foster care facility" means that term as defined in section 3 of the adult foster care facility licensing act, MCL 400.703.

(b) "Adult foster care facility licensing act" means 1979 PA 218, MCL 400.701 to 400.737.

(c) "Caregiver" means an individual who directly cares for or has physical custody of a vulnerable adult.

(d) "Developmental disability" means that term as defined in section 500 of the mental health code, MCL 330.1500.

(e) "Facility" means an adult foster care facility, a home for the aged, or a nursing home.

(f) "Home for the aged" means that term as defined in section 20106 of the public health code, MCL 333.20106.

(g) "Licensee" means that term as defined in section 5 of the adult foster care facility licensing act, MCL 400.705, or as defined in section 20108 of the public health code, MCL 333.20108. Licensee does not include a hospital, as that term is defined in section 20106 of the public health code, MCL 333.20106, except that part of a hospital that is a hospital long-term care unit, as that term is defined in section 20106 of the public health code, MCL 333.20106.

(h) "Mental health code" means 1974 PA 258, MCL 330.1001 to 330.2106.

(i) "Mental illness" means that term as defined in section 400 of the mental health code, MCL 330.1400.

(j) "Nursing home" means that term as defined in section 20109 of the public health code, MCL 333.20109 and a hospital long-term care unit as defined in section 20106 of the public health code, MCL 333.20106.

(k) "Other person with authority over a vulnerable adult" includes, but is not limited to, a person with authority over a vulnerable adult in that part of a hospital that is a hospital long-term care unit, but does not include a person with authority over a vulnerable adult in that part of a hospital that is not a hospital long-term care unit. As used in this subdivision, "hospital" and "hospital long-term care unit" mean those terms as defined in section 20106 of the public health code, MCL 333.20106.

(l) "Part 213, 215, or 217 of the public health code" means MCL 333.21301 to 333.21333, 333.21501 to 333.21568, and 333.21701 to 333.21799e.

(m) "Personal care" means assistance with eating, dressing, personal hygiene, grooming, or maintenance of a medication schedule as directed and supervised by a vulnerable adult's physician.

(n) "Physical harm" means any injury to a vulnerable adult's physical condition.

(o) "Public health code" means 1978 PA 368, MCL 333.1101 to 333.25211.

(p) "Reckless act or reckless failure to act" means conduct that demonstrates a deliberate disregard of the likelihood that the natural tendency of the act or failure to act is to cause physical harm, serious physical harm, or serious mental harm.

(q) "Resident" means an individual who resides in a facility.

(r) "Serious physical harm" means a physical injury that threatens the life of a vulnerable adult, that causes substantial bodily disfigurement, or that seriously impairs the functioning or well-being of the vulnerable adult.

(s) "Serious mental harm" means a mental injury that results in a substantial alteration of mental functioning that is manifested in a visibly demonstrable manner.

(t) "Social welfare act" means 1939 PA 280, MCL 400.1 to 400.119b.

(u) "Vulnerable adult" means 1 or more of the following:

(i) An individual age 18 or over who, because of age, developmental disability, mental illness, or physical disability requires supervision or personal care or lacks the personal and social skills required to live independently.

(ii) An adult as defined in section 3(1)(b) of the adult foster care facility licensing act, MCL 400.703.

(iii) An adult as defined in section 11(b) of the social welfare act, MCL 400.11.

History: Add. 1994, Act 149, Eff. Oct. 1, 1994 ;-- Am. 1998, Act 38, Imd. Eff. Mar. 18, 1998