

CONSULTATION WITH OR UNDER DIRECT SUPERVISION OF A PSYCHIATRIST OR PSYCHOLOGIST.

(4) "PSYCHIATRIST" MEANS A PERSON LICENSED TO PRACTICE MEDICINE WHO DEVOTES A SUBSTANTIAL PROPORTION OF HIS TIME TO THE PRACTICE OF PSYCHIATRY.

(B) PRIVILEGE.

UNLESS OTHERWISE PROVIDED, IN ALL JUDICIAL, LEGISLATIVE, OR ADMINISTRATIVE PROCEEDINGS, A PATIENT OR HIS AUTHORIZED REPRESENTATIVE HAS A PRIVILEGE TO REFUSE TO DISCLOSE, AND TO PREVENT A WITNESS FROM DISCLOSING, COMMUNICATIONS RELATING TO DIAGNOSIS OR TREATMENT OF THE PATIENT'S MENTAL OR EMOTIONAL DISORDER.

(C) EXCEPTION IN CUSTODY MATTERS.

A JUDGE MAY COMPEL DISCLOSURE IN CASES INVOLVING THE CUSTODY OF CHILDREN IF HE DECIDES IT IS NECESSARY FOR THE DETERMINATION OF THAT ISSUE.

(D) APPOINTMENT OF GUARDIAN.

IF A PATIENT IS INCOMPETENT TO ASSERT OR WAIVE THIS PRIVILEGE, A GUARDIAN SHALL BE APPOINTED AND SHALL ACT FOR THE PATIENT. A PREVIOUSLY APPOINTED GUARDIAN HAS THE SAME AUTHORITY.

(E) PRIVILEGE EXCLUDED.

THERE IS NO PRIVILEGE IF:

(1) A DISCLOSURE IS NECESSARY FOR THE PURPOSES OF PLACING THE PATIENT IN A FACILITY FOR MENTAL ILLNESS;

(2) A JUDGE FINDS THAT THE PATIENT, AFTER BEING INFORMED THERE WILL BE NO PRIVILEGE, MAKES COMMUNICATIONS IN THE COURSE OF AN EXAMINATION ORDERED BY THE COURT AND THE ISSUE AT TRIAL INVOLVES HIS MENTAL OR EMOTIONAL DISORDER;

(3) IN A CIVIL OR CRIMINAL PROCEEDING, THE PATIENT INTRODUCES HIS MENTAL CONDITION AS AN ELEMENT OF HIS CLAIM OR DEFENSE;

(4) THE PATIENT, HIS AUTHORIZED REPRESENTATIVE, OR HIS PERSONAL REPRESENTATIVE MAKES A