

~~THE INDIVIDUAL'S MENTAL OR EMOTIONAL DISORDER.~~

(B) UNLESS OTHERWISE PROVIDED, IN ANY JUDICIAL, LEGISLATIVE, OR ADMINISTRATIVE PROCEEDING, A CLIENT OR A CLIENT'S AUTHORIZED REPRESENTATIVE HAS A PRIVILEGE TO REFUSE TO DISCLOSE, AND TO PREVENT A WITNESS FROM DISCLOSING, COMMUNICATIONS RELATING TO DIAGNOSIS OR TREATMENT OF THE CLIENT'S MENTAL OR EMOTIONAL DISORDER.

(C) (1) IF A CLIENT IS INCOMPETENT TO ASSERT OR WAIVE THIS PRIVILEGE, A GUARDIAN SHALL BE APPOINTED AND SHALL ACT FOR THE CLIENT.

(2) A GUARDIAN APPOINTED BEFORE THE PROCEEDING HAS THE AUTHORITY TO ACT FOR THE CLIENT.

(D) THERE IS NO PRIVILEGE IF:

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

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

(3) IN A CIVIL OR CRIMINAL PROCEEDING:

(I) THE CLIENT INTRODUCES THE CLIENT'S MENTAL CONDITION AS AN ELEMENT OF THE CLAIM OR DEFENSE; OR

(II) AFTER THE CLIENT'S DEATH, THE CLIENT'S MENTAL CONDITION IS INTRODUCED BY ANY PARTY CLAIMING OR DEFENDING THROUGH OR AS A BENEFICIARY OF THE CLIENT;

(4) THE CLIENT, THE AUTHORIZED REPRESENTATIVE OF THE CLIENT, OR THE PERSONAL REPRESENTATIVE OF THE CLIENT MAKES A CLAIM AGAINST THE PSYCHIATRIC-MENTAL HEALTH NURSING SPECIALIST FOR MALPRACTICE; OR

(5) THE CLIENT EXPRESSLY CONSENTS TO WAIVE THE PRIVILEGE OR, IN THE CASE OF DEATH OR DISABILITY, THE CLIENT'S PERSONAL REPRESENTATIVE WAIVES THE PRIVILEGE FOR THE PURPOSE OF MAKING A CLAIM OR BRINGING SUIT ON A POLICY OF INSURANCE ON LIFE, HEALTH, OR PHYSICAL CONDITION.

(E) THERE IS NO PRIVILEGE IN:

(1) ANY ADMINISTRATIVE OR JUDICIAL NONDELINQUENT JUVENILE PROCEEDING;