

AND VITALLY with either in rendering such services in consultation with, or under the direct supervision and direction of a psychiatrist or psychologist as hereinafter defined; "psychiatrist" means a person licensed to practice medicine who devotes a substantial proportion of his time to the practice of psychiatry; "certified psychologist" means a psychologist certified under the provisions of Article 43, Sections 618-644 of the Annotated Code of Maryland (1957 Edition); "authorized representative" means a person empowered by the patient to assert the privilege granted by this section, and until given permission by the patient to make disclosure, any person whose communications are made privileged by this section.

(b) Except as hereinafter provided, in civil and criminal cases, in proceedings preliminary thereto, and in legislative and administrative proceedings, a patient, or his authorized representative, has a privilege to refuse to disclose, and to prevent a witness from disclosing, communication, wherever made, relating to diagnosis or treatment of the patient's mental or emotional disorder. PROVIDED, THAT THE PRESIDING JUDGE OF A COURT OF RECORD MAY COMPEL SUCH DISCLOSURE IN CASES INVOLVING THE CUSTODY OF CHILDREN, IF, IN HIS OPINION, SUCH DISCLOSURE IS NECESSARY TO A PROPER DETERMINATION OF THE ISSUE OF CUSTODY. This privilege applies to communications between patient and psychiatrist, between patient and certified psychologist, between a patient and other patients receiving diagnostic or treatment services in a formal group program conducted by the psychiatrist or certified psychologist, or between members of the patient's family and the psychiatrist or certified psychologist, in the accomplishment of the objectives of diagnosis or treatment. When a patient is incompetent to assert or to waive the privilege, a guardian shall be appointed and shall act in place of the patient under this section. A previously appointed guardian shall be authorized to so act.

(c) There shall be no privilege for any relevant communications under this section, (1) when in the course of diagnosis or treatment it is necessary to disclose such communications for the purpose of placing the patient in a facility for mental illness, whether by certification, commitment or otherwise; ~~provided, the provisions of this section shall continue in effect after the patient is in the facility;~~ (2) if a judge finds that the patient, after having been informed that the communication would not be privileged has made communications to a psychiatrist or certified psychologist in the course of an examination ordered by the court, provided that such communications shall be admissible only on issues involving the patient's mental or emotional disorder; (3) in all proceedings, whether civil or criminal, in which the patient introduces his mental condition as an element of his claim or defense, or, after the patient's death, when such condition is introduced by any party claiming or defending through or as a beneficiary of the patient; (4) in actions, civil or criminal, against the psychiatrist or certified psychologist for malpractice; (5) in all phases of any civil or criminal proceedings under Article 31B of this Code relating to defective delinquency proceedings; or (6) with the expressed consent of the patient, or in the case of death or disability, of his personal representative or other person authorized to sue, or of the beneficiary of an insurance policy on his life, health or physical condition.