



# IN THE SUPREME COURT OF TEXAS

Misc. Docket No. 16-9094

## ORDER APPROVING AMENDMENTS TO TEXAS RULES OF EVIDENCE 509 AND 510

ORDERED that:

1. Texas Rules of Evidence 509 and 510 are amended as follows, effective immediately.
2. The Clerk is directed to:
  - a. file a copy of this order with the Secretary of State;
  - b. cause a copy of this order to be mailed to each registered member of the State Bar of Texas by publication in the *Texas Bar Journal*;
  - c. send a copy of this order to each elected member of the Legislature; and
  - d. submit a copy of the order for publication in the *Texas Register*.

Dated: June 14, 2016.

Nathan L. Hecht, Chief Justice  
 Paul W. Green, Justice  
 Phil Johnson, Justice  
 Don R. Willett, Justice  
 Eva M. Guzman, Justice  
 Debra H. Lehrmann, Justice  
 Jeffrey S. Boyd, Justice  
 John P. Devine, Justice  
 Jeffrey V. Brown, Justice

### Rule 509. Physician–Patient Privilege

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(e) **Exceptions in a Civil Case.** This privilege does not apply:

- (1) **Proceeding Against Physician.** If the communication or record is relevant to a physician's claim or defense in:
  - (A) a proceeding the patient brings against a physician; or
  - (B) a license revocation proceeding in which the patient is a complaining witness.

\* \* \*

(6) **Involuntary Civil Commitment or Similar Proceeding.**

In a proceeding for involuntary civil commitment or court-ordered treatment, or a probable cause hearing under Tex. Health & Safety Code:

- (A) ~~chapter 464 (Facilities Treating Alcoholics and Drug-Dependent Persons)~~ 462 (Treatment of Persons With Chemical Dependencies);
- (B) title 7, subtitle C (Texas Mental Health Code); or
- (C) title 7, subtitle D (Persons With ~~Mental Retardation~~ an Intellectual Disability Act).

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### Rule 510. Mental Health Information Privilege in Civil Cases

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(d) **Exceptions.** This privilege does not apply:

- (1) **Proceeding Against Professional.** If the communication or record is relevant to a professional's claim or defense in:
  - (A) a proceeding the patient brings against a professional; or
  - (B) a license revocation proceeding in which the patient is a complaining witness.

\* \* \* TBJ