

***Effective 5/10/2016***

**78B-3-426 Nonpatient cause of action.**

- (1) For purposes of this section, a nonpatient plaintiff does not include a patient, as defined in Subsection 78B-3-403(23).
- (2) This section does not apply to a healthcare malpractice action brought or seeking recovery under Section 30-2-11, 78B-3-106, 78B-3-107, or 78B-3-502.
- (3) To establish a malpractice action against a health care provider, a nonpatient plaintiff shall be required to show that:
  - (a) the nonpatient plaintiff suffered an injury;
  - (b) the nonpatient plaintiff's injury was proximately caused by an act or omission of the health care provider; and
  - (c) the health care provider's act or omission was conduct that manifests a knowing and reckless indifference toward, and a disregard of, the injury suffered by the nonpatient plaintiff.

Enacted by Chapter 257, 2016 General Session