1	NONPATIENT CAUSE OF ACTION
2	2016 GENERAL SESSION
3	STATE OF UTAH
4	Chief Sponsor: Kay L. McIff
5	Senate Sponsor:
6 7	LONG TITLE
8	General Description:
9	This bill enacts provisions of the Utah Health Care Malpractice Act.
10	Highlighted Provisions:
11	This bill:
12	<ul> <li>provides requirements for a nonpatient plaintiff to establish a malpractice action</li> </ul>
13	against a health care provider.
14	Money Appropriated in this Bill:
15	None
16	Other Special Clauses:
17	None
18	<b>Utah Code Sections Affected:</b>
19	ENACTS:
20	<b>78B-3-426</b> , Utah Code Annotated 1953
21	
22	Be it enacted by the Legislature of the state of Utah:
23	Section 1. Section <b>78B-3-426</b> is enacted to read:
24	78B-3-426. Nonpatient cause of action.
25	To establish a malpractice action against a health care provider, a nonpatient plaintiff
26	shall be required to show that:
27	(1) the nonnatient plaintiff suffered an injury



(2) the nonpatient plaintiff's injury was proximately caused by an act or omission of the
 health care provider; and
 (3) the health care provider's act or omission was conduct manifesting:
 (a) knowing disregard for the safety of the nonpatient; or

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(b) gross negligence that constitutes careless or reckless disregard to a degree that shows indifference to the consequences that may result.

**Legislative Review Note Office of Legislative Research and General Counsel** 

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