

14-4409. Medicaid fraud; soliciting or receiving rebate for referral of recipient.

For you to find the defendant guilty of Medicaid fraud as charged in Count _____, the State must prove to your satisfaction beyond a reasonable doubt each of the following elements of the crime:

1. _____¹ is a provider.
2. _____² is a recipient.
3. The defendant [paid] [solicited] [offered] [received]³ a rebate of a fee or charge made to _____¹.
4. The rebate was [paid] [solicited] [offered] [received]³ for referring _____² to _____¹.
5. This happened in New Mexico on or about the _____ day of _____, _____.⁴

USE NOTES

1. List the provider's name.
2. List the recipient's name.
3. Use only the applicable bracketed elements established by the evidence.
4. The applicable definition or definitions from UJI 14-4401 NMRA must be given after this instruction.

[Adopted by Supreme Court Order No. 14-8300-005, effective for all cases filed or pending on or after December 31, 2014.]