

14-4407. Medicaid fraud; soliciting or receiving kickbacks in connection with medicaid or a state or federally funded health care plan.

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. The defendant [paid] [solicited] [offered] [received]¹ _____² in connection with the furnishing of treatment, services or goods.
2. The treatment, services or goods were or may have been covered, in whole or in part, by the program.
3. The _____² was [paid] [solicited] [offered] [received]¹ with the intent to influence a decision or commit a fraud affecting a state or mandated managed health care plan.
4. This happened in New Mexico on or about the _____ day of _____, _____.³

USE NOTES

1. Use only the applicable bracketed elements established by the evidence.
 2. Specify the remuneration or bribe alleged.
 3. 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.]