

**14-4414. Medicaid fraud; executing plan or conspiracy to execute plan to defraud state or federal health care plan by deceptive marketing.**

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 [executed] [conspired to execute<sup>2</sup>]<sup>1</sup> a plan or action to defraud a state or federally funded or mandated managed health care plan in connection with the delivery of or payment for health care benefits.
2. [The defendant's plan included engaging in any intentionally deceptive marketing practice in connection with [proposing] [offering] [selling] [soliciting] [providing]<sup>1</sup> any health care service in a state or federally funded or mandated managed health care plan].<sup>3</sup>
3. This happened in New Mexico on or about the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.<sup>4</sup>

USE NOTES

1. Use only the applicable bracketed elements established by the evidence.
2. UJI 14-2810 NMRA should be given if conspiracy is alleged.
3. Include this element if the defendant's plan to defraud included engaging in any intentionally deceptive marketing practice.
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.]