

14-4408. Medicaid fraud; soliciting or receiving kickbacks in connection with medicaid or a state or federally funded health care plan to or from a health care official.

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 [offered] [promised] [solicited] [accepted] [paid] [received]¹ _____², which is anything of value.
2. [The defendant made the [offer] [promise] [payment]¹ to a health care official] or [The defendant was a health care official].¹
3. The [offer] [promise] [solicitation] [acceptance] [payment] [receipt]¹ was made 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. Name item.
 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.]