

14-4410. Medicaid fraud; receiving anything of value; precondition.

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 received _____¹, which is anything of value.
2. The defendant received _____¹ with the intent to retain it.
3. The defendant knew _____¹ was in excess of amounts authorized under the program.
4. The defendant's receipt of _____¹ was a [precondition of providing treatment, care, services or goods] [a requirement for continued provision of treatment, care, services or goods]².
5. This happened in New Mexico on or about the _____ day of _____, _____.³

USE NOTES

1. Name the item(s).
 2. Use only the applicable bracketed elements established by the evidence.
 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.]