

**14-4415. Medicaid fraud; executing plan or conspiracy to execute plan for delivery or payment of benefits by fraud or fraudulent representation.**

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 obtain by false or fraudulent representation<sup>4</sup> or promise, \_\_\_\_\_<sup>3</sup>, which is anything of value, in connection with the delivery of or payment for health care benefits.

2. The health care benefits were in whole or in part, [paid for] [reimbursed] [subsidized]<sup>1</sup> by a state or federally funded or mandated managed health care plan.

3. This happened in New Mexico on or about the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.<sup>5</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. Name item.
4. See NMSA 1978, § 30-44-7(A)(4)(b) for a list of fraudulent representations or statements anticipated by the statute.

5. 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.]