**14-4409. Medicaid fraud; soliciting or receiving rebate for referral of recipient.**

 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. \_\_\_\_\_\_\_\_\_\_\_\_\_1 is a provider.

 2. \_\_\_\_\_\_\_\_\_\_\_\_\_2 is a recipient.

 3. The defendant [paid] [solicited] [offered] [received]3 a rebate of a fee or charge made to \_\_\_\_\_\_\_\_\_\_\_1.

 4. The rebate was [paid] [solicited] [offered] [received]3 for referring \_\_\_\_\_\_\_\_\_\_\_\_\_2 to \_\_\_\_\_\_\_\_\_\_\_\_\_1.

 5. This happened in New Mexico on or about the \_\_\_\_\_\_\_\_\_\_ day of \_\_\_\_\_\_\_\_\_\_\_\_\_\_, \_\_\_\_\_\_\_\_\_\_.4

USE NOTES

 1. List the provider’s name.

 2. List the recipient’s name.

 3. Use only the applicable bracketed elements established by the evidence.

 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.]