**14-4411. Medicaid fraud; receiving anything of value; rates.**

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 intended to retain \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_1.

3. The rates established under the program for providing treatment, services or goods are \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.2

4. The defendant knew the value of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_1 was in excess of the rates established under the program for providing treatment, services or goods.

5. This happened in New Mexico on or about the \_\_\_\_\_\_\_\_\_\_ day of \_\_\_\_\_\_\_\_\_\_\_\_\_\_, \_\_\_\_\_\_\_\_\_\_.3

USE NOTES

1. Name the item(s).

2. List the established rate.

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.]