**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.]