**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.]