

N.C.P.I.—CRIM 259.70
MEDICAID SUBROGATION – WITHHOLDING INFORMATION.
GENERAL CRIMINAL VOLUME
JUNE 2014
N.C. Gen Stat. § 108A-57(b)

259.70 MEDICAID SUBROGATION – WITHHOLDING INFORMATION.

The defendant has been charged with withholding information related to a Medicaid subrogation¹ matter.

For you to find the defendant guilty of this offense, the State must prove two things beyond a reasonable doubt.

First, that the defendant [sought] [obtained] Medicaid assistance for [the defendant] [another].

And Second, that the defendant willfully failed to disclose the identity of a [person] [organization] against whom the defendant had a right of recovery, contractual, or otherwise, to the [(*name county*) Department of Social Services] [attorney for the (*name county*) Department of Social Services] and to the North Carolina Department of Health and Human Services.

If you find from the evidence beyond a reasonable doubt that on or about the alleged date the defendant [sought] [obtained] Medicaid assistance for [the defendant] [another] and willfully failed to disclose to the [county department of social services] [attorney for the department of social services] and to the North Carolina Department of Health and Human Services, the identity of a [person] [organization] against whom the recipient of the Medicaid assistance had a right of recovery, it would be your duty to return a verdict of guilty. If you do not so find or have a reasonable doubt as to one or more of these things, then it would be your duty to return a verdict of not guilty.

¹ This act applies to Medicaid claims that arise on or after July 10, 2013 and to Medicaid claims arising prior to July 10, 2013 for which the Department has not been paid in full.

