

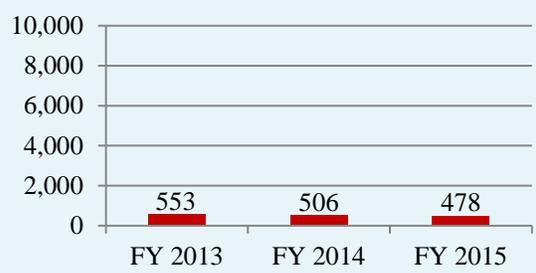


# Quick Facts

- ▶ THERE WERE 71,003 CASES REPORTED TO THE UNITED STATES SENTENCING COMMISSION IN FISCAL YEAR 2015.
- ▶ OF THESE CASES, 7,724 INVOLVED THEFT, PROPERTY DESTRUCTION, OR FRAUD.<sup>1</sup>
- ▶ 6.2% OF THEFT, PROPERTY DESTRUCTION, AND FRAUD OFFENSES INVOLVED HEALTH CARE FRAUD.<sup>2</sup>

## Health Care Fraud Offenses<sup>2</sup>

**Number of Health Care Fraud Offenders**



**Top Five Districts Health Care Fraud Offenders FY 2015**

Southern District of Florida (N=87)
Eastern District of Michigan (N=33)
District of Puerto Rico (N=30)
Central District of California (N=28)
Southern District of New York (N=24)

**Median Loss for Health Care Fraud Offenses**



In fiscal year 2015, there were 478 health care fraud offenders, who accounted for 0.8%<sup>3</sup> of all offenders sentenced under the guidelines. The number of health care fraud offenders decreased by 13.6% from fiscal years 2013 to 2015.

### Offender and Offense Characteristics

- In fiscal year 2015, more than half of health care fraud offenders were male (61.9%).
- Over one-third were White (37.7%) followed by Hispanic (29.9%), Black (20.9%), and Other Races (11.5%).
- The average age of these offenders at sentencing was 48 years.
- The majority of health care fraud offenders were United States citizens (86.0%).
- The majority of health care fraud offenders had little or no prior criminal history (89.5% of these offenders were assigned to Criminal History Category I).
- The median loss for these offenses was \$814,854.
  - ◆ 28.0% of health care fraud offenses involved loss amounts greater than \$2,500,000.<sup>4</sup>
  - ◆ 21.1% of health care fraud offenses involved loss amounts of \$70,000 or less.<sup>4</sup>
- Sentences for health care fraud offenders were increased for:
  - ◆ Conviction of a federal health care offense involving a government health care program and a loss of more than \$1 million (27.1%).
  - ◆ Use of sophisticated means to execute or conceal the offense (23.4%).
  - ◆ Leadership or supervisory role in the offense (22.0%).
  - ◆ Abusing a public position of trust or using a special skill (28.9%).
  - ◆ Obstructing or impeding the administration of justice (6.3%).
- Sentences for health care fraud offenders were decreased for:
  - ◆ Minor or minimal participation in the offense (6.3%).

<sup>1</sup> Theft, property destruction, and fraud offenses include cases with complete guideline application information in which the offender was sentenced under §2B1.1 (Larceny, Embezzlement, and Other Forms of Theft; Offenses Involving Stolen Property; Property Damage or Destruction; Fraud and Deceit; Forgery; Offenses Involving Altered or Counterfeit Instruments Other than Counterfeit Bearer Obligations of the United States) using a *Guidelines Manual* in effect on November 1, 2001 or later. See [www.ussc.gov/research/quick-facts](http://www.ussc.gov/research/quick-facts) for the *Quick Facts* on §2B1.1 offenders.

<sup>2</sup> Health care fraud includes cases where the offense conduct as described in the Presentence Report involved the defrauding of a government or private health care entity.

# Quick Facts

## Health Care Fraud Offenses

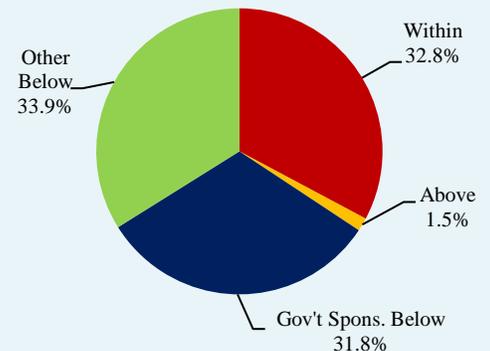
### Punishment

- The majority of health care fraud offenders were sentenced to imprisonment (71.1%).
- The average sentence length for health care fraud offenders was 31 months.

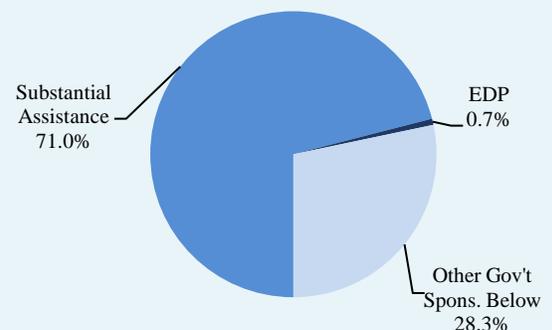
### Sentences Relative to the Guideline Range

- During the past three years, the rate of within range sentences for health care fraud offenders has decreased from 43.6% in fiscal year 2013 to 32.9% in fiscal year 2015.
- In each of the past three years, approximately one-fifth to one-third of health care fraud offenders received a sentence below the applicable guideline range because the government sponsored the below range sentence.
  - ◆ Substantial assistance departures were granted in approximately 15 to 23 percent of health care fraud cases in each of the past three years.
    - ◇ These offenders received an average reduction of 62.5% in their sentence during the three year time period.
  - ◆ Other government sponsored departures were granted in approximately five to nine percent of health care fraud cases in each of the past three years.
    - ◇ These offenders received an average reduction of 65.0% in their sentence during the three year time period.
- In each of the past three years, approximately 34 percent of health care fraud offenders received a non-government sponsored below range sentence.
  - ◆ These offenders received an average reduction of 52.0% in their sentence during the three year time period.
- During the past three years, the average sentence for health care fraud offenders decreased slightly while the average guideline minimum for these offenders increased.
  - ◆ The average sentence imposed decreased from 34 months to 31 months during that time period.
  - ◆ The average guideline minimum increased from 43 months to 48 months during that time period.

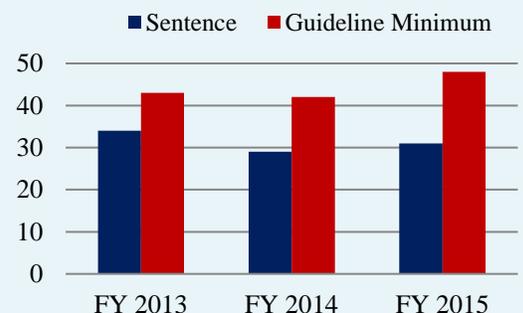
### Sentence Relative to the Guideline Range FY 2015



### Government Sponsored Below Range Sentences FY 2015



### Average Sentence and Average Guideline Minimum (in months)



<sup>3</sup> Of the 71,003 offenders sentenced in fiscal year 2015, 7,543 were excluded from this analysis due to incomplete guideline application information.

<sup>4</sup> The Loss Table was amended effective November 1, 2015.

