Fiscal Year 2018

- In FY 2018, 69,425 cases were reported to the U.S. Sentencing Commission.
- 5,948 of these involved theft, property destruction, and fraud.¹ ²
- 7.3% of theft, property destruction, and fraud offenses involved health care fraud.² ³
- Health care fraud has decreased by 16.0% since FY 2014.

### Offender and Offense Characteristics

- 65.2% of health care fraud offenders were men.
- 38.7% were White, 28.0% were Hispanic, 21.9% were Black, and 11.4% were Other races.
- Their average age was 49 years.
- 87.1% were United States citizens.
- 86.8% had little or no prior criminal history (Criminal History Category I).
- The median loss for these offenses was $1,048,375.4
  - 21.4% involved loss amounts of $150,000 or less.
  - 23.2% involved loss amounts greater than $3,500,000.
- Sentences were increased for:
  - The number of victims or the extent of harm to victims (16.9%);
  - Conviction of a federal health care offense involving a government health care program and a loss of more than $1 million (32.6%);
  - Using sophisticated means to execute or conceal the offense (20.2%);⁵
  - Using an unauthorized means of identification (4.5%);
  - Leadership or supervisory role in the offense (25.2%);
  - Abusing a public position of trust or using a special skill (34.4%);
  - Obstructing or impeding the administration of justice (8.5%).
- Sentences were decreased for:
  - Minor or minimal participation in the offense (6.1%).
- The top five districts for health care fraud offenders were:
  - Southern District of Florida (95);
  - Eastern District of Michigan (18);
  - Southern District of Texas (18);
  - Middle District of Florida (17);
  - Eastern District of Louisiana (17).

### Punishment

- The average sentence for health care fraud offenders was 30 months.
- 73.4% were sentenced to prison.
- 1.6% were convicted of an offense carrying a mandatory minimum penalty; of those offenders, 14.3% were relieved of that penalty.

For more Quick Facts, visit https://www.ussc.gov/research/quick-facts.
Sentences Relative to the Guideline Range

- Of the 55.5% of health care fraud offenders sentenced under the Guidelines Manual:
  - 55.9% were sentenced within the guideline range.
  - 40.7% received a substantial assistance departure. Their average sentence reduction was 67.6%.
  - 3.4% received some other downward departure. Their average sentence reduction was 47.2%.
- 44.5% received a variance; of those offenders:
  - 98.9% received a downward variance. Their average sentence reduction was 51.5%.
  - 1.1% received an upward variance.
- The average guideline minimum has fluctuated, while the average sentence imposed has remained relatively stable over the past five years.
  - The average guideline minimum increased from 42 months in fiscal year 2014 to 48 months in fiscal year 2018.
  - The average sentence imposed increased from 29 months in fiscal year 2018 to 30 months in fiscal year 2018.

Sentence Imposed Relative to the Guideline Range FY 2018

- Variances 44.5%
- Under Guidelines Manual 55.5%
- Substantial Assistance 22.6%
- Other Downward 1.9%
- Within Range 31.1%

1. 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 for the Quick Facts on §2B1.1 offenders.

2. Cases with incomplete sentencing information were excluded from the analysis.

3. 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.

4. The Loss Table and Victims Table were amended effective November 1, 2015.

5. The Sophisticated Means adjustment was amended effective November 1, 2015.