Fiscal Year 2019

- In FY 2019, 76,538 cases were reported to the U.S. Sentencing Commission.
- 5,707 of these involved theft, property destruction, and fraud.
- 7.6% of theft, property destruction, and fraud offenses involved health care fraud.¹ ² ³
- Health care fraud has decreased by 10.3% since FY 2015.

Offender and Offense Characteristics

- 60.6% of health care fraud offenders were men.
- 38.0% were White, 35.4% were Hispanic, 18.2% were Black, and 8.4% were Other races.
- Their average age was 50 years.
- 88.8% were United States citizens.
- 86.7% had little or no prior criminal history (Criminal History Category I).
- The median loss for these offenses was $1,188,178.⁴
  - 15.4% involved loss amounts of $150,000 or less.
  - 23.9% involved loss amounts greater than $3,500,000.
- Sentences were increased for:
  - the number of victims or the extent of harm to victims (13.8%);
  - conviction of a federal health care offense involving a government health care program and a loss or more than $1 million (39.7%);
  - using sophisticated means to execute or conceal the offense (16.1%);⁵
  - using an unauthorized means of identification (4.9%);
  - leadership or supervisory role in the offense (23.8%);
  - abusing a public position of trust or using a special skill (31.5%);
  - obstructing or impeding the administration of justice (4.4%).
- Sentences were decreased for:
  - minor or minimal participation in the offense (7.7%).
- The top five districts for health care fraud offenders were:
  - Southern District of Florida (130);
  - Southern District of Texas (31);
  - Northern District of Texas (23);
  - Eastern District of Michigan (17);
  - Eastern District of Missouri (14).

Punishment

- The average sentence for health care fraud offenders was 34 months.
- 81.1% were sentenced to prison.
- 4.0% were convicted of an offense carrying a mandatory minimum penalty; of those offenders, 23.5% were relieved of that penalty.

For more Quick Facts, visit https://www.ussc.gov/research/quick-facts.
Health Care Fraud Offenses

Sentences Relative to the Guideline Range

- Of the 62.0% of health care fraud offenders sentenced under the Guidelines Manual:
  - 62.4% were sentenced within the guideline range.
  - 30.5% received a substantial assistance departure.  
    ◦ Their average sentence reduction was 55.8%.
  - 7.1% received some other downward departure.  
    ◦ Their average sentence reduction was 57.5%.
- 38.0% received a variance; of those offenders:
  - 98.8% received a downward variance.  
    ◦ Their average sentence reduction was 45.8%.
  - 1.2% received an upward variance.
- The average guideline minimum and average sentence imposed has fluctuated over the past five years.
  - The average guideline minimum decreased from 48 months in fiscal year 2015 to 46 months in fiscal year 2019.
  - The average sentence imposed increased from 31 months in fiscal year 2015 to 34 months in fiscal year 2019.

Sentences Relative to the Guideline Range (%)

- Within Range
- Variances
- Substantial Assistance
- Other Downward

Average Guideline Minimum and Average Sentence (months)

- Guideline Minimum
- Sentence

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

2 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.

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.