Fiscal Year 2022

- In FY 2022, 64,142 cases were reported to the U.S. Sentencing Commission.
- 5,208 of these involved theft, property destruction, and fraud.
- 8.4% of theft, property destruction, and fraud offenses involved health care fraud.¹ ² ³
- Health care fraud has increased by 1.4% since FY 2018.

Offender and Offense Characteristics

- 61.3% of health care fraud offenders were men.
- 44.0% were White, 26.6% were Hispanic, 21.1% were Black, and 8.3% were Other races.
- Their average age was 49 years.
- 90.0% were United States citizens.
- 88.6% had little or no prior criminal history (Criminal History Category I).
- The median loss for these offenses was $1,297,560; 4
  ♦ 15.1% involved loss amounts of $150,000 or less;
  ♦ 16.0% involved loss amounts greater than $9,500,000.
- Sentences were increased for:
  ♦ the number of victims or the extent of harm to victims (19.3%); ⁵
  ♦ conviction of a federal health care offense involving a government health care program and a loss of more than $1 million (36.0%);
  ♦ using sophisticated means to execute or conceal the offense (22.0%);
  ♦ using an unauthorized means of identification (9.7%);
  ♦ a leadership or supervisory role in the offense (24.1%);
  ♦ abusing a public position of trust or using a special skill (29.0%);
  ♦ a victim whom the defendant knew or should have known was vulnerable (7.0%);
  ♦ obstructing or impeding the administration of justice (5.1%).
- Sentences were decreased for:
  ♦ minor or minimal participation in the offense (6.5%).
- The top five districts for health care fraud offenders were:
  ♦ Southern District of Florida (105);
  ♦ Eastern District of Michigan (41);
  ♦ Central District of California (28);
  ♦ Southern District of Texas (21);
  ♦ Northern District of Texas (15).

Punishment

- The average sentence for health care fraud offenders was 30 months.
- 78.7% were sentenced to prison.
- 3.3% were convicted of an offense carrying a mandatory minimum penalty; of those offenders, 21.4% were relieved of that penalty.
Sentences Relative to the Guideline Range

- Of the 58.5% of health care fraud offenders sentenced under the Guidelines Manual:
  - 39.3% were sentenced within the guideline range.
  - 53.2% received a substantial assistance departure. Their average sentence reduction was 65.7%.
  - 7.5% received some other downward departure. Their average sentence reduction was 53.6%.
- 41.5% received a variance; of those offenders:
  - All received a downward variance. Their average sentence reduction was 54.8%.
- The average guideline minimum fluctuated while the average sentence imposed remained steady over the past five years.
  - The average guideline minimum increased and decreased throughout the fiscal years. The average guideline minimum was 48 months in fiscal year 2018 and 53 months in fiscal year 2022.
  - The average sentence imposed was 30 months in fiscal year 2018 and fiscal year 2022.

Sentence Imposed Relative to the Guideline Range FY 2022

- Variances 41.5%
- Under Guidelines Manual 58.5%
- Substantial Assistance 31.1%
- Within Range 23.0%
- Other Downward 4.4%