

NORTH CAROLINA  
MECKLENBURG COUNTY

NORTH CAROLINA BOARD  
OF CHIROPRACTIC EXAMINERS

In the Matter of: )

KEVIN B. CRAFT, DC, )  
Respondent. )

**FINAL AGENCY DECISION**

THIS MATTER coming on to be heard before the Board of Chiropractic Examiners at a special meeting held on June 9, 2005, in Charlotte, North Carolina; and at the call of the case, the respondent was present and represented by his counsel, Eben T. Rawls III, and the staff of the Board of Examiners was represented by its counsel, Vance C. Kinlaw. All parties affirmed their readiness to proceed; and after hearing the evidence presented and giving due consideration to the arguments of counsel and the record as a whole, the Board makes the following:

Findings of Fact

1. The following members of the Board were present, heard the evidence, and participated in the decision rendered herein: Dr. Tom Brown, presiding, Dr. T.L. Bradley, Dr. Bob Stroud, Dr. John Webster, Dr. Steve Willen and Mr. Staten Wilcox. Dr. Dennis Hall Sr., Secretary of the Board, was also present but did not actively participate in the hearing and was not privy to the Board's deliberations due to his earlier participation in the formation of the charge against the respondent.
2. The respondent, Dr. Kevin B. Craft, DC, is a duly licensed chiropractic physician in North Carolina and maintains a chiropractic office in Mooresville, North Carolina.
3. This matter comes before the Board upon a formal complaint filed on July 22, 2004 by Dr. Dennis Hall Sr. in his capacity as Secretary of the Board. The complaint alleges that Dr. Craft violated N.C.G.S. 90-154(b)(2) by having been convicted of a felony on or about April 2, 2004.
4. Dr. Craft waived probable cause and admits that he is guilty of having been convicted of a felony as stated in Dr. Hall's complaint.
5. On September 25, 2003, Dr. Craft was charged in a Bill of Information filed by the U.S. Attorney for the Charlotte Division of the Western District of North Carolina with one count of Aiding and Abetting Health Care Fraud, in violation of 18 U.S.C. § 1347 and 18 U.S.C. § 2(a) & 2(b). The docket number of the federal criminal case is 3:03 CR 167-Mu.
6. The respondent's felonious conduct can be summarized as follows: Dr. Craft owned the assets of and controlled a medical corporation known as Carolina Diagnostic Center or "CDC." CDC

contacted employers throughout western North Carolina and arranged to perform initial blood pressure/cholesterol screenings upon employees, followed by computerized vascular testing upon those employees considered high risk. CDC falsely represented to such employees that the testing was free, but in reality CDC charged approximately \$1,900-\$2,300 per test to the employees' group health insurers. Moreover, CDC falsely represented both to the persons tested and to their insurance carriers that the tests had been authorized by a medical doctor, when in fact, no such medical authorizations were made. A copy of the federal Bill of Information reciting further details of the respondent's felonious conduct is attached to this Decision and incorporated by reference.

6. On April 2, 2004, Dr. Craft appeared before the U.S. District Court and, upon a plea of guilty, was convicted of the crime alleged. He was sentenced to five months' imprisonment, followed by five months' home detention. He was also placed on supervised release for three years and ordered to pay restitution through the court to CIGNA Insurance in the amount of \$176,041.22.

7. Dr. Craft began serving his term of imprisonment in December, 2004 and completed his incarceration in April, 2005. He maintained his chiropractic license throughout the pendency of his criminal case and while in custody.

BASED ON THE FOREGOING Findings of Fact, the Board enters the following:

#### Conclusions of Law

1. The Board of Chiropractic Examiners is duly constituted and has jurisdiction of subject matter and of the person of the respondent. The complaint filed July 22, 2004 is properly before the Board for adjudication on the merits. The burden of proof is borne by the staff of the Board, and the standard of proof is the greater weight of the evidence.

2. N.C.G.S. 90-154(b)(2) states that "conviction of a felony or of a crime involving moral turpitude" is grounds for disciplinary action by the Board.

3. Conviction of Aiding and Abetting Health Care Fraud pursuant to 18 U.S.C. § 1347 and 18 U.S.C. § 2(a) and 2(b) constitutes a violation of N.C.G.S. 90-154(b)(2).

4. Under N.C.G.S. 90-154(a), the Board has the authority to impose sanctions, singly or in combination, when it finds that a practitioner is guilty of an offense described in N.C.G.S. 90-154(b). Sanctions may include suspension of a license to practice chiropractic and placing a chiropractor on probationary status.

5. Under the Chiropractic Disciplinary Guidelines currently used by the Board, conviction of a felony falls within the "Most Serious" category of disciplinary violations. The presumptive sanctions for this category, when neither aggravating or mitigating factors predominate, range from 90-day suspension of license to permanent license revocation. Probation upon specified terms and conditions may also be added to license suspension.

6. Part III of the Chiropractic Disciplinary Guidelines sets forth numerous aggravating and mitigating factors commonly considered by the Board in selecting sanctions. Pursuant to Part III, the Board finds as follows:

A. Mitigating factors present in Dr. Craft's case are:

- (1) The respondent has no recent history of disciplinary violations; and
- (2) The respondent's misconduct has been addressed by the criminal justice system.

B. Aggravating factors present in Dr. Craft's case are:

- (1) The respondent had a dishonest and selfish motive in that his company, CDC, represented to those members of the public who were given vascular testing that the tests were free, when in fact, group health insurers were billed for the tests; and
- (2) The respondent violated the trust of those members of the public who were given vascular testing in that CDC represented to them that the test results would be reviewed by a medical doctor, which did not occur in all cases.

7. In the judgment of the Board, neither aggravating nor mitigating factors predominate. Therefore, in conformity with the Chiropractic Disciplinary Guidelines, sanctions shall fall at or near the midpoint of the presumptive range for a "Most Serious" violation.

8. Due to his incarceration in federal prison, Dr. Craft was removed from his chiropractic practice and suffered a constructive suspension of license for five months.

WHEREFORE, upon his plea of guilty, the North Carolina Board of Chiropractic Examiners hereby finds the respondent, Dr. Kevin B. Craft, guilty of having been convicted of a felony, in violation of N.C.G.S. 90-154(b)(2). It is ordered, adjudged and decreed that Dr. Craft be sanctioned as follows:

1. Dr. Craft's license to practice chiropractic in North Carolina shall be suspended for five years. This sanction is stayed upon the following terms and conditions:

A. Dr. Craft shall serve a period of active license suspension of two years, nine months. He shall be given credit for time served in federal prison, thereby reducing the period of suspension to two years, four months. While his license is suspended, Dr. Craft shall:

- (1) Obtain 24 hours of approved continuing education per calendar year;

- (2) Successfully complete, before December 31, 2005, the remediation course entitled, "Fraud," which is available online at [www.Cevantive.com](http://www.Cevantive.com). This course shall not count towards fulfilling the annual 24-hour continuing education requirement.
  - (3) Attend one presentation summarizing the North Carolina statutes and rules governing chiropractic practice and risk management. This presentation is given four times per year by the Board of Chiropractic Examiners immediately prior to its licensure examination. Attendance at this presentation shall not count towards fulfilling the annual 24-hour continuing education requirement.
- B. After his period of active license suspension has been completed and the foregoing educational requirements satisfied, Dr. Craft shall be placed on probationary status for two years and three months.
- C. Dr. Craft shall disclose to the Board the name and address of any business or corporation that performs health care services and in which he has a financial interest.
2. If Dr. Craft wilfully fails to comply with this Decision, the five-year license suspension now stayed shall be invoked.
  3. This Decision shall become effective on the thirty-first day after it is served upon the respondent. This decision is subject to judicial review as set forth in N.C.G.S. 150B-43 *et seq.*
  4. This Decision is a public document and shall be reported to national data banks and to the chiropractic licentiate body in North Carolina by summary in the Board's next newsletter.

THIS is the 18 day of July, 2005.

NORTH CAROLINA BOARD OF CHIROPRACTIC EXAMINERS

By: Thomas M. Brown D.C.  
Thomas M. Brown, DC, President