

VIRGINIA:

BEFORE THE BOARD OF VETERINARY MEDICINE

**IN RE: C. NICK ELAM, JR., D.V.M.
License No.: 0301-001277
Complaint No.: 80017**

ORDER

Pursuant to § 2.2-4019, § 2.2-4021 and § 54.1-2400(10) of the Code of Virginia (1950), as amended ("Code"), a Special Conference Committee ("Committee") of the Virginia Board of Veterinary Medicine ("Board"), composed of Andrew F. Horner, D.V.M., and Jerry A. Hinn, D.V.M., met with C. Nick Elam, Jr., D.V.M., on January 8, 2002, in Henrico County, Virginia. Dr. Elam was present and was not represented by counsel. The purpose of the informal conference was to receive and act upon evidence concerning the allegations in the Notice of Informal Conference dated November 1, 2001.

FINDINGS OF FACT

After consideration of the evidence and statements concerning the allegations, the Committee makes the following Findings of Fact:

1. C. Nick Elam, Jr., D.V.M., holds license number 0301-001277 issued by the Virginia Board of Veterinary Medicine on July 10, 1974. Said license will expire on February 28, 2002, unless renewed. Dr. Elam was Veterinarian-In-Charge at Elam Animal Hospital, Powhatan, Virginia, at all times material to the finding below.
2. During the course of his practice at Elam Animal Hospital, Dr. Elam engaged in unprofessional conduct in that he failed to maintain complete and adequate patient records for his patients "Tor," a canine, and "Christmas Pie," a feline, both owned by Client A.

CONCLUSIONS OF LAW

Based upon Finding of Fact No. 2, the Committee concludes that C. Nick Elam, Jr., D.V.M., has violated § 54.1-3807(5) of the Code, and 18 VAC 150-20-140(6) of the Regulations of the Board of Veterinary Medicine.

ORDER

WHEREFORE, on the basis of the foregoing Findings of Fact and Conclusions of Law, it is hereby ORDERED that:

1. C. Nick Elam, Jr., D.V.M., be, and hereby is, REPRIMANDED.
2. Dr. Elam shall be assessed a MONETARY PENALTY of Five Hundred Dollars (\$500.00), said penalty to be paid to the Board by certified check or money order within thirty (30) days from the date of entry of this Order. If the monetary penalty is mailed, it shall be mailed by certified or registered mail. If said monetary penalty is not received within the prescribed deadline, an additional late fee of One Hundred Dollars (\$100.00) shall be assessed weekly, up to a maximum of One Thousand Dollars (\$1,000.00). Failure to pay the full monetary penalty plus the additional assessment within one hundred (100) days of the date of entry of this Order shall constitute grounds for an administrative proceeding.
3. Dr. Elam shall maintain a course commensurate with the requirements of Chapter 38, Title 54.1 of the Code of Virginia (1950), as amended, and the Regulations of the Board of Veterinary Medicine. Any violation of the foregoing terms and conditions of this Order or any statute or regulation governing the practice of veterinary medicine in the Commonwealth of Virginia shall constitute grounds for the suspension or revocation of the license of C. Nick Elam, Jr., D.V.M., and an

C. Nick Elam, Jr., D.V.M.

administrative proceeding shall be convened to determine whether Dr. Elam's license to practice veterinary medicine in the Commonwealth shall be suspended or revoked.

Pursuant to § 54.1-2400(10) of the Code, this Order shall become final thirty (30) days after service unless a written request for a hearing before the Board is filed with Elizabeth A. Carter, Ph.D., Executive Director, Board of Veterinary Medicine. In the event that this decision is served by mail, three (3) days shall be added to the thirty (30) day period.

Pursuant to § 2.2-4023 of the Code, the signed original of this Order shall remain in the custody of the Department of Health Professions as a public record and shall be made available for public release, inspection and copying upon request.

FOR THE BOARD:



Elizabeth A. Carter, Ph.D.
Executive Director

ENTERED: January 10, 2001

Certificate of Service

I hereby certify that a true copy of the foregoing Order was mailed to C. Nick Elam, Jr., D.V.M., at Elam Animal Hospital, 1403 Anderson Highway, Powhatan, Virginia 23139, on the 10th day of January, 2002.



Elizabeth A. Carter, Ph.D.
Executive Director
Board of Veterinary Medicine