

VIRGINIA:

BEFORE THE BOARD OF VETERINARY MEDICINE

IN RE: CARLTON N. ELAM, JR., D.V.M.
License No.: 0301-001277
Complaint No.: 111589

AMENDED 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 George Siemering, D.V.M., and John Wise, D.V.M., met with Carlton N. Elam, Jr., D.V.M., on January 17, 2008, in Henrico County, Virginia. Dr. Elam was present and was represented by Michael L. Goodman, Esq. The purpose of the informal conference was to receive and act upon evidence concerning the allegations in the Notice of Informal Conference dated December 17, 2007.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

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

1. Carlton N. Elam, Jr., D.V.M., holds license number 0301-001277 which was issued by the Virginia Board of Veterinary Medicine on July 10, 1974. Said license will expire on December 31, 2008, unless renewed. Dr. Elam was Veterinarian-In-Charge at Elam Animal Hospital, Powhatan, Virginia, at all times material to the findings below.

2. Dr. Elam violated § 54.1-3807(3) and (5) of the Code, and 18 VAC 150-20-140(6) and (7) of the Regulations of the Board of Veterinary Medicine, in that on or about January 16, 2006, Client A presented to his practice with "Coconut," a canine, who was not eating well and was constipated. Dr. Elam documented in Coconut's records that he prescribed 10mg of Prednisone to

be taken twice a day for neck pain. On or about January 30, 2006, Coconut was returned to Dr. Elam's practice having lost approximately two pounds and still was not eating. On February 4, 2006, Client A presented with Coconut who was eating small amounts of food. Based on blood work, Dr. Elam diagnosed Coconut with Addison's disease. Between approximately February 9, 2006 and April 25, 2006, Coconut was seen at Dr. Elam's practice several times during this period with continued weight loss. On or about June 8, 2006, a subsequent veterinarian diagnosed Coconut with a hepatocellular carcinoma. Dr. Elam over prescribed the amount of Prednisone administered to Coconut for treatment of Addison's disease, and failed to diagnose Coconut's carcinoma.

3. Although Coconut continued to decline, Dr. Elam failed to offer to refer Client A to a Veterinary Internal Medicine Specialist.

ORDER

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

1. Carlton N. Elam, Jr., D.V.M., be, and hereby is, REPRIMANDED.
2. Within six months from the date this Order is entered, Dr. Elam shall take and pass the National Board of Veterinary Medical Examiners Species Specific Examination for small animals. Dr. Elam shall be responsible for all expenses related to the administration of the examination.
3. Dr. Elam shall be assessed a MONETARY PENALTY of Ten Thousand Dollars (\$10,000.00), said penalty to be paid to the Board by certified check or money order within thirty-three (33) days from the date Dr. Elam passes the Species Specific Examination. 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 One Hundred Dollar (\$100.00) late fee shall be assessed weekly,

up to a maximum of One Thousand Dollars (\$1000.00). 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.

4. Dr. Elam shall be placed on PROBATION for a period of not less than three years under the following terms and conditions:

a. Within one year from entry of this Order, and each year thereafter during the period of probation, Dr. Elam shall be the subject of an unannounced records inspection by an inspector/investigator of the Department of Health Professions. Such inspection shall be conducted during normal business hours and may include an interview with staff. Dr. Elam shall make his patient and/or billing records available to the inspector/investigator. The inspector/investigator shall obtain and copy a random sample of ten (10) of Dr. Elam's hospital patient records, with five of those records to include radiographs, for review by a special conference committee. Dr. Elam is solely responsible for the payment of an inspection fee to be paid to the Board within thirty (30) days of each inspection. In the event that any such inspection reveals a possible violation of the laws or regulations pertaining to the practice of dentistry in Virginia, or Chapter 34 of Title 54.1 (§§ 54.1-3400 et seq. Virginia Drug Control Act) of the Code of Virginia (1950), as amended, the Board specifically reserves the right to conduct further proceedings in this matter.

b. Dr. Elam shall maintain a course of conduct in his practice of veterinary medicine commensurate with the requirements of Chapter 38, Title 54.1 of the Code, and the Regulations of the Board of Veterinary Medicine.

Carlton N. Elam, Jr., D.V.M.

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 Carlton N. Elam, Jr., D.V.M., and an 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., Acting 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 Sections 2.2-4023 and 54.1-2400.2 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
Board of Veterinary Medicine

ENTERED: January 26, 2018