

VIRGINIA:

BEFORE THE BOARD OF VETERINARY MEDICINE

IN RE: CARLTON N. ELAM, JR., D.V.M.

Complaint #: 119375

License #: 0301001277

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 composed of Henry McKelvin, D.V.M., and John T. Wise, D.V.M., met on November 19, 2008, in Henrico County, Virginia, to receive and act upon evidence that Carlton N. Elam, Jr., D.V.M., may have violated certain laws and regulations governing veterinary practice in Virginia, and may have violated certain terms and conditions imposed on his license to practice veterinary medicine in Virginia, as set forth in the Order of the Board entered on January 28, 2008. Dr. Elam was present and was represented by Michael L. Goodman, Esquire.

Upon consideration of the evidence, the Committee adopts the following Findings of Fact and Conclusions of Law.

FINDINGS OF FACT

1. Carlton N. Elam, Jr., D.V.M., was issued License No. 0301-001277 to practice veterinary medicine in the Commonwealth of Virginia on July 10, 1974. Said license expires on December 31, 2008.

2. In the course of his employment at Elam Veterinary Hospital, Powhatan, Virginia, Dr. Elam failed to communicate adequately with the owner of “Bumpie,” a canine, as described below:

a. On February 8, 2008, he failed to notify the owner of Bumpie that Bumpie had died the night before.

b. Following the discovery of Bumpie's death, Dr. Elam performed a necropsy without obtaining the permission of Bumpie's owner or allowing said owner the option of having the necropsy performed by another veterinarian.

c. Dr. Elam arranged for the cremation of Bumpie's remains without receiving permission from Bumpie's owner.

3. Dr. Elam failed to record the cremation of Bumpie's remains in the medical record.

4. Term No. 4b of the Board's Order, entered January 28, 2008, required that Dr. Elam "maintain a course of conduct in [his] practice of veterinary medicine commensurate with the requirements of Chapter 38, Title 54.1 of the Code." Dr. Elam has failed to conduct his veterinary practice in accord with said requirements, as indicated in Findings of Fact No. 2 and No. 3.

CONCLUSIONS OF LAW

1. Finding of Fact No. 2 constitutes a violation of § 54.1-3807(5) of the Code, and 18 VAC 150-20-140(7) of the Regulations Governing the Practice of Veterinary Medicine ("Regulations").

2. Finding of Fact No. 3 constitutes a violation of § 54.1-3807(5) of the Code, and 18 VAC 150-20-195(1) of the Regulations.

3. Finding of Fact No. 4 constitutes a violation of Term No. 4.b. of the Board's Order entered January 28, 2008.

ORDER

On the basis of the foregoing, the Committee hereby ORDERS as follows:

1. The Order of January 28, 2008, and all of its terms, shall remain in effect.

2. Additionally, Dr. Elam shall be placed on INDEFINITE PROBATION for a period of not less than three years. The period of probation shall begin on the date that this Order is entered. After three years of active employment as a veterinarian, Dr. Elam may petition to appear before the Board for an administrative hearing to consider termination of his probation.

3. Dr. Elam shall return all copies of his license to the Board office within ten (10) days of the date of entry of this Order. Upon receipt, the Board shall issue a new license marked “Probation with Terms.”

4. Dr. Elam is hereby REPRIMANDED.

5. Dr. Elam shall pay a MONETARY PENALTY of Fifteen Hundred (\$1500.00) Dollars to the Board by certified check or money order within thirty (30) days of the date this Order is entered. Failure to pay the full monetary penalty with the timeframe stipulated shall constitute ground for an administrative proceeding.

6. Dr. Elam shall provide the Board with verification that he has completed two continuing education courses within 90 days of the date this Order is entered, a four hour continuing education course in Small Animal Bowel Surgery, and a three hour continuing education course, on line, on Client Communication.

7. Any violation of the terms and conditions stated in this Order shall be reason for revoking the license of Dr. Elam, and an administrative proceeding shall be held to decide whether his license should be revoked.

Pursuant to §§ 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 public record and shall be made available for public inspection or copying on request.

FOR THE COMMITTEE

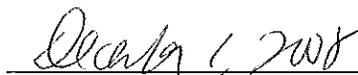


Elizabeth A. Carter, Ph.D.

Executive Director

Virginia Board of Veterinary Medicine

ENTERED:

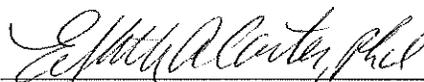


NOTICE OF RIGHT TO FORMAL HEARING

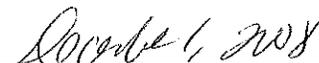
If you do not consent to the Committee's decision and desire a hearing before the Board or a panel thereof, you shall notify, in writing, Elizabeth A. Carter, Ph.D., Executive Director of the Virginia Board of Veterinary Medicine, Perimeter Center, 9960 Mayland Drive, Suite 300, Richmond, Virginia 23233, within 33 days of the date of entry of this Order. This Order shall become final upon expiration of the 33-day period unless a request for a formal hearing is received within such time. Upon receiving a timely request for a hearing, this Order shall be vacated and the Board or a panel thereof shall proceed with a hearing as provided in § 2.2-4020 *et seq.* of the Code.

CERTIFICATE OF SERVICE

I hereby certify that a true copy of the foregoing Order was mailed, by certified and regular mail, this day to Carlton N. Elam, Jr., D.V.M., at 1403 Anderson Highway, Powhatan, VA 23139 and his counsel, Michael L. Goodman, Esq., Goodman, Allen & Filetti, 4501 Highwoods Pkwy., Glen Allen, VA 23060.



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



Date