

BEFORE THE VIRGINIA BOARD OF NURSING

IN RE: CARLTON NICHOLAS ELAM, III, R.N.
License Number: 0001-220092
Issue Date: July 15, 2009
Expiration Date: December 31, 2016
Case Number: 170107

**NOTICE OF INFORMAL CONFERENCE
AND STATEMENT OF ALLEGATIONS**

You are hereby notified that an Informal Conference has been scheduled before the Board of Nursing (“Board”) regarding your license to practice professional nursing in the Commonwealth of Virginia.

TYPE OF PROCEEDING:	This is an informal conference before a Special Conference Committee of the Board of Nursing.
DATE AND TIME:	June 6, 2016 2:00 P.M.
PLACE:	Virginia Department of Health Professions Perimeter Center - 9960 Mayland Drive 2 nd Floor - Virginia Conference Center Henrico, Virginia 23233

LEGAL AUTHORITY AND JURISDICTION:

1. This informal conference is being held pursuant to Virginia Code §§ 2.2-4019 and 54.1-2400(10). This proceeding will be convened as a public meeting pursuant to Virginia Code § 2.2-3700.

2. At the conclusion of the proceeding, the Committee is authorized to take any of the following actions:

- Exonerate you;
- Reprimand you;
- Require you to pay a monetary penalty;
- Place you on probation and/or under terms and conditions;
- Refer the matter to the Board of Nursing for a formal administrative hearing;
- Offer you a consent order for suspension or revocation of your license in lieu of a formal hearing.

DEFAULT:

If you fail to appear at the informal conference, the Committee may proceed to hear this matter in your absence and may take any of the actions outlined above.

RESPONDENT'S LEGAL RIGHTS:

You have the right to the information on which the Committee will rely in making its decision, to be represented by counsel at this proceeding, to subpoena witnesses and/or documents, and to present relevant evidence on your behalf.

COMMONWEALTH'S EXHIBIT:

Enclosed is a copy of the documents that will be distributed to the members of the Committee and will be considered by the Committee when discussing any allegations with you and when deliberating on your case. **These documents are enclosed only with the notice sent by certified mail, which you may be required to claim at the post office. Please bring these documents with you to the informal conference.**

FILING DEADLINES:

1. Deadline for filing exhibits: **May 30, 2016**. Submit 5 copies of all documents you want the Board to consider to Dawnyel Towles, Board of Nursing, 9960 Mayland Drive, Suite 300, Henrico, Virginia 23233. Exhibits may not be sent by facsimile or e-mail.
2. Deadline for filing motions, including motions for continuance or objections to exhibits, in writing, to Dawnyel Towles at the above address: **May 30, 2016**. NOTE: Failure to object to the distribution prior to the proceeding will not affect your right to contest any information contained in these documents at the proceeding.

STATEMENT OF ALLEGATIONS

The Board of Nursing alleges that:

1. At all times relevant hereto, Carlton Nicholas Elam, III, R.N. was licensed to practice professional nursing in the Commonwealth of Virginia.

2. Carlton Nicholas Elam, III, R.N. violated Virginia Code § 54.1-3007(2), (5), and (8) and 18 VAC 90-20-300(A)(2)(f) of the Regulations Governing the Practice of Nursing (“Regulations”) in that during the course of his employment with Amelia Nursing and Rehabilitation Center, Amelia, Virginia, on or about September 30, 2015, by his own admission, Mr. Elam used force to hold Resident A down in his wheelchair. Further, Mr. Elam spoke threateningly to and cursed at Resident A.

3. Mr. Elam violated Virginia Code § 54.1-3007(2) and 18 VAC 90-20-300(A)(2)(e) of the Regulations in that:

a. On his application for employment with Amelia Nursing and Rehabilitation Center dated February 25, 2013, Mr. Elam wrote that his reason for leaving employment with HCA Chippenham Hospital, Richmond, Virginia, was “professional differences.” In fact, Mr. Elam’s employment HCA Chippenham Hospital was terminated in or about 2011.


b. On his application for employment with Buckingham Correctional Center, Dillwyn, Virginia dated September 21, 2011, Mr. Elam wrote that his reason for leaving employment with HCA Chippenham Hospital was “lack of communications.” In fact, Mr. Elam’s employment HCA Chippenham Hospital was terminated in or about 2011.

c. On his application for employment with ProNurses, Inc., Richmond, Virginia dated January 24, 2012, Mr. Elam wrote that his reason for leaving employment with HCA Chippenham

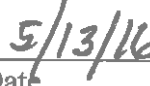
Hospital was “needed to change.” In fact, Mr. Elam’s employment HCA Chippenham Hospital was terminated in or about 2011.

d. On his application for employment with ManorCare, Richmond, Virginia dated September 26, 2012, Mr. Elam wrote that his reason for leaving employment with HCA Chippenham Hospital was “problems due to co-worker offense.” In fact, Mr. Elam’s employment HCA Chippenham Hospital was terminated in or about 2011.

See Confidential Attachment I for the names of the resident referenced above.



Gloria Mitchell-Lively, R.N., M.S.N., M.B.A.
Deputy Executive Director
Virginia Board of Nursing



Date