BEFORE THE NORTH CAROLINA STATE BOARD OF DENTAL EXAMINERS

In The Matter Of:

ERYN A. WALASIN, R.D.H. ) FINAL AGENCY DECISION
(License No. 8960) )

THIS MATTER was heard before the North Carolina State Board of Dental Examiners (Dental Board) on July 12, 2014 pursuant to N.C. Gen. Stat. §§ 90-231 and 150B-38 and 21 NCAC 16N .0504 of the Board’s Rules. The Dental Board’s Hearing Panel consisted of Board members Dr. David A. Howdy, presiding; Dr. Stanley L. Allen, Dr. Millard W. Wester III, Dr. William M. Litaker, Jr., Dr. Clifford O. Feingold and Carla J. Stack, R.D.H. Board members Dr. Kenneth M. Sadler and Dr. James B. Hemby, Jr., did not participate in the hearing, deliberation or decision of this matter. The Respondent, Eryn A. Walasin, R.D.H. appeared on her own behalf. Carolin Bakewell represented the Investigative Panel and Thomas F. Moffitt represented the Hearing Panel.

Based upon the evidence produced at the hearing and the record herein, the Board enters the following:

FINDINGS OF FACT

1. The Dental Board is a body duly organized under the laws of North Carolina and is the proper party to bring this proceeding pursuant to the authority granted to it in Chapter 90 of the North Carolina General Statutes, including the Dental Practice Act and the Rules and Regulations of the North Carolina State Board of Dental Examiners.
2. Ms. Walasin was licensed to practice dental hygiene in North Carolina on July 15, 2008 and holds license number 8960. She was subject to the Dental Hygiene Act and the Board’s Rules and Regulations at all times relevant hereto.

3. Prior to May 15, 2014, Ms. Walasin was employed as a dental hygienist by Dr. Cory Williams, a general dentist in Wilmington, North Carolina.

4. Ms. Walasin was charged with driving while impaired (DWI) in 2001 and again in April and June 2011. She was convicted of the June 2011 DWI charges. The 2001 and April 2011 DWI charges were dismissed by the state.

5. Ms. Walasin’s blood alcohol level exceeded .08 at the time of her 2001 arrest, was .14 at the time of her arrest in April 2011 and was .16 at the time of her June 2011 arrest.

6. Ms. Walasin revealed the April and June 2011 DWI charges to the Dental Board when she renewed her dental hygiene license in January 2012.

7. On January 31, 2012, the Dental Board requested Ms. Walasin to contact the North Carolina Caring Dental Professionals (CDP) and obtain an evaluation to determine if she required treatment for alcohol abuse or dependence.

8. Ms. Walasin agreed to the Board’s request and underwent a three-day evaluation at Pavillon in western North Carolina on February 13 – 16, 2012.


10. On February 24, 2012, Ms. Walasin signed a three year monitoring agreement with the CDP (hereafter, CDP contract). She was allowed time to read the CDP contract and ask questions before she signed it.
11. Ms. Walasin’s CDP contract required her to remain abstinent from alcohol and other mood altering substances, participate in random drug and alcohol testing, report all relapses to the CDP’s Executive Director, and comply with all CDP recommendations for further evaluation and treatment.

12. Ms. Walasin consumed alcohol in July, August and September 2012 in violation of her CDP contract, but did not report the relapses to the CDP’s Executive Director.


14. After learning of the positive alcohol tests, the CDP requested Ms. Walasin to present to Fellowship Hall Treatment Center for another evaluation. Following a three day evaluation on October 1 – 3, 2012, Fellowship Hall diagnosed Ms. Walasin with alcohol abuse.

15. At the conclusion of the evaluation, Ms. Walasin was admitted to Fellowship Hall for a 28 day in-patient program. During her treatment, Ms. Walasin admitted consuming alcohol in July and August 2012 and lying about her alcohol use during the three day evaluation at Fellowship Hall. At the time of her discharge on November 8, 2012, Fellowship Hall diagnosed Ms. Walasin with alcohol dependence.

16. On three occasions in February and March 2014, Ms. Walasin failed to participate in alcohol testing when selected to do so. Instead of presenting to an approved collection site, providing a urine specimen during an observed screen and allowing the collection site staff to mail the sample to the testing agency, Ms. Walasin mailed urine samples directly to the testing agency along with falsified chain of custody forms that she created to make it appear that she had presented for an observed screen at an approved testing site.
17. In late April 2014, Dr. Greg Elam, Medical Director for National Toxicology Specialists, the testing agency, learned that Ms. Walasin had not presented for screening in February and March 2014 and that she had forged the chain of custody forms. On May 1, 2014, Dr. Elam telephoned Ms. Walasin, who initially denied any misconduct, but ultimately acknowledged the forgeries.

18. Later on May 1, 2014, Nancy Davis, the Executive Director of the CDP, directed Ms. Walasin to present for 90 days of in-patient treatment.

19. Ms. Walasin initially agreed to obtain additional treatment as directed, but later advised Ms. Davis that she had changed her mind, citing financial reasons.

20. On May 15, 2014, after receiving a report from Ms. Davis about Ms. Walasin’s violations of her CDP contract, the Dental Board summarily suspended Ms. Walasin’s dental hygiene license.

21. On May 23, 2014, while still subject to her CDP contract, Ms. Walasin tested positive for alcohol consumption.

22. Ms. Walasin did not present convincing evidence at the trial of this matter that she had made a good faith effort to seek additional treatment when directed to do so by Ms. Davis or that her financial situation prevented her from getting treatment.

Based upon the foregoing Findings of Fact, the Hearing Panel hereby enters the following
CONCLUSIONS OF LAW

1. The Hearing Panel of the North Carolina State Board of Dental Examiners has jurisdiction over the subject of this proceeding and over the person of the Respondent.

2. The Respondent is a chronic or persistent user of intoxicants, drugs or narcotics to the extent that her ability to practice dental hygiene is impaired.

3. The Respondent violated her monitoring contract with the CDP by consuming alcohol, failing to report relapses to the CDP’s Executive Director, failing to present for testing when selected to do so, forging chain of custody forms and by failing to report for additional treatment when directed to do so by the CDP.

Based upon the foregoing Findings of Fact and Conclusions of Law, the Hearing Panel enters the following

ORDER

1. The dental hygiene license of the Respondent, Eryn A. Walasin, is hereby SUSPENDED until such time as she files a motion for reinstatement demonstrating that she has obtained CDP advocacy for the return of her dental hygiene license.

2. The Hearing Panel may impose conditions and restrictions upon Ms. Walasin’s license as required for the protection of the public upon receipt of her reinstatement petition.

This the 17 day of September, 2014.

[Signature]
Dr. David A. Howdy
Hearing Panel Chair