

SUPREME COURT OF WYOMING

Vollan v. Wyoming Board of Dental Examiners

2007 WY 132 (Wyo. 2007) · No. No. 06-275 · Decided August 16, 2007

SUMMARY

The Supreme Court of Wyoming affirmed summary judgment and an injunction against Gary W. Vollan, holding that his denturist practice constituted the practice of dentistry under Wyoming law. Because Vollan examined patients, created dentures, placed them in patients' mouths, and adjusted them without working at the direction of a licensed dentist, he was practicing dentistry without a license.

CASE DETAILS

COURT	Supreme Court of Wyoming
WRITING FOR THE COURT	Voigt, Chief Justice; Voigt, C.J.; Golden, J.; Hill, J.; Kite, J.; Burke, J.
JURISDICTION	Wyoming
DECIDED	August 16, 2007
DOCKET	No. 06-275
DISPOSITION	affirmed
PROCEDURAL POSTURE	The Wyoming Board of Dental Examiners sought injunctive relief against Gary Vollan, alleging that his denturist practice constituted the unlicensed practice of dentistry. The district court granted summary judgment for the Board and enjoined Vollan from practicing dentistry without a license. Vollan appealed.
STANDARD OF REVIEW	Summary judgment is reviewed de novo under the same standards and materials used by the district court. The record is viewed in the light most favorable to the party opposing summary judgment, with that party receiving the benefit of all favorable inferences. No deference is given to the district court's conclusions on issues of law.
PRECEDENTIAL VALUE	Published Wyoming Supreme Court opinion; precedential.
PARTIES	Gary W. Vollan v. Wyoming Board of Dental Examiners

TOPICS

- medical licensing
- health law
- statutory interpretation
- summary judgment
- injunctions

PRACTICE AREAS

health law

administrative law

professional licensing

civil procedure

QUESTIONS PRESENTED

1. Whether Vollan's denturist activities constituted the practice of dentistry under Wyo. Stat. Ann. § 33-15-114.
2. Whether the statutory exception for dental laboratories or dental technicians applied to Vollan's practice.
3. Whether the district court properly granted summary judgment and enjoined Vollan from practicing dentistry without a license.

HOLDINGS

1. A person practices dentistry under Wyo. Stat. Ann. § 33-15-114(a)(iii) when the person creates oral prosthetics, places them in the human mouth, or attempts to adjust them after placement. Vollan's admitted activities therefore constituted the practice of dentistry.
2. The exception in Wyo. Stat. Ann. § 33-15-114(a)(xii) did not apply because Vollan did not construct the oral prosthetics at the order of a licensed dentist.
3. Summary judgment for the Board and the injunction prohibiting Vollan from practicing dentistry without a license were proper.

KEY QUOTATIONS

“Summary judgment is appropriate when no genuine issue as to any material fact exists and the prevailing party is entitled to have a judgment as a matter of law.” (¶ 5)

“Clearly, the appellant is practicing dentistry in multiple ways under the statute.” (¶ 8)

FACTUAL BACKGROUND

Gary W. Vollan operated a denturist practice in Basin, Wyoming. He personally obtained health questionnaires, examined patients' oral tissues, took impressions, fabricated complete dentures, fitted them, and later adjusted them. He did not construct the dentures at the order of a regularly licensed dentist. The Board alleged that these activities constituted the practice of dentistry without a license under Wyoming law.

PROCEDURAL HISTORY

The Board filed the action in the district court on September 9, 2005. The district court concluded that no material facts were disputed and that Vollan was practicing dentistry without a license as a matter of law, granting the Board summary judgment and injunctive relief. The Wyoming Supreme Court affirmed.

DISPOSITION

affirmed

CASES CITED

- Eklund v. PRI Environmental, Inc., 2001 WY 55, ¶ 10, 25 P.3d 511, ¶ 10 (Wyo. 2001)
- Williams Gas Processing-Wamsutter Co. v. Union Pacific Resources Co., 2001 WY 57, ¶ 11, 25 P.3d 1064, ¶ 11 (Wyo. 2001)
- Scherer Constr., LLC v. Hedquist Constr., Inc., 2001 WY 23, ¶ 15, 18 P.3d 645, ¶ 15 (Wyo. 2001)
- Trabing v. Kinko's, Inc., 2002 WY 171, ¶ 8, 57 P.3d 1248, 1252 (Wyo. 2002)
- Paravecchio v. Memorial Hosp. of Laramie Co., 742 P.2d 1276, 1281 (Wyo. 1987)
- Torres v. State ex rel. Wyo. Workers' Safety & Comp. Div., 2004 WY 92, 95 P.3d 794 (Wyo. 2004)
- Hahn v. State, 78 Wyo. 258, 269-70, 322 P.2d 896, 900 (1958)
- State v. Catellier, 63 Wyo. 123, 164-65, 179 P.2d 203, 218 (1947)

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