

## **BOARD OF DENTAL EXAMINERS OF ALABAMA**

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### **MINUTES**

**Board Meeting**

**Thursday October 7, 2010**

The Board of Dental Examiners of Alabama met on Thursday, October 7, 2010 at the Board Office in Hoover, Alabama in order to conduct business.

The President called the meeting to order at 6:10 p.m. with the following members in attendance: Dr. Leo J. DeRosier, President, Ms. Renea P. Chapman, RDH, Vice President, Dr. J. David Northcutt, III, Dr. Bobby R. Wells, and Dr. Hunter V. Pope. Also in attendance were Mr. Keith E. Warren, Executive Director, Dr. Donna L. Dixon, General Counsel, Mr. Stanley McAdams, Investigator, Mr. Dennis Hodtwalker, CLS, Complaints/Administrative Assistant, and Ms. Linda Savarese, Administrative Assistant. A quorum was present to conduct business.

The meeting was advertised on the Board's web site, [www.dentalboard.org](http://www.dentalboard.org), and on the Secretary of State's web site, [www.sos.alabama.gov](http://www.sos.alabama.gov), in compliance with the Alabama Open Meetings Act.

The President welcomed all, including guests who had been given copies of the agenda, minutes and financial report.

Dr. DeRosier Thanked Dr. Studstill, Interim Executive Director, ALDA, for coming and invited him to address the Board. Dr. Studstill thanked the Board for hosting the open forum in Montgomery and said it was well done and very informative. He relayed ALDA's acceptance of the Board's invitation to create a special committee to study Alabama's need for expanded duties and to propose changes for improvement to access to care in preparation for legislative changes next year. The Board of Dental Examiners will not be a part of that committee by design but will collaborate with the committee on their ideas. The committee will give their recommendations to the Board; the Board will work them into proposed legislation and return the proposal to the committee for their review. Dr. Studstill will report the committee's progress at the Board's regular meeting in November. He thanked the Board for what they are doing for dentistry in Alabama and left the meeting at 6:30 p.m.

At this time Mr. Steve Windom, Legislative Consultant for the Board, entered the meeting. The President invited him to address the Board. He gave an update on the current political status in Alabama and said that recent events could have a significant impact on the control in the House and Senate. The Board should give their proposed legislative changes to him as early in 2011 as possible; the session will begin the first of March. Mr. Windom left the meeting at 6:50 p.m.

The President called for Public Comments. A guest complimented Dr. Northcutt for his emailed summary of the contents of the public forum. There were no other public comments at this time.

Board members discussed the success of the open forum held in Montgomery. Attendees seemed to readily accept the proposal for a special committee to be formed to work on access to care. At the meeting, Ms. Chapman announced that education for expanded duties has been separated from the ADHP Foundation and will be a separate effort in the future.

Mr. Warren asked for ideas for the next Newsletter. Ms. Chapman gave Mr. Warren an article on radiation compliance published a few years ago in ALDA's newsletter that would be good for the newsletter. Staff may be able to use licensees' emails as an avenue for distribution this year. The timeline for offering articles for the December issue is November 5.

Wallace State Community College and Trenholm State Technical College have requested Board approval for their Dental Hygiene and Dental Assisting programs. The Board may call on retired members to exercise inspections. The Board will review a schedule for inspections at a future meeting.

The Board reviewed a reminder letter for the Annual Meeting for Citizen Advocacy Center (CAC) in Washington, D.C. None plan to attend.

Dr. Northcutt gave a report on the Access to Care Committee. Survey results are still being processed. Statistics may be provided at the November meeting.

Dr. DeRosier gave a report on the 501(c)(3) Committee. Members of the committee have had meaningful dialogs with members of the profession and they are making progress in communication and understanding. The public participants at the meetings understand the need for proposed site inspections and certificates of operation for non-profit clinics and they have offered their approval. The proposed site inspection form is sufficient to serve both the large 501(c)(3) clinics and the smaller, volunteer clinics.

Mr. Warren distributed proposed meeting dates for 2011 Board meetings. Dr. Pope made a motion to accept the meeting dates. Dr. Pope seconded the motion and there was discussion. Dr. Pope withdrew his motion in order to wait until Dr. Willis is present to review the dates.

At 7:30 Dr. Wells moved to enter into Executive Session and return to public session at approximately 8:15 p.m. Ms. Chapman seconded the motion, Counsel approved, and it was unanimously approved by the Board.

At 8:20 p.m. Dr. Wells moved to retire from Executive Session. Dr. Northcutt seconded the motion and it was unanimously approved by the Board.

Dr. Northcutt made a motion that there is no evidence to sustain in Case #2007-66. Dr. Wells seconded the motion and the President called for the vote: the motion carried 3-0 with the case team leader and the dental hygiene board member abstaining from the vote.

Dr. Northcutt made a motion that there is no evidence to sustain in Case #2008-57. Dr. Wells seconded the motion and the President called for the vote: the motion carried 3-0 with the case team leader and the dental hygiene board member abstaining from the vote.

Dr. Northcutt made a motion that there is no evidence to sustain in Case #2010-53. Dr. Wells seconded the motion and the President called for the vote: the motion carried 3-0 with the case team leader and the dental hygiene board member abstaining from the vote.

Dr. Wells made a motion that Case #2009-20 is outside of jurisdiction. Dr. Northcutt seconded the motion and the President called for the vote: the motion carried 3-0 with the case team leader and the dental hygiene board member abstaining from the vote.

Dr. Northcutt made a motion that there is no evidence to sustain in Case #2008-92. Dr. Wells seconded the motion and the President called for the vote: the motion carried 4-0 with the case team leader abstaining from the vote.

Dr. Pope made a motion to call Case #2010-44 for a hearing. Dr. Wells seconded the motion and the President called for the vote: the motion carried 3-0 with the case team leader and the dental hygiene board member abstaining from the vote.

Dr. Wells made a motion to process a consent order for Case #2010-51. Dr. Northcutt seconded the motion and the President called for the vote: the motion carried 3-0 with the case team leader and the dental hygiene board member abstaining from the vote.

At 8:40 p.m. Dr. Northcutt made a motion to adjourn the meeting and resume Friday, Oct. 8 at 8:30 a.m. Ms. Chapman seconded the motion and it was unanimously approved by the Board.

MINUTES  
Board Meeting  
Friday, October 8, 2010

The Board of Dental Examiners of Alabama met on Friday, October 8, 2010 at the Board Office in Hoover, Alabama in order to conduct business.

The President called the meeting to order at 8:45 a.m. with the following members in attendance: Dr. Leo J. DeRosier, President, Ms. Renea P. Chapman, RDH, Vice President, Dr. J. David Northcutt, III, Dr. Bobby R. Wells, and Dr. Hunter V. Pope. Also in attendance were Mr. Keith E. Warren, Executive Director, Dr. Donna L. Dixon, General Counsel, Mr. Stanley McAdams, Investigator, Mr. Dennis Hodtwalker, CLS, Complaints/Administrative Assistant, and Ms. Linda Savarese, Administrative Assistant. A quorum was present to conduct business.

The meeting was advertised on the Board's web site, [www.dentalboard.org](http://www.dentalboard.org), and on the Secretary of State's web site, [www.sos.alabama.gov](http://www.sos.alabama.gov), in compliance with the Alabama Open Meetings Act.

At 8:55 Dr. Pope moved to enter into Executive Session and return to Public Session at approximately 10:00 a.m. for the discussion of the general reputation, character and/or professional competence of licensees; counsel approved and the President called for the vote. The motion was unanimously approved by the Board.

At 9:55 a.m. Dr. Wells made a motion to come out of Executive Session. Ms. Chapman seconded the motion and it was unanimously approved by the Board. At this time the Board orally agreed to take a break and reconvene at 10:10 a.m.

Dr. Northcutt made a motion to accept this definition of an added "R" to a license or permit number for the sake of bookkeeping: *The "-R" added to a license or permit number stands for the reinstatement of that number issued for a previously revoked license or permit.* Dr. Wells seconded the motion and it was unanimously approved by the Board with the dental hygiene member abstaining from the vote.

Dr. Dixon advised the Board of a letter received from a law firm representing a group of professionals who are challenging the constitutionality of the requirement for a dentist to use a disclaimer in advertisement regarding specialty unless that specialty is recognized by the American Dental Association. She will reply that the Board is looking into their concern.

Because of an inquiry by a dentist in Tennessee, Dr. Dixon advised the Board to consider the need to discontinue the "special purpose license" described in Code of Alabama (1975) Section §34-9-3 (a)(3). It has never been used, there is no fee set for it and there are alternate ways to obtain a license to practice in Alabama. Dr. Dixon will add this to her list of proposed changes in legislature.

At 10:45 Dr. Willis joined the meeting.

Dr. Wells made a motion to approve dental Licensure by Regional Exam for Kevin Bolden, D.D.S. Dr. Pope seconded the motion and the President called for the vote: the motion carried 5-0 with the dental hygiene board member abstaining from the vote.

Dr. Wells made a motion to approve dental Licensure by Regional Exam for James R. Baker, D.M.D. Dr. Northcutt seconded the motion and the President called for the vote: the motion carried 5-0 with the dental hygiene board member abstaining from the vote.

Dr. Northcutt made a motion to approve dental hygiene Licensure by Regional Exam for Ms. Fouzia Shahabzada, R.D.H. Dr. Pope seconded the motion and the President called for the vote: the motion carried 6-0.

Mr. Warren gave the Executive Report. To expedite the complaint process, he recommended that Counsel prepare a Letter of Explanation and send it to the team along with the complaint paperwork for their review. The team will advise Counsel if they want it to be sent to the Respondent.

Mr. Warren recommended the formation of a Legislative/Rules Committee comprised of 2 Board members, Counsel, and the Executive Director. Dr. Northcutt and Dr. Pope were chosen to be the participating Board members.

Mr. Warren distributed a proposed meeting schedule for 2011. Dr. Northcutt made a motion to accept the schedule; Dr. Willis seconded the motion and there was discussion. Dr. Northcutt amended the motion to accept the schedule with the change of the September dates to 15-16 and it was unanimously approved by the Board.

The Board discussed a letter of from Central Regional Dental Testing Service (CRDTS) announcing their intentions to test students at UAB and inviting the Board to become members of CRDTS. After Dr. Willis explained his conversations with the Dean of UAB Dental School the decision was made not to apply for membership at this time.

Dr. Willis gave a report on Council of Interstate Testing Agency (CITA) developments. Exam fees and other fees will increase and they will be making changes in their grading system. They have also changed their method of paying graders.

Dr. Willis and Ms. Chapman gave a report on the American Association of Dental Boards (AADB) meeting. They have increased their fees for Board membership.

The Board reviewed the minutes from the September 16-17, 2010 meeting. There were several changes requested. Ms. Chapman made a motion to accept the minutes with the amended changes. Dr. Wells seconded the motion and it was unanimously approved by the Board.

The Board reviewed the minutes from the Public Forum held in Montgomery on September 18, 2010. Dr. Willis made a motion to accept the minutes as presented; Dr. Wells seconded the motion and it was unanimously approved by the Board.

The Board reviewed the financial report and Dr. Willis recommended accepting it. Dr. Pope made a motion to accept the report as presented. Dr. Northcutt seconded the motion and it was unanimously approved by the Board.

Ms. Chapman gave a report on Dental Hygiene. The Alabama Dental Hygiene Program (ADHP) is progressing very well. Students had remarkably good scores this first time. She will check to ascertain if

all ADHP contracts have been signed. The recommended testing date of June 10-11, 2011 will be presented for approval at the November meeting after availability is confirmed with UAB.

Dr. Northcutt made a motion to authorize Ms. Chapman to help with the ADHP after her retirement as a Board member on an as-needed basis. Dr. Pope seconded the motion and it was unanimously approved by the Board.

Mr. Warren distributed copies of the current contract for the Wellness Committee Director. He recommended an annual increase of \$2,000, not to exceed \$72,400 /yr. to cover expenses which will no longer be included in the contract terms. Dr. Northcutt made a motion to accept this increase and Dr. Wells seconded the motion. The motion carried 5-0 with the dental hygiene member abstaining from the vote.

Ms. Chapman gave a report on the Internal Restructuring Committee (IRC). "The committee recommended approval of a job description provided by Mr. Warren for General Counsel. Ms. Chapman made a motion to accept the job description as presented. Dr. Willis seconded the motion and it was unanimously approved by the Board.

The IRC asked to be approved to begin searching for an ADHP Executive Director. The Board orally agreed.

At 12:40 the Board orally approved to recess for lunch and return at approximately 1:30 pm.

At 1:30 Board members began counting the ballots for new dental and dental hygiene board members. The following were the results of the count:

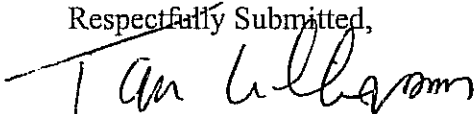
Dental Board member:	James L. Sanderson, Jr., D.M.D.	533
	Stephen Stricklin, D.M.D.	861
Dental Hygiene member:	LaDeadra Wilson, R.D.H.	148
	Kimberly Lindsey, R.D.H.	606
	Sandra Kay Alexander, R.D.H.	959

After the counts were confirmed by all Board members, Dr. Stricklin and Ms. Alexander were declared winners of the Board elections and sworn in as members of the Board of Dental Examiners of Alabama.

Dr. DeRosier turned the meeting over to the new President of the Board, Dr. Thomas T. Willis. Ms. Chapman told the board that she had enjoyed discharging her duties and that she would miss everyone. Board members wished Dr. DeRosier and Ms. Chapman well and at 5:00 p.m., there being no further business, Dr. Northcutt made a motion to adjourn the meeting. Dr. Willis seconded the motion and it was unanimously approved by the Board.

The next meeting of the Board is scheduled for November 4-5, 2010.

Respectfully Submitted,



Dr. Tom Willis, Jr.  
Secretary-Treasurer

Approved:  
Submitted by: Linda M. Savarese

**BOARD OF DENTAL EXAMINERS OF ALABAMA**  
**Profit & Loss Budget Performance**  
August 2010

	Aug 10	Budget	Oct '09 - Aug 10	YTD Budget	Annual Budget
<b>Ordinary Income/Expense</b>					
<b>Income</b>					
527-3 · Administrative Fines	0.00		4,000.00		
501 · Annual Dental Registration	0.00		168,900.00	486,200.00	486,200.00
502 · Annual Hygiene Registration	65.00		132,200.00	253,760.00	253,760.00
503 · Controlled Substance Fee	625.00		86,050.00	222,755.00	222,755.00
504 · Annual Teaching Permits	0.00		3,600.00	4,050.00	4,050.00
505 · ADHP Certification	150.00	1,093.75	7,800.00	12,031.25	13,125.00
507 · Drug Log Books	28.00	41.67	483.00	458.33	500.00
508 · ADHP	0.00		64,800.00	63,000.00	63,000.00
509 · Dental Exam Fee	1,500.00		20,100.00		
510 · Original License Fee	320.00	458.33	6,020.00	5,041.67	5,500.00
511 · Licenses Reprint Fee	125.00	50.00	1,250.00	550.00	600.00
512 · Dental Hygiene Exam Fee	600.00		24,800.00	15,000.00	15,000.00
513 · Directory Fee	302.00	333.33	3,273.00	3,666.67	4,000.00
514 · Materials Fee for Exam	0.00		15,575.00	7,500.00	7,500.00
515 · Penalty Fee	100.00	500.00	5,800.00	5,500.00	6,000.00
516 · Privilege License Money	0.00		0.00		19,000.00
517 · Interest Inc - checking	126.95	120.00	1,369.10	1,320.00	1,440.00
518 · Parental Sedation Permit Fee	0.00		2,200.00	7,400.00	7,400.00
519 · Anesthesia Permit	0.00		8,000.00	25,200.00	25,200.00
521 · Other Income	0.00	41.67	0.00	458.33	500.00
526 · ADHP Materials	0.00		27,750.00	94,500.00	94,500.00
527 · Disciplinary Fines (Prior)	1,500.00		17,700.00		
527-1 · Administrative Costs	500.00	125.00	7,000.00	1,375.00	1,500.00
528 · Initial Anesthesia Evaluation	7,200.00	600.00	23,400.00	6,600.00	7,200.00
529 · OCS Annual Reg. Fee	200.00		8,350.00	15,750.00	15,750.00
530 · Licensure By Credentials	0.00	1,000.00	56,000.00	11,000.00	12,000.00
531 · RETURNED CHECK CHARGES	30.00	12.50	730.00	137.50	150.00
533 · Dental Lic. Bd Exam Application	1,000.00		13,400.00	14,000.00	14,000.00
800 · 800-OVERPAYMENTS	20.00		150.00		
<b>Total Income</b>	<b>14,391.95</b>	<b>4,376.25</b>	<b>710,700.10</b>	<b>1,257,253.75</b>	<b>1,280,630.00</b>
<b>Gross Profit</b>	<b>14,391.95</b>	<b>4,376.25</b>	<b>710,700.10</b>	<b>1,257,253.75</b>	<b>1,280,630.00</b>

\*Disciplinary Fines assessed in prior fiscal years but collected in this fiscal year.  
Budgeted amount represents approx. 75% of the outstanding fees assessed in prior fiscal years.

**BOARD OF DENTAL EXAMINERS OF ALABAMA**  
**Profit & Loss Budget Performance**  
August 2010

10/2010 Board Meeting  
Bank Bal as of 08/31/2010  
Checking \$528,352.98  
Money Market \$299,627.60

Expense	Aug 10	Budget	Oct '09 - Aug 10	YTD Budget	Annual Budget
927-2 · ADPWC Expenses	0.00		936.91		
0902-0 · NPDB HIPDB License Background	57.00	33.33	351.50	366.67	400.00
0100-0 · Personnel Costs	23,447.33	31,726.04	270,668.70	348,986.46	380,712.50
0114-0 · Board Member Compensation	4,500.00	7,666.67	86,550.00	84,333.33	92,000.00
0198-0 · Bonus	0.00		1,100.00	1,100.00	1,100.00
0201-0 · Payroll Expenses	2,094.50	4,583.33	29,567.11	50,416.67	55,000.00
0202-0 · Pension Plan	0.00		48,083.13	43,100.00	43,100.00
0203-0 · Medical Insurance	2,580.00	2,387.50	27,448.00	26,262.50	28,650.00
0204-0 · Workman Comp. Ins.	0.00		5,698.23	5,500.00	5,500.00
0300-0 · Travel - In-State	2,166.05	3,333.33	29,243.55	36,666.67	40,000.00
0400-0 · Travel - Out-of-State	0.00	2,291.67	25,193.05	25,208.33	27,500.00
0500-0 · Repairs & Maintenance	218.52		2,116.68		
0600-1 · Rentals & Leases/Offsite Meetin	618.91	83.33	1,397.76	916.67	1,000.00
0602-1 · Rent on Building	6,802.83	6,842.83	74,831.13	75,271.13	82,113.96
0700-0 · Utilities & Communications					
0700-1 · Utilities - Telephone	1,664.91	795.83	9,089.18	8,754.17	9,550.00
0700-2 · Utilities - Cell Phone	0.00	462.50	0.00	5,087.50	5,550.00
0700-3 · Utilities - Power	783.83		7,811.75		
<b>Total 0700-0 · Utilities &amp; Communications</b>	<b>2,448.74</b>	<b>1,258.33</b>	<b>16,900.93</b>	<b>13,841.67</b>	<b>15,100.00</b>
0800-0 · Professional Services	1,290.00	9,783.33	89,151.24	107,616.67	117,400.00
0800-1 · Membership Dues & Subscriptions	1,040.00	416.67	10,175.81	4,583.33	5,000.00
0801-0 · Board Attorney Fees					
0801-1 · Attorney General's Office	0.00		7,002.25		
0801-0 · Board Attorney Fees - Other	8,687.50	4,166.67	55,618.56	45,833.33	50,000.00
<b>Total 0801-0 · Board Attorney Fees</b>	<b>8,687.50</b>	<b>4,166.67</b>	<b>62,620.81</b>	<b>45,833.33</b>	<b>50,000.00</b>
0840-0 · CONSULTANTS	9,500.00	7,500.00	83,000.00	82,500.00	90,000.00
0899-1 · Evaluator Fees	0.00	166.67	6,000.00	1,833.33	2,000.00
0899-2 · Hearing Officer Fees					
0899-11 · Jim Hampton	0.00		684.00		
0899-2 · Hearing Officer Fees - Other	0.00	833.33	1,704.10	9,166.67	10,000.00
<b>Total 0899-2 · Hearing Officer Fees</b>	<b>0.00</b>	<b>833.33</b>	<b>2,388.10</b>	<b>9,166.67</b>	<b>10,000.00</b>

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Budgeted amount represents approx. 75% of the outstanding fees assessed in prior fiscal years.

**BOARD OF DENTAL MINERS OF ALABAMA**  
**Profit & Loss Budget Performance**  
August 2010

	Aug 10	Budget	Oct '09 - Aug 10	YTD Budget	Annual Budget
0899-4 · WITNESSES	0.00	4.17	0.00	45.83	50.00
0899-6 · A.D.H.P. Materials & Supplies	0.00		-9,323.62	94,500.00	94,500.00
0899-7 · ALDA	0.00		0.00	5,000.00	5,000.00
0900-0 · Office Expense	753.00	833.33	8,567.64	9,166.67	10,000.00
0900-1 · Recycle / Paper Disposal	72.25	100.00	1,030.75	1,100.00	1,200.00
0906-0 · Printing & Supplies	188.77	1,250.00	5,053.44	13,750.00	15,000.00
0910-0 · Postage	6,000.00	833.33	22,205.16	9,166.67	10,000.00
0924-0 · Insurance	0.00	1,000.00	11,487.00	11,000.00	12,000.00
0944 · Computer Expenses					
0944-0 · Computer Updates	972.98	2,500.00	6,592.99	27,500.00	30,000.00
0944-1 · Computer Support	15,878.08	2,500.00	43,798.73	27,500.00	30,000.00
0944 · Computer Expenses - Other	0.00		1,206.89		
<b>Total 0944 · Computer Expenses</b>	<b>16,851.06</b>	<b>5,000.00</b>	<b>51,598.61</b>	<b>55,000.00</b>	<b>60,000.00</b>
0951-0 · NSF	0.00	166.67	18,547.57	1,833.33	2,000.00
0999-0 · MISC.	158.00	416.67	7,464.78	4,583.33	5,000.00
1000-0 · Auto Expense	0.00		498.00		
1000-1 · Vehicle Repairs & Maint.	0.00	250.00	1,529.38	2,750.00	3,000.00
1000-2 · Vehicle Fuel	263.97	500.00	3,158.07	5,500.00	6,000.00
1400-0 · Equipment					
0600-3 · Equipment Rental/Lease	1,442.99	1,666.67	13,692.80	18,333.33	20,000.00
<b>Total 1400-0 · Equipment</b>	<b>1,442.99</b>	<b>1,666.67</b>	<b>13,692.80</b>	<b>18,333.33</b>	<b>20,000.00</b>
<b>Total Expense</b>	<b>91,181.42</b>	<b>95,093.87</b>	<b>1,008,932.22</b>	<b>1,195,232.59</b>	<b>1,290,326.46</b>
<b>Net Ordinary Income</b>	<b>-76,789.47</b>	<b>-90,717.62</b>	<b>-298,232.12</b>	<b>62,021.16</b>	<b>-9,695.46</b>
<b>Other Income/Expense</b>					
Other Income					
527-2 · ADPWC - Monitoring Fee	0.00	645.83	6,200.00	7,104.17	7,750.00
503-1 · CONTROLLED SUBSTANCE STATE FEE	2,260.00		9,630.00		
524 · NSF Checks	650.00		8,550.00		
<b>Total Other Income</b>	<b>2,910.00</b>	<b>645.83</b>	<b>24,380.00</b>	<b>7,104.17</b>	<b>7,750.00</b>

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**BOARD OF DENTAL EXAMINERS OF ALABAMA**  
**Profit & Loss Budget Performance**

August 2010

10/2010 Board Meeting  
Bank Bal as of 08/31/2010  
Checking \$528,352.98  
Money Market \$299,627.60

	Aug 10	Budget	Oct '09 - Aug 10	YTD Budget	Annual Budget
<b>Net Other Income</b>	2,910.00	645.83	24,380.00	7,104.17	7,750.00
<b>Net Income</b>	-73,879.47	-90,071.79	-273,852.12	69,125.33	-1,946.46

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