Chapter 388-829A WAC
ALTERNATIVE LIVING

WAC

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PURPOSE

WAC 388-829A-005 What is the purpose of this chapter? This chapter establishes rules governing the division of developmental disabilities alternative living services program per chapter 71A.12 RCW for eligible clients of the division.

[Statutory Authority: RCW 71A.12.30 [71A.12.030] and Title 71A RCW. 07-16-101, § 388-829A-005, filed 7/31/07, effective 9/1/07.]

DEFINITIONS

WAC 388-829A-010 What definitions apply to this chapter? The following definitions apply to this chapter:

"ADSA" means the aging and disability services administration within DSHS and its employees and authorized agents.

"Adult protective services" or "APS" means the investigative body designated by ADSA to investigate suspected cases of abandonment, abuse, financial exploitation and neglect as defined in 74.34 RCW.

"Alternative living provider" means an independent contractor with a current contract with the division of developmental disabilities to provide alternative living services.

"Assistance" means help provided to a client for the purpose of training the client in the performance of tasks the task being trained. Assistance does not include personal care as defined in chapter 388-106 WAC or protective supervision.

"Calendar year" means the twelve month period that runs from January 1 through December 31.

"Case manager" means the division of developmental disabilities case resource manager or social worker assigned to a client.

"Client" means a person who has a developmental disability as defined in RCW 71A.10.020(3) who also has been determined eligible to receive services by the division under chapter 71A.16 RCW.

"Competence" means the capacity to do what one needs and wants to do. There are two ways to be competent. A person may be self-reliant and able to do things for themselves or may have the power to identify and obtain the help needed from others.

"DDD" or "the division" means the division of developmental disabilities (DDD) within the DSHS aging and disabilities services administration of the department of social and health services.

"DDD specialty training" means department approved curriculum to provide information and instruction to meet the special needs of people with developmental disabilities.

"DSHS" or "the department" means the state of Washington department of social and health services and its employees and authorized agents.

"Health and safety" means clients living safely in environments common to other citizens with reasonable supports offered to simultaneously protect their health and safety while promoting community inclusion.

"Individual support plan" or "ISP" is a document that authorizes and identifies the DDD paid services to meet a client's assessed needs.

"Integration" means clients being present and actively participating in the community using the same resources and doing the same activities as other citizens.

"Mandatory reporter" means any person working with vulnerable adults required by law to report incidents of abandonment, abuse, neglect, financial exploitation, etc per chapter 74.34 RCW.

"Positive recognition by self and others" means a client being offered assistance in ways which promote the client's status and creditability. Providers offer assistance in ways that are appropriate to the age of the client, typical to other members of the community and contribute to the client's feelings of self worth and positive regard by others.

"Positive relationships" means clients having friends and family that offer essential support and protection. Friends and family lend continuity and meaning through life and open the way to new opportunities and experiences.

"Power and choice" means clients experiencing power, control, and ownership of their personal affairs. Expression of personal power and choice are essential elements in the lives of people. Such expressions help people gain autonomy, become self-governing and pursue their own interests and goals.

"Regulation" means any federal, state, or local law, rule, ordinance or policy.

"RCW" means the Revised Code of Washington, which contains all laws governing the state of Washington.

"Service episode record" or "SER" means documentation by DDD of all client related contacts including contacts during the assessment, service plan, coordination and monitoring of care and termination of services.

"Support" means provider activities done on the client's behalf such as balancing the checkbook.

"Unusual incidents" means a change in circumstances or events that concern a client's safety or well-being. Examples may include, an increased frequency, intensity, or duration of any medical conditions, adverse reactions to medication, hospitalization, death, severe behavioral incidents that are unlike the client's ordinary behavior, severe injury, running away, physical or verbal abuse to themselves or others, etc

"WAC" means the Washington Administrative Code, which are the rules for administering the state laws (RCW).

[Statutory Authority: RCW 71A.12.30 [71A.12.030] and Title 71A RCW. 07-16-101, § 388-829A-010, filed 7/31/07, effective 9/1/07.]

ALTERNATIVE LIVING SERVICES

WAC 388-829A-020 What are alternative living services? Alternative living services provide community-based, individualized client training, assistance, and support. These services enable a client to live as independently as possible.

[Statutory Authority: RCW 71A.12.30 [71A.12.030] and Title 71A RCW. 07-16-101, § 388-829A-020, filed 7/31/07, effective 9/1/07.]

WAC 388-829A-030 What type of training and support may the alternative living service provider offer? The alternative living service provider may provide training, assistance, and/or support in the following areas, as identified in the client's individual support plan (ISP):

(1) Establishing a residence.

(2) Home living including:

(a) Personal hygiene;

(b) Food and nutrition; and

(c) Home management.

(3) Community living including:

(a) Accessing public and private community services;

(b) Essential shopping; and

(c) Transportation.

(4) Health and safety including:

(a) Understanding personal safety and emergency procedures;

(b) Physical, mental and dental health; and

(c) Developing and practicing an emergency response plan to address natural and other disasters.

(5) Social activities including:

(a) Community integration; and

(b) Building relationships.

(6) Protection and advocacy including:

(a) Money management and budgeting;

(b) Protecting self from exploitation;

(c) Making choices and decisions; and

(d) Asserting rights and finding advocacy.

(7) Other training and support to assist a client to live independently.

[Statutory Authority: RCW 71A.12.30 [71A.12.030] and Title 71A RCW. 07-16-101, § 388-829A-030, filed 7/31/07, effective 9/1/07.]

WAC 388-829A-040 Who is eligible to receive alternative living services? Clients who receive alternative living services must:

(1) Be at least eighteen years of age;

(2) Live outside of their parent's home or plan to move out of their parent's home in the next six months;

(3) Have an assessed need for alternative living services;

(4) Be authorized by DDD to receive alternative living services; and

(5) Be able to afford and maintain their own home with their personal financial resources.

[Statutory Authority: RCW 71A.12.30 [71A.12.030] and Title 71A RCW. 07-16-101, § 388-829A-040, filed 7/31/07, effective 9/1/07.]

WAC 388-829A-050 Who is eligible to contract with DDD to provide alternative living services? Before DDD may issue an alternative living contract, the prospective provider must:

(1) Be twenty-one years of age or older;

(2) Have a high school diploma or GED;

(3) Clear a background check conducted by DSHS, as required by RCW 43.20A.710;

(4) Have an FBI fingerprint-based background check as required by RCW 43.20A.710, if the person has not lived in the state continuously for the previous three years;

(5) Have a business ID number, as an independent contractor; and

(6) Meet the minimum skills and abilities described in WAC 388-829A-110.

[Statutory Authority: RCW 71A.12.30 [71A.12.030] and Title 71A RCW. 07-16-101, § 388-829A-050, filed 7/31/07, effective 9/1/07.]

WAC 388-829A-060 Who may not be contracted to provide alternative living services? DDD may not contract with the following to provide alternative living services:

(1) The client's spouse.

(2) The client's natural, stepparent or adoptive parents.

(3) The court appointed legal representative.

[Statutory Authority: RCW 71A.12.30 [71A.12.030] and Title 71A RCW. 07-16-101, § 388-829A-060, filed 7/31/07, effective 9/1/07.]

WAC 388-829A-070 Where must alternative living services be provided? (1) Alternative living services must be provided in a community setting.

(2) Clients receiving alternative living services must live independently in a home that is owned, rented or leased by the client or the client's legal representative.

(3) Alternative living services may be provided in the parent's home for no more than six months, to support a client's transition from the parent's home into the client's own home.

(4) Alternative living services may not be offered in the provider's home.

[Statutory Authority: RCW 71A.12.30 [71A.12.030] and Title 71A RCW. 07-16-101, § 388-829A-070, filed 7/31/07, effective 9/1/07.]

WAC 388-829A-080 How many hours of alternative living services may a client receive? Alternative living services may be authorized up to forty hours per month.

[Statutory Authority: RCW 71A.12.30 [71A.12.030] and Title 71A RCW. 07-16-101, § 388-829A-080, filed 7/31/07, effective 9/1/07.]

WAC 388-829A-090 May an alternative living provider claim reimbursement for more than one client at a time? An alternative living provider must not claim reimbursement for more than one client per service hour.

[Statutory Authority: RCW 71A.12.30 [71A.12.030] and Title 71A RCW. 07-16-101, § 388-829A-090, filed 7/31/07, effective 9/1/07.]

WAC 388-829A-100 May an alternative living provider offer personal care or respite services? An alternative living provider must not offer personal care or respite under their alternative living contract. The alternative living provider must have a separate contract to provide respite and/or personal care services.

[Statutory Authority: RCW 71A.12.30 [71A.12.030] and Title 71A RCW. 07-16-101, § 388-829A-100, filed 7/31/07, effective 9/1/07.]

PROVIDER QUALIFICATIONS AND RESPONSIBILITIES

WAC 388-829A-110 What minimum skills and abilities must alternative living procedures demonstrate? Alternative living providers must:

(1) Be able to read, understand, and provide services as outlined in the ISP;

(2) Participate in the development of the client's ISP;

(3) Communicate in a language of the client served;

(4) Accommodate the client's individual preferences;

(5) Know the community resources such as medical facilities, emergency resources, recreational opportunities;

(6) Protect the client's financial interests;

(7) Fulfill reporting requirements as required in this chapter and the alternative living contract;

(8) Know how and when to contact the client's representative and the client's case manager;

(9) Maintain all necessary license, and certification as required by law (see WAC 388-829A-140, 388-829A-160, and 388-829A-270);

(10) Successfully complete the training required in this chapter; and

(11) Comply with all applicable laws, regulations, policy, and contract requirements.

[Statutory Authority: RCW 71A.12.30 [71A.12.030] and Title 71A RCW. 07-16-101, § 388-829A-110, filed 7/31/07, effective 9/1/07.]

WAC 388-829A-120 What values must alternative living providers focus on when implementing the ISP? The alternative living provider must focus on the following values when implementing the ISP:

(1) Health and safety;

(2) Personal power and choice;

(3) Competence and self-reliance;

(4) Positive recognition by self and others;

(5) Positive relationships; and

(6) Integration in the physical and social life of the community.

[Statutory Authority: RCW 71A.12.30 [71A.12.030] and Title 71A RCW. 07-16-101, § 388-829A-120, filed 7/31/07, effective 9/1/07.]

WAC 388-829A-130 What rights do clients of DDD have? Clients of DDD have:

(1) The same legal rights and responsibilities guaranteed to all other individuals by the United States Constitution and federal and state law;

(2) The right to be free from discrimination because of race, color, national origin, gender, age, religion, creed, marital status, disabled or veteran status, use of a trained service animal or the presence of any physical, mental or sensory handicap.

(3) The right to treatment and habilitation services to foster developmental potential and protect personal liberty in the least restrictive environment;

(4) The right to dignity, privacy, and humane care;

(5) The right to participate in an appropriate program of publicly supported education;

(6) The right to prompt medical care and treatment;

(7) The right to social interaction and participation in community activities;

(8) The right to physical exercise and recreational opportunities;

(9) The right to work and be paid for the work one does;

(10) The right to be free from harm, including unnecessary physical restraint, isolation, excessive medication, abuse, neglect, or financial exploitation;

(11) The right to be free from hazardous or experimental procedures;

(12) The right to freedom of expression and to make decisions about one's life;

(13) The right to complain, disagree with, and appeal decisions made by the provider or DDD; and

(14) The right to be informed of these rights in a language that he or she understands.

[Statutory Authority: RCW 71A.12.30 [71A.12.030] and Title 71A RCW. 07-16-101, § 388-829A-130, filed 7/31/07, effective 9/1/07.]

PROVIDER TRAINING

WAC 388-829A-140 What training must be completed before becoming an alternative living provider? Before DDD may issue an alternative living contract, the prospective provider must:

(1) Obtain CPR/first-aid certification;

(2) Successfully complete bloodborne pathogens training with HIV/Aids information; and

(3) Receive contract orientation and client specific training from DDD.

[Statutory Authority: RCW 71A.12.30 [71A.12.030] and Title 71A RCW. 07-16-101, § 388-829A-140, filed 7/31/07, effective 9/1/07.]

WAC 388-829A-150 What training must an alternative living provider complete within the first ninety days of serving the client? The alternative living provider must successfully complete the approved DDD specialty training within the first ninety days of serving the client (see WAC 388-112-0120). (Note: DDD will reimburse the provider for training time for DDD specialty training only when the provider is currently offering alternative living services to a client.)

[Statutory Authority: RCW 71A.12.30 [71A.12.030] and Title 71A RCW. 07-16-101, § 388-829A-150, filed 7/31/07, effective 9/1/07.]

WAC 388-829A-160 What training must an alternative living provider complete after the first year of service? (1) After the first year of service, the alternative living provider must:

(a) Maintain current CPR/first-aid certification;

(b) Receive bloodborne pathogens training with HIV/Aids information at least annually and within one year of the previous training; and

(c) Complete at least ten hours of continuing education each calendar year after the calendar year in which they successfully complete DDD approved specialty training.

(i) The continuing education must be on topics relevant to supporting individuals with developmental disabilities.

(ii) One hour of completed classroom instruction or other form of training (such as a video or online course) equals one hour of continuing education.

(2) Documentation of training attendance must be kept in the provider's files and submitted to DDD upon completion of the training.

[Statutory Authority: RCW 71A.12.30 [71A.12.030] and Title 71A RCW. 07-16-101, § 388-829A-160, filed 7/31/07, effective 9/1/07.]

PROVIDER RECORDS

WAC 388-829A-170 What information must alternative living providers keep in their records? Alternative living providers must keep the following information in their records:

(1) Client information:

(a) The client's name, address, and telephone number;

(b) The name, address, and telephone number of the client's legal representative, health care provider and any of the client's relatives that the client chooses to include;

(c) A copy of the client's most recent ISP;

(d) Copies of any positive behavior support plan or cross systems crisis plan, if applicable; and

(e) A copy of the current plan for alternative living services.

(2) Provider Information:

(a) Provider training records (see WAC 388-829A-140 through 388-829A-160);

(b) All written reports submitted to DDD (see WAC 388-829A-180);

(c) Copies of the department approved service verification records, as specified in the provider's alternative living contract;

(d) Signed DDD policy on residential reporting requirements as specified in the alternative living contract; and

(e) Payment records.

[Statutory Authority: RCW 71A.12.30 [71A.12.030] and Title 71A RCW. 07-16-101, § 388-829A-170, filed 7/31/07, effective 9/1/07.]

WAC 388-829A-180 What written reports must be submitted to DDD? The alternative living provider must submit the following written reports to DDD:

(1) Reports on unusual incidents and emergencies as specified in the alternative living contract; and

(2) Quarterly reports providing information about the type and extent of services performed as identified in the ISP.

(a) The information in the reports must reflect the reporting period.

(b) These reports must be submitted at least quarterly or more often as required by the ISP and alternative living plan; and

(3) Service verification records at least quarterly or more often if required by DDD.

[Statutory Authority: RCW 71A.12.30 [71A.12.030] and Title 71A RCW. 07-16-101, § 388-829A-180, filed 7/31/07, effective 9/1/07.]

WAC 388-829A-190 What are the requirements for entries in the client record maintained by the alternative

living provider? (1) When making entries to the client record, the alternative living provider must:

(a) Note all record entries in ink or electronically;

(b) Make entries at the time of or immediately following the occurrence of the event recorded;

(c) Make entries in legible writing; and

(d) Sign and date entries in ink.

(2) If a provider makes a mistake on the record, they must keep both the original and corrected entries.

[Statutory Authority: RCW 71A.12.30 [71A.12.030] and Title 71A RCW. 07-16-101, § 388-829A-190, filed 7/31/07, effective 9/1/07.]

WAC 388-829A-200 How long must an alternative living provider keep client records? An alternative living provider must keep a client's records for a period of six years.

[Statutory Authority: RCW 71A.12.30 [71A.12.030] and Title 71A RCW. 07-16-101, § 388-829A-200, filed 7/31/07, effective 9/1/07.]

WAC 388-829A-210 Are clients' records considered confidential? Alternative living providers must consider all client record information privileged and confidential.

(1) Any transfer or inspection of records, to anyone but DDD, must be authorized by a release of information form that:

(a) Specifically gives information about the transfer or inspection; and

(b) Is signed by the client or legal representative.

(2) A signed release of information is valid for up to one year and must be renewed annually from the signature date.

[Statutory Authority: RCW 71A.12.30 [71A.12.030] and Title 71A RCW. 07-16-101, § 388-829A-210, filed 7/31/07, effective 9/1/07.]

ABUSE AND NEGLECT

WAC 388-829A-220 Are alternative living providers mandatory reporters? (1) Alternative living providers are mandatory reporters. They must report instances of suspected abandonment, abuse, neglect, or financial exploitation of vulnerable adults as defined in chapter 74.34 RCW.

(2) Each alternative living provider must comply with DDD residential reporting requirements as specified in their alternative living contract.

(3) Providers must retain a signed copy of the DDD policy on residential reporting requirements specified in the alternative living contract and submit a signed copy of the policy to DDD.

[Statutory Authority: RCW 71A.12.30 [71A.12.030] and Title 71A RCW. 07-16-101, § 388-829A-220, filed 7/31/07, effective 9/1/07.]

WAC 388-829A-230 How must alternative living providers report abuse and neglect? Alternative living providers must immediately report suspected abandonment, abuse, neglect or financial exploitation of vulnerable adults to:

(1) Adult protective services using the DSHS toll free telephone number, provided by the department. 1-866-END-HARM or 1-866-363-4276.

(2) DDD in compliance with the DDD residential reporting requirements specified in their alternative living contract; and

(3) Law enforcement agencies, as required under chapter 74.34 RCW, including when there is reason to suspect sexual or physical abuse.

[Statutory Authority: RCW 71A.12.30 [71A.12.030] and Title 71A RCW. 07-16-101, § 388-829A-230, filed 7/31/07, effective 9/1/07.]

EMERGENCY PLANNING

WAC 388-829A-240 What must alternative living providers do in an emergency? In an emergency, the alternative living provider must:

(1) Immediately call 911, in a life threatening emergency;

(2) Provide emergency services, then notify:

(a) The client's legal representative; and

(b) The division of developmental disabilities.

(3) Submit a written report to DDD, as required by DDD residential reporting requirements specified in the alternative living contract.

[Statutory Authority: RCW 71A.12.30 [71A.12.030] and Title 71A RCW. 07-16-101, § 388-829A-240, filed 7/31/07, effective 9/1/07.]

INDIVIDUAL SUPPORT PLAN

WAC 388-829A-250 What is an individual support plan (ISP)? (1) The individual support plan (ISP) is the primary tool DDD uses to:

(a) Determine and document the client's needs; and

(b) Identify the services to meet those needs.

(2) The existing plan of care (POC) for the client remains in effect until a new ISP is developed.

(3) The ISP must include (see chapter 388-828 WAC):

(a) The client's identified health and welfare needs;

(b) Both paid and unpaid services approved to meet the identified health and welfare needs;

(c) How often the client will receive each service;

(d) How long the client will need each service; and

(e) Who will provide each service.

[Statutory Authority: RCW 71A.12.30 [71A.12.030] and Title 71A RCW. 07-16-101, § 388-829A-250, filed 7/31/07, effective 9/1/07.]

TRANSPORTATION

WAC 388-829A-260 Are alternative living providers responsible to transport a client? Alternative living providers may provide transportation if specified in the client's ISP.

[Statutory Authority: RCW 71A.12.30 [71A.12.030] and Title 71A RCW. 07-16-101, § 388-829A-260, filed 7/31/07, effective 9/1/07.]

WAC 388-829A-270 What requirements must be met before an alternative living provider transports a client? Before transporting a client, alternative living providers must:

(1) Carry auto insurance as required by chapters 46.29 and 46.30 RCW; and

(2) Have a valid driver's license as required by chapter 46.20 RCW.

[Statutory Authority: RCW 71A.12.30 [71A.12.030] and Title 71A RCW. 07-16-101, § 388-829A-270, filed 7/31/07, effective 9/1/07.]

OVERSIGHT AND MONITORING OF ALTERNATIVE LIVING SERVICES

WAC 388-829A-280 How will DDD monitor alternative living services? (1) DDD must use the following monitoring process to oversee alternative living services and providers:

(a) Conduct an in-home visit every twelve months;

(b) Review all written reports from the provider for compliance with the instruction and support goals specified in the client's ISP; and

(c) Initial and file all written reports submitted by the provider and document in the service episode record.

(2) DDD must conduct an annual evaluation of the alternative living program with a sample of alternative living providers and clients who receive services. If the evaluation indicates concerns, a corrective action plan will be developed. The corrective action plan will:

(a) Outline methods for the provider to comply with the requirements; and

(b) Provide a time frame for completion of the corrective actions.

(3) DDD may stop the authorization for payment or terminate the contract if the corrective actions are not completed with the specified timeline.

[Statutory Authority: RCW 71A.12.30 [71A.12.030] and Title 71A RCW. 07-16-101, § 388-829A-280, filed 7/31/07, effective 9/1/07.]

TERMINATION AND DENIAL OF AN ALTERNATIVE LIVING CONTRACT

WAC 388-829A-290 When may DDD not authorize payment or terminate a contract for alternative living services? DDD may not authorize payment or may terminate a contract for the services of an alternative living provider, when that provider:

(1) Is no longer the client's choice of provider.

(2) Demonstrates inadequate performance or inability to deliver quality care which is jeopardizing the client's health, safety, or well-being. DDD may terminate the contract based on a reasonable, good faith belief that the client's health, safety, or well-being is in imminent jeopardy.

(3) Is unable to clear a background check required by RCW 43.20A.710.

(4) Has been convicted of a disqualifying crime, under RCW 43.43.830 and 43.43.842 or of a crime relating to drugs as defined in RCW 43.43.830.

(5) Has abused, neglected, abandoned, or exploited a minor or vulnerable adult, as defined in chapter 74.34 RCW.

(6) Has had a license, certification, or a contract for the care of children or vulnerable adults denied, suspended, revoked, or terminated for noncompliance with state and/or federal regulations.

(7) Does not successfully complete the training requirements within the time limits required in this chapter.

(8) Does not complete the corrective action within the agreed upon time frame.

(9) Fails to comply with the requirements of this chapter, or the DDD alternative living contract.

[Statutory Authority: RCW 71A.12.30 [71A.12.030] and Title 71A RCW. 07-16-101, § 388-829A-290, filed 7/31/07, effective 9/1/07.]

WAC 388-829A-300 When must DDD deny the client's choice of an alternative living provider? DDD must deny a client's request to have a certain provider and must not enter into a contract with the person when any of the following exist:

(1) The person is the client's spouse, under 42 C.F.R. 441.360(g).

(2) The person is the client's natural/step/adoptive parent.

(3) The person is the client's court-appointed legal representative.

(4) DDD has a reasonable, good faith belief that the provider will be unable to meet the client's needs. Examples of a provider's inability to meet the client's needs may include:

(a) Evidence of alcohol or drug abuse;

(b) A reported history of domestic violence, no-contact orders, or criminal conduct (whether or not the conduct is disqualifying under RCW 43.43.830 and 43.43.842);

(c) A report from the client's health care provider or another knowledgeable person that the requested provider lacks the ability or willingness to provide adequate support;

(d) Other employment or responsibilities that prevent or interfere with the provision of required services;

(e) A reported history of mismanagement of client funds or DSHS contract violations; or

(f) Excessive commuting distance that would make it impractical to provide services as they are needed and outlined in the client's ISP.

[Statutory Authority: RCW 71A.12.30 [71A.12.030] and Title 71A RCW. 07-16-101, § 388-829A-300, filed 7/31/07, effective 9/1/07.]

WAC 388-829A-310 What if the alternative living provider no longer wants to provide services to a client? When an alternative living provider no longer wants to provide services to a client, the provider must:

(1) Give at least two weeks notice to:

(a) The client;

(b) The client's legal representative; and

(c) DDD.

(2) If an emergency occurs and services must be terminated immediately, the provider must give immediate notice to DDD, the client and the client's representative.

[Statutory Authority: RCW 71A.12.30 [71A.12.030] and Title 71A RCW. 07-16-101, § 388-829A-310, filed 7/31/07, effective 9/1/07.]

APPEAL RIGHTS

WAC 388-829A-320 What are the client's rights if DDD denies, or terminates an alternative living services contract? If DDD denies, or terminates an alternative living services contract, the client has the right to an administrative hearing to appeal the decision, per chapter 388-02 WAC and WAC 388-825-120.

[Statutory Authority: RCW 71A.12.30 [71A.12.030] and Title 71A RCW. 07-16-101, § 388-829A-320, filed 7/31/07, effective 9/1/07.]

WAC 388-829A-330 Does the provider of alternative living services have a right to an administrative hearing? The alternative living provider does not have a right to an administrative hearing.

[Statutory Authority: RCW 71A.12.30 [71A.12.030] and Title 71A RCW. 07-16-101, § 388-829A-330, filed 7/31/07, effective 9/1/07.]