

RULES AND REGULATIONS

Title 49—PROFESSIONAL AND VOCATIONAL STANDARDS

STATE BOARD OF MEDICINE
[49 PA. CODE CHS. 16 AND 18]

Physician Assistants and Respiratory Therapists

The State Board of Medicine (Board) amends §§ 16.11, 16.13, 18.122, 18.145, 18.301, 18.302, 18.304—18.309, 18.309a, 18.309b and 18.310 and adds § 18.146 (relating to professional liability insurance coverage for licensed physician assistants) to read as set forth in Annex A.

Effective Date

This final-form rulemaking will be effective upon publication of the in the *Pennsylvania Bulletin*.

Statutory Authority

The amendments are authorized under sections 8, 8.1, 13(c) and 13.1(c) of the Medical Practice Act of 1985 (act) (63 P. S. §§ 422.8, 422.8a, 422.13(c) and 422.13a(c)).

Background and Need for the Amendment

The act of July 4, 2008 (P. L. 580, No. 45) (Act 45) amended the act to change references to the “certification of respiratory care practitioners” to the “licensure of respiratory therapists” and revised the standards for licensure as a respiratory therapist and for receipt of a temporary practice permit. Act 45 also identified additional specific acts of practice for physician assistants and required physician assistants to complete continuing education and maintain professional liability insurance.

Summary of Comments to the Proposed Rulemaking and the Board’s Response

The Board published a proposed rulemaking at 42 Pa.B. 2469 (May 2, 2012) with a 30-day public comment period. The Board received public comments from the Pennsylvania Society for Respiratory Care, Inc. (PSRC) and three respiratory care practitioners. The Board also received comments from the House Professional Licensure Committee (HPLC) and the Independent Regulatory Review Commission (IRRC) as part of their review under the Regulatory Review Act (71 P. S. §§ 745.1—745.12).

Comments from Practitioners

The Board received three comments from practitioners, two of which were a form letter. The form letter opposed increasing the continuing education requirement for respiratory therapists from 20 hours biennially to 30 hours biennially, citing both financial challenge and lack of courses that present new information. The third letter also objected to the increased continuing education requirement, citing financial challenge and insisting that the PSRC and government officials are wrong in thinking that quality of care is related to the amount of mandatory continuing education credits an individual obtains. In response, the Board notes that the increase in the number of continuing education hours required biennially was made by the General Assembly and the Board lacks statutory authority to retain the 20-hour requirement. Regarding the assertion that respiratory therapist continuing education seminars repeat the same topics, the

Board will work with the PSRC and other continuing education providers to encourage a wider range of topics.

Comments from the PSRC

The PSRC sent the Board four comments on June 7, 2012. Regarding § 18.307(1)(i) (relating to criteria for licensure as a respiratory therapist), the PSRC requested that the Board identify the “credentialing examination” as the examination for entry to practice rather than the “CRTT.” IRRC agreed. In addition to making this change, the Board clarified the examination in § 18.306(b) (relating to temporary permits), a necessary amendment noted by the HPLC.

The PSRC also recommended that the Board delete § 18.306. The PSRC opined that temporary permits are unnecessary because graduates may now schedule the entry level examination immediately upon graduation. Act 45 revised qualifications of applicants for a temporary permit so that section 36.1(b) of the act (63 P. S. § 422.36a(b)) sets forth the criteria for the Board issuing a temporary permit to individuals who have applied for licensure and section 36.1(c) of the act sets forth the duration and effect of temporary permits. These recent amendments indicate that the General Assembly has reaffirmed the viability of temporary permits for respiratory therapists and, accordingly, the Board believes that it lacks statutory authority to eliminate temporary permits.

In addition, the Board believes there is some value to retaining temporary permits. A temporary permit to practice is valid for 12 months, unless the holder fails the entry level credentialing examination. Upon notification to the permit holder that the examination attempt was not successful, the permit becomes null and void. An applicant is not required to obtain a temporary permit, but may apply for a temporary permit to allow practice prior to the time the applicant takes the licensing examination, while the applicant is waiting for the examination results or while the applicant’s application for licensure is being processed. In short, a temporary permit bridges a time gap that may occur between graduation and licensure and allows graduates to become employed without delay.

The PSRC also recommended changes to § 18.309a (relating to requirement of continuing education). The PSRC suggested that the provision, as drafted, was confusing to new graduates. In response, the Board rewrote subsection (b) for clarity to read: “An individual applying for the first time for licensure in this Commonwealth is exempt from completing the continuing education requirements during the initial biennial renewal period in which the license is issued.” This language exempts the three types of applicants who may obtain initial Pennsylvania licensure from the continuing education requirement: 1) new graduates from this Commonwealth; 2) new graduates from other states; and 3) licensees in other states who are seeking licensure in this Commonwealth.

The PSRC suggested eliminating the exemption for licensees in other states who are seeking licensure in this Commonwealth who are not “new graduates.” The Board declines to make this change. Continuing education is required for license renewal in the 48 states where respiratory therapists are licensed. If a practicing respiratory therapist from another state applies for a license in this Commonwealth and has not taken as many hours of continuing education as now required in this Common-

wealth, that individual will still have both experience and knowledge gained while practicing in another state. The exemption is applied to only the first biennial renewal period for all of the allied health professionals licensed by the Board. Finally, eliminating the exemption would be time consuming and difficult for the Board to administer because it would require the Board to distinguish between licensees whose initial license was granted in this Commonwealth and licensees whose initial license was granted by another state. For all of these reasons, the Board maintains that the new language in § 18.309a(b) clarifies this subsection and that further changes are not necessary or warranted.

The PSRC asked the Board to approve advanced life support courses accredited by the American Heart Association (AHA) or similar groups in § 18.309b(a) (relating to approved educational courses). AHA advanced life support courses are approved by the American Medical Association (AMA). Section 18.309b(a) already provides approval for AMA-approved continuing education programs. Therefore, AHA advanced life support courses are already approved as continuing education for respiratory therapists.

Comments from the HPLC

On June 13, 2012, the HPLC submitted two comments. The first comment noted the Board's timing for the submission of this rulemaking as proposed. The Board respectfully understands the HPLC's comments and will work to provide more timely proposed rulemakings in the future.

Second, as noted previously, the HPLC suggested that references to the "credentialing examination" should be amended to references to the "entry level credentialing examination." The Board made this change to §§ 18.306(b) and 18.307(1)(i).

Comments from IRRC

On July 11, 2012, IRRC submitted seven comments. IRRC pointed out that the "Note" section of Act 45 requires the Board and the State Board of Osteopathic Medicine to jointly promulgate these regulations. The act and the Osteopathic Medical Practice Act (63 P.S. §§ 271.1—271.18) authorize the Board and the State Board of Osteopathic Medicine to license and regulate only those who practice under each act, respectively. The amendments to each act in Act 45 and the act of July 4, 2008 (P.L. 589, No. 46) do not change which board licenses and regulates the professionals under the jurisdiction of each board. Likewise, the Board and the State Board of Osteopathic Medicine do not jointly license or regulate the professionals under the jurisdiction of each board. The Board and the State Board of Osteopathic Medicine proposed similar regulations and now adopt substantially identical final-form rulemakings. By promulgating these regulations at the same time, the statutorily mandated changes will be effective at the same time, regardless of which board has jurisdiction over an individual practitioner. The Board believes this process meets with the statutory intent.

With respect to Subchapter D (relating to physician assistants), IRRC raised two issues. IRRC noted that § 18.145(c) (relating to biennial registration requirements; renewal of physician assistant license) requires physician assistants to maintain National certification and recommended that the final-form rulemaking should identify the recertification mechanisms recognized by the Board or identify how a physician assistant can access this information. The Board adds to the first sentence of

this subsection a reference to the National Commission on Certification of Physician Assistants (NCCPA) and directs physician assistants to the NCCPA's web site (www.nccpa.net) to access the information.

IRRC recommended that the Board clarify where it will publish any future recognition of an organization's certification of physician assistants. The Board addressed this request at § 18.145(c), noting that any additional National certification organization will be announced on the Board's web site.

IRRC's remaining comments addressed Subchapter F (relating to respiratory therapists). IRRC indicated some confusion in § 18.306(a), which refers to an individual "who is recognized as a *credentialed respiratory therapist*. . ." (Emphasis added by IRRC.) The Board amended this subsection to clarify that an applicant for a temporary permit would not yet be a licensee of the Board. The reference to a "credentialed respiratory therapist" is intended to mean an individual who holds one of the credentials issued by the National Board for Respiratory Care.

IRRC echoed the suggestion made by the HPLC to replace "credentialing examination" with "entry level credentialing examination," changes which were also made to §§ 18.306(b) and 18.307(1)(i).

IRRC made two recommendations regarding § 18.309a. IRRC recommended that the Board address in the Regulatory Analysis Form (RAF) any additional costs that the increase in the minimum number of mandatory continuing education hours will impose on the regulated community. The Board added this analysis in the RAF. Many courses are offered free of charge or at low cost through the American Association for Respiratory Care (AARC) free online courses. Most hospital respiratory therapy departments sponsor lectures at their facilities for their staff to attend at no charge and some offer "grand rounds" in their intensive care units. Print publications (such as Saxe Healthcare Communications at www.saxetesting.com) are also offered online at no charge. Because many courses are offered free of charge or at a low price, the Board estimates a cost of \$10 per credit hour, for a total cost for the additional 10 hours of continuing education of \$100 per licensee during a biennial renewal period or \$50 per year. Respiratory therapists may also receive free or low cost continuing education by joining AARC at a cost of \$90 annually. If one assumes that a licensee joins AARC primarily to receive low cost or free continuing education, then the total estimated cost of the additional continuing education and AARC membership is \$140 a year.

IRRC recommended consistency between the Board's proposed elimination of the limit on the number of continuing education hours that would be creditable for biennial renewal from nontraditional continuing education (prerecorded presentations, Internet-based presentations and journal review programs) and the State Board of Osteopathic Medicine's proposal that at least 10 hours of continuing education be earned in traditional continuing education (classroom lecture, clinical presentation, real-time web-cast or other live sessions where a presenter is involved). The Board and the State Board of Osteopathic Medicine have agreed that at least 10 hours of continuing education shall be taken from traditional sources to ensure consistent standards between the two boards.

IRRC also recommended that the Board define "practice building" in § 18.309b(c). The Board defined the term in

§ 18.302 (relating to definitions) as “marketing or any other activity that has as its primary purpose increasing the business volume or revenue of a licensee or the licensee’s employer.”

IRRC suggested that the Board’s description of amendments to the final-form rulemaking address first physician assistant provisions first, followed by the respiratory therapist provisions. The Board has done so.

IRRC asked the Board to add Purdon’s citations to § 18.146(c) and (d) and § 18.305(b) (relating to functions of respiratory therapists). The Board confirmed with the Legislative Reference Bureau that the proposed rulemaking is correct. Purdon’s citations to a cross-referenced statute are to appear only the first time the section of the act is referenced within a particular section of a regulation. The first citation applies to all subsequent references of the same statutory section or any subsection or paragraph of the same statutory section. Accordingly, the Board did not make the requested additions to §§ 18.146(c) and (d) and 13.305(b).

Description of Amendments to the Final-Form Rulemaking

In Chapter 16, the Board amended the paragraph number in § 16.11(b) (relating to licenses, certificates and registrations) that refers to the respiratory therapist license, as the Board has already published a final-form rulemaking regarding behavior specialists, athletic trainers and perfusionists in paragraphs (6)—(8), respectively. Thus, the respiratory therapist license will appear in paragraph (9).

In Chapter 18, the Board made amendments regarding physician assistants in Subchapter D. In § 18.122 (relating to definitions), the Board further defined NCCPA as the organization recognized by the Board to certify and recertify physician assistants by requiring continuing education and examination. In § 18.145, the Board directed physician assistants to the NCCPA’s web site for information regarding maintenance of certification and clarified that it will publish recognition of additional National organizations on the Board’s web site.

The remaining changes in the final-form rulemaking appear in Subchapter F. The Board added a definition of “practice building” in § 18.302.

In § 18.306, the Board clarified that a temporary permit will be issued to an applicant who is not yet a licensee of the Board. Furthermore, as requested by the PSRC, the HPLC and IRRC, the Board replaced CRTT with “entry level credentialing examination” in §§ 18.306(b) and 18.307(1)(i).

The Board amended § 18.309a(a)(3) to make the traditional and nontraditional continuing education requirements the same for both the Board and the State Board of Osteopathic Medicine. The provision provides that respiratory therapists shall complete at least 10 hours of traditional continuing education such as classroom lecture, clinical presentation, real-time web-case or other sessions when a presenter is involved to meet the biennial continuing education requirement. Prior to the statutory increase to the total number of credits required biennially, the Board had required 10 hours to be completed in traditional continuing education, but had proposed elimination of this restriction. Upon agreement with the State Board of Osteopathic Medicine, both boards will both retain this requirement.

The Board amended § 18.309a(b) to clarify that new licensees are exempt from the continuing education requirement for the first biennial renewal period. The new

language states: “An individual applying for the first time for licensure in this Commonwealth is exempt from completing the continuing education requirements during the initial biennial renewal period in which the license is issued.”

Fiscal Impact and Paperwork Requirements

There are minimal fiscal impacts upon physician assistants because they are already required to complete continuing education to maintain National certification and because virtually all physician assistants already carry professional liability insurance, usually provided by their employers. There will not be adverse fiscal impact on the Commonwealth or its political subdivisions. Likewise, the amendments in this final-form rulemaking will not impose additional paperwork requirements upon the Commonwealth, political subdivisions or the private sector. The final-form rulemaking will have only a minor fiscal impact on respiratory therapists who shall take an additional 10 credit hours of continuing education during a biennial period and may impact those small businesses who pay continuing education costs for employed respiratory therapists.

Sunset Date

The Board continuously monitors its regulations. Therefore, a sunset date has not been assigned.

Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on May 2, 2012, the Board submitted a copy of the notice of proposed rulemaking, published at 42 Pa.B. 2469, to IRRC and the Chairpersons of the HPLC and the State Consumer Protection and Professional Licensure Committee (SCP/PLC) for review and comment.

Under section 5(c) of the Regulatory Review Act, IRRC, the HPLC and the SCP/PLC were provided with copies of the comments received during the public comment period, as well as other documents when requested. In preparing the final-form rulemaking, the Board has considered all comments from IRRC, the HPLC, the SCP/PLC and the public.

Under section 5.1(j.2) of the Regulatory Review Act (71 P. S. § 745.5a(j.2)), on December 11, 2013, the final-form rulemaking was approved by the HPLC. On December 11, 2013, the final-form rulemaking was deemed approved by the SCP/PLC. Under section 5.1(e) of the Regulatory Review Act, IRRC met on December 12, 2013, and approved the final-form rulemaking.

Findings

The Board finds that:

- (1) Public notice of proposed rulemaking was given under sections 201 and 202 of the act of July 31, 1968 (P. L. 769, No. 240) (45 P. S. §§ 1201 and 1202) and the regulations promulgated thereunder, 1 Pa. Code §§ 7.1 and 7.2.
- (2) A public comment period was provided as required by law and all comments were considered.
- (3) The amendments to the final-form rulemaking do not enlarge the purpose of the proposed rulemaking published at 42 Pa.B. 2469.
- (4) This final-form rulemaking is necessary and appropriate for administering and enforcing the authorizing act identified in this Preamble.

Order

The Board, acting under its authorizing statute, orders that:

(a) The regulations of the Board, 49 Pa. Code Chapters 16 and 18, are amended by adding § 18.146 and amending §§ 16.11, 16.13, 18.122, 18.145, 18.301, 18.302, 18.304—18.309, 18.309a, 18.309b and 18.310 are amended to read as set forth in Annex A, with ellipses referring to the existing text of the regulations.

(Editor's Note: Section 18.122 was not included in the proposed rulemaking published at 42 Pa.B. 2469.)

(b) The Board shall submit this order and Annex A to the Office of General Counsel and the Office of Attorney General as required by law.

(c) The Board shall certify this order and Annex A and deposit them with the Legislative Reference Bureau as required by law.

(d) This order shall take effect immediately upon publication in the *Pennsylvania Bulletin*.

ANDREW J. BEHNKE, MD,
Chairperson

(Editor's Note: For the text of the order of the Independent Regulatory Review Commission relating to this document, see 43 Pa.B. 7606 (December 28, 2013).)

Fiscal Note: Fiscal Note 16A-4930 remains valid for the final adoption of the subject regulations.

Annex A

TITLE 49. PROFESSIONAL AND VOCATIONAL STANDARDS

PART I. DEPARTMENT OF STATE

Subpart A. PROFESSIONAL AND OCCUPATIONAL AFFAIRS

CHAPTER 16. STATE BOARD OF MEDICINE—GENERAL PROVISIONS

Subchapter B. GENERAL LICENSE, CERTIFICATION AND REGISTRATION PROVISIONS

§ 16.11. Licenses, certificates and registrations.

(a) The following medical doctor licenses are issued by the Board:

- (1) License without restriction.
- (2) Institutional license.
- (3) Extraterritorial license.
- (4) Graduate license.
- (5) Temporary license.
- (6) Interim limited license.

(b) The following nonmedical doctor licenses and certificates are issued by the Board:

- (1) Nurse-midwife license.
- (2) Nurse-midwife certificate of prescriptive authority.
- (3) Physician assistant license.
- (4) Acupuncturist license.
- (5) Practitioner of Oriental medicine license.
- (6) Behavior specialist license.
- (7) Athletic trainer license.
- (8) Perfusionist license.
- (9) Respiratory therapist license.

(c) The following registrations are issued by the Board:

- (1) Registration as a supervising physician of a physician assistant.
- (2) Biennial registration of a license without restriction.
- (3) Biennial registration of an extraterritorial license.
- (4) Biennial registration of a midwife license.
- (5) Biennial registration of a physician assistant license.
- (6) Biennial registration of a drugless therapist license.
- (7) Biennial registration of a limited license—permanent.
- (8) Biennial registration of an acupuncturist license.
- (9) Biennial registration of a practitioner of Oriental medicine license.
- (10) Biennial registration of a behavior specialist license.
- (11) Biennial registration of athletic trainer license.
- (12) Biennial registration of a perfusionist license.

§ 16.13. Licensure, certification, examination and registration fees.

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(g) *Respiratory Therapist License:*

Application, temporary permit	\$30
Application, initial certification	\$30
Biennial renewal	\$25

(h) *Athletic Trainer License:*

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CHAPTER 18. STATE BOARD OF MEDICINE—PRACTITIONERS OTHER THAN MEDICAL DOCTORS

Subchapter D. PHYSICIAN ASSISTANTS GENERAL PROVISIONS

§ 18.122. Definitions.

The following words and terms, when used in this subchapter, have the following meanings, unless the context clearly indicates otherwise:

* * * * *

NCCPA—The National Commission on Certification of Physician Assistants, the organization recognized by the Board to certify and recertify physician assistants by requiring continuing education and examination.

* * * * *

LICENSURE OF PHYSICIAN ASSISTANTS AND REGISTRATION OF SUPERVISING PHYSICIANS

§ 18.145. Biennial registration requirements; renewal of physician assistant license.

(a) A physician assistant shall register biennially according to the procedure in § 16.15 (relating to biennial registration; inactive status and unregistered status).

(b) The fee for the biennial registration of a physician assistant license is set forth in § 16.13 (relating to licensure, certification, examination and registration fees).

(c) To be eligible for renewal of a physician assistant license, the physician assistant shall complete continuing medical education as required by the NCCPA and maintain National certification by completing current recertifi-

cation mechanisms available to the profession, identified on the NCCPA's web site as recognized by the Board. The Board recognizes certification through the NCCPA and its successor organizations and certification through any other National organization for which the Board publishes recognition of the organization's certification of physician assistants on the Board's web site.

(d) The Board will keep a current list of persons licensed as physician assistants. The list will include:

- (1) The name of each physician assistant.
- (2) The place of residence.
- (3) The current business address.
- (4) The date of initial licensure, biennial renewal record and current supervising physician.

§ 18.146. Professional liability insurance coverage for licensed physician assistants.

(a) A licensed physician assistant shall maintain a level of professional liability insurance coverage as required under section 36(f) of the act (63 P. S. § 422.36(f)).

(b) Proof of professional liability insurance coverage may include:

(1) A certificate of insurance or copy of the declaration page from the applicable insurance policy setting forth the effective date, expiration date and dollar amounts of coverage.

(2) Evidence of a plan of self-insurance approved by the Insurance Commissioner of the Commonwealth under regulations of the Insurance Department in 31 Pa. Code Chapter 243 (relating to medical malpractice and health-related self-insurance plans).

(c) A license that was issued in reliance upon a letter from the applicant's insurance carrier indicating that the applicant will be covered against professional liability effective upon the issuance of the applicant's license as permitted under section 36(f)(2) of the act will become inactive as a matter of law 30 days after issuance of the license if the licensee has not provided proof of professional liability insurance coverage and will remain inactive until the licensee provides proof of insurance coverage.

(d) A licensee who does not have professional liability insurance coverage as required under section 36(f) of the act may not practice as a physician assistant in this Commonwealth.

Subchapter F. RESPIRATORY THERAPISTS

§ 18.301. Purpose.

This subchapter implements sections 13.1 and 36.1 of the act (63 P. S. §§ 422.13a and 422.36a), which were added by section 3 of the act of July 2, 1993 (P. L. 424, No. 60) to provide for the licensure of respiratory therapists.

§ 18.302. Definitions.

The following words and terms, when used in this subchapter, have the following meanings, unless the context clearly indicates otherwise:

AARC—American Association for Respiratory Care, an organization which provides and approves continuing professional development programs.

AMA—American Medical Association, an organization which provides and approves continuing professional development programs.

AOA—American Osteopathic Association, an organization which provides and approves continuing professional development programs.

Act—The Medical Practice Act of 1985 (63 P. S. §§ 422.1—422.5(a)).

CoARC—The Committee on Accreditation for Respiratory Care, an organization which accredits respiratory care programs.

CSRT—Canadian Society of Respiratory Therapists, an organization which provides and approves continuing professional development programs.

Continuing education hour—Fifty minutes of continuing education.

NBRC—The National Board for Respiratory Care, the agency recognized by the Board to credential respiratory therapists.

Practice building—Marketing or any other activity that has as its primary purpose increasing the business volume or revenue of a licensee or the licensee's employer.

Respiratory therapist—A person who has been licensed in accordance with the act and this subchapter.

§ 18.304. Licensure of respiratory therapists; practice; exceptions.

(a) A person may not practice or hold himself out as being able to practice as a respiratory therapist in this Commonwealth unless the person holds a valid, current temporary permit or license issued by the Board, or the State Board of Osteopathic Medicine under Chapter 25 (relating to State Board of Osteopathic Medicine), or is exempted under section 13.1(e) of the act (63 P. S. § 422.13a(e)) or section 10.1(e) of the Osteopathic Medical Practice Act (63 P. S. § 271.10a(e)).

(b) A person may not use the words "licensed respiratory therapist" or "respiratory care practitioner," the letters "LRT," "RT" or "RCP" or similar words and related abbreviations to imply that respiratory care services are being provided, unless the services are provided by a respiratory therapist who holds a valid, current temporary permit or license issued by the Board or the State Board of Osteopathic Medicine and only while working under the supervision of a licensed physician.

§ 18.305. Functions of respiratory therapists.

(a) Under section 13.1(d) of the act (63 P. S. § 422.13a(d)), a respiratory therapist may implement direct respiratory care to an individual being treated by either a licensed medical doctor or a licensed doctor of osteopathic medicine, upon prescription or referral by a physician, certified registered nurse practitioner or physician assistant, or under medical direction and approval consistent with standing orders or protocols of an institution or health care facility. This care may constitute indirect services such as consultation or evaluation of an individual and also includes, but is not limited to, the following services:

- (1) Administration of medical gases.
- (2) Humidity and aerosol therapy.
- (3) Administration of aerosolized medications.
- (4) Intermittent positive pressure breathing.
- (5) Incentive spirometry.
- (6) Bronchopulmonary hygiene.
- (7) Management and maintenance of natural airways.
- (8) Maintenance and insertion of artificial airways.

(9) Cardiopulmonary rehabilitation.

(10) Management and maintenance of mechanical ventilation.

(11) Measurement of ventilatory flows, volumes and pressures.

(12) Analysis of ventilatory gases and blood gases.

(b) Under section 13.1(d) of the act, a respiratory therapist may perform the activities listed in subsection (a) only upon prescription or referral by a physician, certified registered nurse practitioner or physician assistant, or while under medical direction consistent with standing orders or protocols in an institution or health care facility.

§ 18.306. Temporary permits.

(a) A temporary permit will be issued to an applicant, who is not yet a licensee, who submits evidence satisfactory to the Board, on forms supplied by the Board, that the applicant has met one or more of the following criteria:

(1) Has graduated from a respiratory care program approved by the CoARC.

(2) Is enrolled in a respiratory care program approved by the CoARC and expects to graduate within 30 days of the date of application to the Board for a temporary permit.

(3) Meets all applicable requirements and is recognized as a credentialed respiratory therapist by the NBRC.

(b) A temporary permit is valid for 12 months and for an additional period as the Board may, in each case, specially determine except that a temporary permit expires if the holder fails the entry level credentialing examination. An applicant who fails the entry level credentialing examination may apply to retake it.

§ 18.307. Criteria for licensure as a respiratory therapist.

The Board will approve for licensure as a respiratory therapist an applicant who:

(1) Submits evidence satisfactory to the Board, on forms supplied by the Board, that the applicant has met one or more of the following criteria:

(i) Has graduated from a respiratory care program approved by the CoARC and passed the entry level credentialing examination as determined by the NBRC.

(ii) Holds a valid license, certificate or registration as a respiratory therapist in another state, territory or the District of Columbia which has been issued based on requirements substantially the same as those required by the Commonwealth, including the examination requirement.

(2) Has paid the appropriate fee in a form acceptable to the Board.

§ 18.308. Change of name or address.

A licensee shall inform the Board in writing within 10 days of a change of name or mailing address.

§ 18.309. Renewal of licensure.

(a) A license issued under this subchapter expires on December 31 of every even-numbered year unless renewed for the next biennium.

(b) Biennial renewal forms and other forms and literature to be distributed by the Board will be forwarded to the last mailing address given to the Board.

(c) To retain the right to engage in practice, the licensee shall renew licensure in the manner prescribed by the Board, complete the continuing education requirement set forth in § 18.309a (relating to requirement of continuing education) and pay the required fee prior to the expiration of the current biennium.

(d) When a license is renewed after December 31 of an even-numbered year, a penalty fee of \$5 for each month or part of a month of practice beyond the renewal date will be charged in addition to the renewal fee.

§ 18.309a. Requirement of continuing education.

(a) The following continuing education requirements shall be completed each biennial cycle:

(1) An applicant for biennial renewal or reactivation of licensure is required to complete, during the 2 years preceding the application for renewal or reactivation, a minimum of 30 hours of continuing education as set forth in section 36.1(f)(2) of the act (63 P. S. § 422.36a(f)(2)).

(2) At least 10 continuing education hours shall be obtained through classroom lecture, clinical presentation, real-time web-cast or other live sessions where a presenter is involved.

(3) At least 10 continuing education hours shall be obtained through traditional continuing education such as classroom lecture, clinical presentation, real-time web-cast or other live sessions where a presenter is involved. To qualify for credit, the provider shall make available documented verification of completion of the course or program.

(4) One continuing education hour shall be completed in medical ethics, and 1 continuing education hour shall be completed in patient safety.

(5) Credit will not be given for continuing education in basic life support, including basic cardiac life support and cardiopulmonary resuscitation. In any given biennial renewal period, a licensee may receive credit for no more than 8 continuing education hours in advanced life support, including advanced cardiac life support, neonatal advanced life support/neonatal resuscitation and pediatric advanced life support.

(6) A licensee will not receive continuing education credit for participating in a continuing education activity with objectives and content identical to those of another continuing education activity within the same biennial renewal period for which credit was granted.

(b) An individual applying for the first time for licensure in this Commonwealth is exempt from completing the continuing education requirements during the initial biennial renewal period in which the license is issued.

(c) The Board may waive all or a portion of the requirements of continuing education in cases of serious illness, other demonstrated hardship or military service. It shall be the duty of each licensee who seeks a waiver to notify the Board in writing and request the waiver prior to the end of the renewal period. The request must be made in writing, with appropriate documentation, and include a description of circumstances sufficient to show why the licensee is unable to comply with the continuing education requirement. The Board will grant, deny or grant in part the request for waiver and will send the licensee written notification of its approval or denial in whole or in part of the request. A licensee who requests a waiver may not practice as a respiratory therapist after

the expiration of the licensee's current license until the Board grants the waiver request.

(d) A licensee shall maintain the information and documentation supporting completion of the hours of continuing education required, or the waiver granted, for at least 2 years after the conclusion of the biennial renewal period to which the continuing education or waiver applies, the date of completion of the continuing education or grant of the waiver, whichever is latest, and provide the information and documentation to representatives of the Board upon request.

§ 18.309b. Approved educational courses.

(a) The Board approves respiratory care continuing education programs designated for professional development credits by the AARC, the AMA, the AOA and the CSRT. The courses, locations and instructors provided by these organizations for continuing education in respiratory care are deemed approved by the Board. Qualifying AMA continuing education programs shall be in AMA PRA Category I as defined in § 16.1 (relating to definitions) and qualifying AOA continuing education programs shall be in Category 1A and 1B.

(b) Advanced course work in respiratory care successfully completed at a degree-granting institution of higher education approved by the United States Department of Education which offers academic credits is also approved for continuing education credit by the Board. Advanced course work is any course work beyond the academic requirements necessary for licensure as a respiratory therapist. Proof of completion of the academic credits shall be submitted to the Board for determination of number of continuing education hours completed.

(c) The Board will not accept courses of study which do not relate to the clinical aspects of respiratory care, such as studies in office management or practice building.

§ 18.310. Inactive status.

(a) A licensee who does not intend to practice in this Commonwealth and who does not desire to renew licensure shall inform the Board in writing. Written confirmation of inactive status will be forwarded to the licensee.

(b) A licensee shall notify the Board, in writing, of the licensee's desire to reactivate the license.

(c) A licensee who is applying to return to active status is required to pay fees which are due for the current biennium and submit a sworn statement stating the period of time during which the licensee was not engaged in practice in this Commonwealth.

(d) The applicant for reactivation will not be assessed a fee or penalty for preceding biennial periods in which the applicant did not engage in practice in this Commonwealth.

[Pa.B. Doc. No. 14-234. Filed for public inspection January 31, 2014, 9:00 a.m.]

STATE BOARD OF OSTEOPATHIC MEDICINE

[49 PA. CODE CH. 25]

Physician Assistants and Respiratory Therapists

The State Board of Osteopathic Medicine (Board) amends §§ 25.141, 25.142, 25.161, 25.163, 25.176, 25.191, 25.192, 25.201, 25.215, 25.231, 25.501—25.509, 25.509a,

25.509b and 25.510 and adds § 25.164 (relating to professional liability insurance coverage for licensed physician assistants) to read as set forth in Annex A.

Effective Date

This final-form rulemaking will be effective upon publication in the *Pennsylvania Bulletin*.

Statutory Authority

The final-form rulemaking is authorized under sections 10(f) and (h), 10.1(c), 10.2(f) and 16 of the Osteopathic Medical Practice Act (act) (63 P. S. §§ 271.10(f) and (h), 271.10a(c), 271.10b(f) and 271.16).

Background and Need for the Final-Form Rulemaking

The act of July 4, 2008 (P. L. 589, No. 46) (Act 46) amended the act to change references to the "certification of respiratory care practitioners" to "licensure of respiratory therapists" and revised the standards for licensure as a respiratory therapist and for receipt of a temporary practice permit. Act 46 also identified additional specific acts of practice for physician assistants and required physician assistants to complete continuing education and maintain professional liability insurance. Additionally, the act of July 2, 2004 (P. L. 486, No. 56) (Act 56) amended section 10(f) of the act to provide that the Board shall grant licensure, rather than certification, to physician assistants. This final-form rulemaking amends the Board's regulations to implement these changes.

Summary of Comments to Proposed Rulemaking and the Board's Response

The Board published the proposed rulemaking at 42 Pa.B. 2474 (May 12, 2012) with a 30-day public comment period. The Board received public comments from the Pennsylvania Society for Respiratory Care, Inc. (PSRC). The Board also received comments from the House Professional Licensure Committee (HPLC) and the Independent Regulatory Review Commission (IRRC) as part of their review under the Regulatory Review Act (71 P. S. §§ 745.1—745.12).

Comments from the PSRC

The PSRC sent the Board four comments on June 7, 2012. Regarding § 25.507(1)(i) (relating to criteria for licensure as a respiratory therapist), the PSRC requested the Board identify the "credentialing examination" as the examination for entry to practice rather than the "CRTT." IRRC agreed. In addition to making this change, the Board similarly clarified the examination in § 25.506(b) (relating to temporary permits), a necessary amendment noted by the HPLC.

The PSRC also recommended that the Board delete § 25.506. The PSRC opined that temporary permits are unnecessary because graduates may now schedule the entry level examination immediately upon graduation. Act 46 revised qualifications of applicants for a temporary permit so that section 10.2(b) of the act sets forth the criteria for the Board issuing a temporary permit to individuals who have applied for licensure and section 10.2(c) of the act sets forth the duration and effect of temporary permits. These amendments indicate that the General Assembly has reaffirmed the viability of temporary permits for respiratory therapists and, accordingly, the Board believes that it lacks statutory authority to eliminate temporary permits.

In addition, the Board believes there is some value to retaining temporary permits. A temporary permit to practice is valid for 12 months, unless the holder fails the entry level credentialing examination. Upon notification

to the permit holder that the examination attempt was not successful, the permit becomes null and void. An applicant is not required to obtain a temporary permit, but may apply for a temporary permit to allow practice prior to the time the applicant takes the licensing examination, while the applicant is waiting for the examination results or while the applicant's application for licensure is being processed. In short, a temporary permit bridges a time gap that may occur between graduation and licensure and allows graduates to become employed without delay.

The PSRC also recommended changes to § 25.509a (relating to requirement of continuing education). The PSRC questioned whether this subsection applied to new graduates. In response, the Board rewrote subsection (b) for clarity to read: "An individual applying for the first time for licensure in this Commonwealth is exempt from completing the continuing education requirements during the initial biennial renewal period in which the license is issued." This language exempts from the continuing education requirement the three types of applicants who may obtain initial Pennsylvania licensure: 1) new graduates from this Commonwealth; 2) new graduates from other states; and 3) licensees in other states who are seeking licensure in this Commonwealth.

The PSRC suggested eliminating the exemption for licensees in other states who are seeking licensure in this Commonwealth who are not "new graduates." The Board declines to make this change. Continuing education is required for license renewal in the 48 states where respiratory therapists are licensed. If a practicing respiratory therapist from another state applies for a license in this Commonwealth and has not taken as many hours of continuing education as now required in this Commonwealth, that individual will still have both experience and knowledge gained while practicing in another state. The exemption is applied to only the first biennial renewal period for the allied health professionals licensed by the Board. Finally, eliminating the exemption would be time consuming and difficult for the Board to administer because it would require the Board to distinguish between licensees whose initial license was granted in this Commonwealth and licensees whose initial license was granted by another state. For these reasons, the Board maintains that the new language it has added to § 25.509a(b) clarifies this subsection and that further changes are not necessary or warranted.

The PSRC asked the Board to approve advanced life support courses accredited by the American Heart Association (AHA) or similar groups in § 25.509b(a) (relating to approved educational programs). AHA advanced life support courses are approved by the American Medical Association (AMA). Section 25.509b(a) already provides approval for AMA-approved continuing education programs. Therefore, AHA advanced life support courses are already approved as continuing education for respiratory therapists.

Comments from the HPLC

On June 13, 2012, the HPLC submitted comments. The first comment noted the Board's timing for the submission of the proposed rulemaking. The Board respectfully understands the Committee's comments and will work to provide more timely proposed rulemakings in the future.

Second, as noted previously, the HPLC suggested that with the deletion of "CRTT" from § 25.502 (relating to definitions), § 25.506(b) should be amended to refer to the "credentialing examination." The Board made this

change and also amended § 25.507(1)(i) to add "entry level" before "credentialing examination" to accurately identify the required examination.

Comments from IRRC

On July 11, 2012, IRRC submitted seven comments. IRRC pointed out that the "Note" section of Act 46 requires the Board and the State Board of Medicine to jointly promulgate these regulations. The act and the Medical Practice Act of 1985 (63 P. S. §§ 422.1—422.51a) authorize each board to license and regulate only those who practice under each act, respectively. The amendments to each act in the act of July 4, 2008 (P. L. 580, No. 45) and Act 46 do not change which board licenses and regulates the professionals under the jurisdiction of each board. Likewise, the Board and the State Board of Medicine do not jointly license or regulate the professionals under the jurisdiction of each board. The Board and the State Board of Medicine promulgated similar proposed rulemakings and now adopt substantially identical final-form rulemakings. By promulgating the final-form rulemakings at the same time, the statutorily mandated changes will be effective at the same time, regardless of which board has jurisdiction over an individual practitioner. The Board believes this process meets with the statutory intent.

With respect to Subchapter C (relating to physician assistant provisions), IRRC raised two issues. IRRC noted that § 25.163(c) (relating to approval and effect of licensure; biennial renewal of physician assistants; registration of supervising physicians) requires physician assistants to maintain National certification and recommended that the final-form rulemaking should identify the recertification mechanisms recognized by the Board or identify how a physician assistant can access this information. The Board adds to the first sentence of this subsection a reference to the National Commission on Certification of Physician Assistants (NCCPA) and directs physician assistants to the NCCPA's web site (www.nccpa.net) to access the information.

IRRC recommended that the Board clarify where it will publish future recognition of an organization's certification of physician assistants. The Board addressed this request in § 25.163(c), noting that additional National certification of an organization will be announced on the Board's web site (www.dos.state.pa.us/ost).

IRRC's remaining comments addressed Subchapter K (relating to respiratory therapists). IRRC indicated some confusion in § 25.506(a), which refers to an individual "who is recognized as a *credentialed respiratory therapist* . . ." (Emphasis added by IRRC.) The Board amended this subsection to clarify that an applicant for a temporary permit would not yet be a licensee of the Board. The reference to a "credentialed respiratory therapist" is intended to mean an individual who holds one of the credentials issued by the National Board for Respiratory Care.

Regarding § 25.506(b), IRRC echoed the suggestion made by the HPLC to replace "CRTT" with "credentialing examination." The change has been made. IRRC also agreed with the PSRC's comment regarding replacing "credentialing examination" with "entry level credentialing examination," changes which were also made to § 25.507(1)(i).

IRRC made two recommendations regarding § 25.509a. IRRC recommended that the Board address in the Regulatory Analysis Form (RAF) additional costs that the increase in the minimum number of mandatory continu-

ing education hours will impose on the regulated community. The Board added this analysis in the RAF. Many courses are offered free of charge or at low cost through the American Association for Respiratory Care (AARC). Most hospital respiratory therapy departments sponsor lectures at their facilities for their staff to attend at no charge and some offer “grand rounds” in their intensive care units. Print publications (such as Saxe Healthcare Communications at www.saxetesting.com) are also offered online at no charge. Because many courses are offered free of charge or at a low price, the Board estimates a cost of \$10 per credit hour, for a total additional cost of \$100 per licensee during a biennial renewal period or \$50 per year. Respiratory therapists may receive free or low cost continuing education by joining the AARC at a cost of \$90 annually. If one assumes that a licensee joins AARC primarily to receive low cost or free continuing education, then the total estimated cost of continuing education and AARC membership is \$140 a year.

IRRC recommended consistency between the Board’s proposal that no more than 10 hours of creditable continuing education may be earned through nontraditional sources (prerecorded presentations, Internet-based presentations and journal review programs) and the State Board of Medicine’s proposal that there be no restriction on these hours. The Board and the State Board of Medicine have agreed to identical language requiring at least 10 hours of continuing education be earned in traditional continuing education (classroom lecture, clinical presentation, real-time web-cast or other live sessions where a presenter is involved) to ensure consistent standards between the Board and the State Board of Medicine.

IRRC also recommended that the Board define “practice building.” The Board added the definition in § 25.502 as “marketing or any other activity that has as its primary purpose increasing the business volume or revenue of a licensee or the licensee’s employer.”

IRRC suggested that the Board’s description of amendments to the final-form rulemaking address first physician assistant provisions, followed by the respiratory therapist provisions. The Board has done so.

IRRC asked the Board to add Purdon’s citations to § 25.164(c) and (d) and § 25.505(b) (relating to functions of respiratory therapists). The Board confirmed with the Legislative Reference Bureau that the proposed rulemaking is correct. Purdon’s citations to a cross-referenced statute are to appear only the first time the section of the act is referenced within a particular section of a regulation. The first citation applies to all subsequent references to the same statutory section or any subsection or paragraph of the section. Accordingly, the Board did not make the requested additions.

Description of Amendments to the Final-Form Rulemaking

The Board amended § 25.142 (relating to definitions) to further define “NCCPA” as the organization recognized by the Board to certify and recertify physician assistants by requiring continuing education and examination. The Board added information to § 25.163 to direct applicants to NCCPA’s web site for information regarding maintaining current certification with that organization and clarified that it will publish recognition of additional National organizations on the Board’s web site.

The remaining changes in the final-form rulemaking are in Subchapter K. The Board added a definition of “practice building” in § 25.502.

In § 25.506, the Board clarified that a temporary permit will be issued to an applicant who is not yet a licensee of the Board. Furthermore, as requested by the PSRC, the HPLC and IRRC, the Board replaced “CRTT” with “entry level credentialing examination” in §§ 25.506(b) and 25.507(1)(i).

The Board amends § 25.509a(a)(3) to make the traditional and nontraditional continuing education requirements the same for both the Board and the State Board of Medicine. The provision provides that respiratory therapists shall complete at least 10 hours of traditional continuing education such as classroom lecture, clinical presentation, real-time web-case or other sessions where a presenter is involved to meet the biennial continuing education requirement.

The Board amended § 25.509a(b) to clarify that new licensees are exempt from the continuing education requirement for the first biennial renewal period. The new language states: “An individual applying for the first time for licensure in this Commonwealth is exempt from completing the continuing education requirements during the initial biennial renewal period in which the license is issued.”

Fiscal Impact and Paperwork Requirements

There are minimal fiscal impacts upon physician assistants because physician assistants are already required to complete continuing education to maintain National certification and because virtually all physician assistants already hold professional liability insurance. There will not be adverse fiscal impact on the Commonwealth or its political subdivisions. Likewise, the amendments in this final-form rulemaking will not impose additional paperwork requirements upon the Commonwealth, political subdivisions or the private sector. The final-form rulemaking will have only a minor fiscal impact on respiratory therapists who shall take an additional 10 credit hours of continuing education during a biennial period and may impact those small businesses who pay continuing education costs for employed respiratory therapists.

Sunset Date

The Board continuously monitors its regulations. Therefore, a sunset date has not been assigned.

Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on May 2, 2012, the Board submitted a copy of the notice of proposed rulemaking, published at 42 Pa.B. 2474, to IRRC and the Chairpersons of the HPLC and the Senate Consumer Protection and Professional Licensure Committee (SCP/PLC) for review and comment.

Under section 5(c) of the Regulatory Review Act, IRRC, the HPLC and the SCP/PLC were provided with copies of the comments received during the public comment period, as well as other documents when requested. In preparing the final-form rulemaking, the Board has considered all comments from IRRC, the HPLC, the SCP/PLC and the public.

Under section 5.1(j.2) of the Regulatory Review Act (71 P. S. § 745.5a(j.2)), on December 11, 2013, the final-form rulemaking was approved by the HPLC. On December 11, 2013, the final-form rulemaking was deemed approved by the SCP/PLC. Under section 5.1(e) of the Regulatory Review Act, IRRC met on December 12, 2013, and approved the final-form rulemaking.

Findings

The Board finds that:

(1) Public notice of proposed rulemaking was given under sections 201 and 202 of the act of July 31, 1968 (P. L. 769, No. 240) (45 P. S. §§ 1201 and 1202) and the regulations promulgated thereunder, 1 Pa. Code §§ 7.1 and 7.2.

(2) A public comment period was provided as required by law and all comments were considered.

(3) The amendments to the final-form rulemaking do not enlarge the purpose of the proposed rulemaking published at 42 Pa.B. 2474.

(4) This final-form rulemaking is necessary and appropriate for administering and enforcing the authorizing act identified in this preamble.

Order

The Board, acting under its authorizing statute, orders that:

(a) The regulations of the Board, 49 Pa. Code Chapter 25, are amended by adding § 25.164 and amending §§ 25.141, 25.142, 25.161, 25.163, 25.176, 25.191, 25.192, 25.201, 25.215, 25.231, 25.501—25.509, 25.509a, 25.509b and 25.510 are amended to read as set forth in Annex A, with ellipses referring to the existing text of the regulations.

(b) The Board shall submit this order and Annex A to the Office of General Counsel and the Office of Attorney General as required by law.

(c) The Board shall certify this order and Annex A and deposit them with the Legislative Reference Bureau as required by law.

(d) This order shall take effect immediately upon publication in the *Pennsylvania Bulletin*.

JEFFREY A. HEEBNER, DO,
Chairperson

(Editor's Note: For the text of the order of the Independent Regulatory Review Commission relating to this document, see 43 Pa.B. 7606 (December 28, 2013).)

Fiscal Note: Fiscal Note 16A-5321 remains valid for the final adoption of the subject regulations.

Annex A**TITLE 49. PROFESSIONAL AND VOCATIONAL STANDARDS****PART I. DEPARTMENT OF STATE****Subpart A. PROFESSIONAL AND OCCUPATIONAL AFFAIRS****CHAPTER 25. STATE BOARD OF OSTEOPATHIC MEDICINE****Subchapter C. PHYSICIAN ASSISTANT PROVISIONS****GENERAL PROVISIONS****§ 25.141. Purpose.**

The purpose of this subchapter is to implement the provisions of the act which provide for the licensure of physician assistants. The legislation provides for more effective utilization of certain skills of osteopathic physicians enabling them to delegate certain medical tasks to qualified physician assistants when such delegation is consistent with the patient's health and welfare.

§ 25.142. Definitions.

The following words and terms, when used in this subchapter, have the following meanings, unless the context clearly indicates otherwise:

Certification—The approval of a program by the Board for the training and education of physician assistants.

Direct supervision—The physical presence of the supervising physician on the premises so that the supervising physician is immediately available to the physician assistant when needed. Where emergency rooms are concerned, direct supervision requires the presence of the supervising physician in the emergency room suite.

NCCPA—The National Commission on Certification of Physician Assistants, the organization recognized by the Board to certify and recertify physician assistants by requiring continuing education and examination.

Protocol—Written treatment instructions prepared by the supervising osteopathic physician for use by the physician assistant, containing a detailed description of the manner in which the physician assistant will assist the physician in his practice, a list of functions to be delegated to the physician assistant including the procedures enumerated in § 25.171(a) (relating to generally) and other specified delegated tasks, detailed instructions for the use of the physician assistant in the performance of delegated tasks, the method and frequency of supervision and the geographic location where the physician assistant will serve.

Registration—The approval by the Board of an osteopathic physician, licensed to practice osteopathic medicine and surgery without restriction, to supervise and utilize a specified physician assistant.

Satellite operations—An office or clinic separate and apart from the office of the supervising physician established by the physician and manned exclusively by a physician assistant.

Supervising physician—A physician licensed to practice osteopathic medicine and surgery in this Commonwealth who registers with the Board and who accepts the responsibility for the supervision of services rendered by physician assistants.

Supervision—The opportunity or ability of the physician, or in his absence a substitute supervising physician, to provide or exercise control and direction over the services of physician assistants. Constant physical presence of the supervising physician on the premises is not required so long as the supervising physician and the physician assistant are or can easily be in contact with each other by radio, telephone or telecommunication. Supervision requires the availability of the supervising physician to the physician assistant. An appropriate degree of supervision includes:

(i) Active and continuing overview of the physician assistant's activities to determine that the physician's directions are being implemented.

(ii) Immediate availability of the supervising physician to the physician assistant for necessary consultations.

(iii) Personal and regular—at least weekly—review by the supervising physician of the patient records upon which entries are made by the physician assistant.

(iv) Periodic—at least monthly—education and review sessions held by the supervising physician for the physician assistant under his supervision for discussion of specific conditions, protocols, procedures and specific patients.

Written agreement—The agreement between the physician assistant and supervising physician, which satisfies the requirements of § 25.162(a)(4) (relating to criteria for registration as supervising physician).

LICENSURE OF PHYSICIAN ASSISTANTS AND REGISTRATION OF SUPERVISING PHYSICIANS

§ 25.161. Criteria for licensure as a physician assistant.

(a) The Board has approved as a proficiency examination the national certification examination on primary care developed by the NCCPA. The Board will maintain a current register of approved proficiency examinations. This register will list the full name of the examination, the organization giving the examination, the mailing address of the examination organization and the date the proficiency examination received Board approval. This register shall be available for public inspection.

(b) The clinical experience required by the Board is at present identical to the clinical experience required by the NCCPA for taking the NCCPA examination on primary care. To qualify for an NCCPA proficiency examination, the applicant's employment history must be verified by the NCCPA in cooperation with the Board and must be evaluated by the NCCPA in relation to specific work criteria.

(c) The Board will approve for licensure as a physician assistant an applicant who:

- (1) Is of good moral character and reputation.
- (2) Has graduated from a physician assistant training program certified by the Board.
- (3) Has submitted a completed application detailing his education and work experience, together with the required fee.
- (4) Has passed a proficiency examination approved by the Board.

(d) The physician assistant may amend information regarding his education and work experience submitted under the requirements of subsection (c)(3), by submitting to the Board in writing additional detailed information. No additional fee will be required. The file for each physician assistant will be reviewed by the Board to determine whether the physician assistant possesses the necessary skills to perform the tasks that a physician, applying for registration to supervise and utilize the physician assistant, intends to delegate to him as set forth in the protocol contained in the physician's application for registration.

(e) A person who has been licensed as a physician assistant by the State Board of Medicine shall make a separate application to the Board if he intends to provide physician assistant services for a physician licensed to practice osteopathic medicine and surgery without restriction.

(f) An application for licensure as a physician assistant by the Board may be obtained by writing to the Harrisburg office of the Board.

§ 25.163. Approval and effect of licensure; biennial renewal of physician assistants; registration of supervising physicians.

(a) Upon approval of an application for licensure as a physician assistant, the Board will issue a physician assistant license which contains the licensee's name,

license number and the date of issuance, after payment of the fee required under § 25.231 (relating to schedule of fees).

(b) A physician assistant's right to continue practicing is conditioned upon biennial renewal and the payment of the fee required under § 25.231. Upon receipt of the form provided to the physician assistant by the Board in advance of the renewal period and the required fee, the Board will issue the physician assistant a biennial renewal certificate containing the licensee's name, license number and the beginning and ending dates of the biennial renewal period.

(c) To be eligible for renewal of a physician assistant license, the physician assistant shall complete continuing medical education as required by NCCPA and maintain National certification by completing current certification and recertification mechanisms available to the profession, identified on NCCPA's web site and recognized by the Board. The Board recognizes certification through NCCPA and its successor organizations and certification through any other National organization for which the Board publishes recognition of the organization's certification of physician assistants on the Board's web site.

(d) Upon approval of an application for registration as a supervising physician, the Board will issue a supervising physician registration certificate which contains the name of the supervising physician, his registration number and the name of the physician assistant that he is authorized to supervise under that specific registration. The registration is not subject to renewal. When the physician submits a request to modify a protocol with respect to a physician assistant he is already registered to utilize, no new registration certificate will be issued; however, the physician will receive a letter from the Board confirming its approval of the expanded utilization.

(e) Only a physician registered with the Board may use the services of physician assistants. A physician assistant shall have a clearly identified supervising physician who is professionally and legally responsible for the physician assistant's services. Whenever a physician assistant is employed by a professional corporation or partnership, an individual physician must still register as the supervising physician. Each member of a professional corporation or partnership may register as a supervising physician. When a physician assistant is employed by a professional corporation or partnership, the registered supervising physician is not relieved of the professional and legal responsibility for the care and treatment of patients attended by the physician assistant under his supervision.

(f) The Board will keep a current register of persons licensed as physician assistants. This register will include the name of each physician assistant, the physician assistant's mailing address of record, current business address, the date of initial licensure, biennial renewal record and current supervising physician. This register is available for public inspection.

(g) The Board will keep a current register of approved registered supervising physicians. This register will include the physician's name, his mailing address of record, his current business address, the date of his initial registration, his satellite operation if applicable, the names of current physician assistants under his supervision and the names of physicians willing to provide substitute supervision in his absence. This register will be available for public inspection.

§ 25.164. Professional liability insurance coverage for licensed physician assistants.

(a) A licensed physician assistant shall maintain a level of professional liability insurance coverage as required under section 10(g.3) of the act (63 P.S. § 271.10(g.3)).

(b) Proof of professional liability insurance coverage may include:

(1) A certificate of insurance or copy of the declaration page from the applicable insurance policy setting forth the effective date, expiration date and dollar amounts of coverage.

(2) Evidence of a plan of self-insurance approved by the Insurance Commissioner of the Commonwealth under regulations of the Insurance Department in 31 Pa. Code Chapter 243 (relating to medical malpractice and health-related self-insurance plans).

(c) A license that was issued in reliance upon a letter from the applicant's insurance carrier indicating that the applicant will be covered against professional liability effective upon the issuance of the applicant's license as permitted under section 10(g.3)(2) of the act will become inactive as a matter of law 30 days after issuance of the license if the licensee has not provided proof of professional liability insurance coverage and will remain inactive until the licensee provides proof of insurance coverage.

(d) A licensee who does not have professional liability insurance coverage as required under section 10(g.3) of the act may not practice as a physician assistant in this Commonwealth.

PHYSICIAN ASSISTANT UTILIZATION

§ 25.176. Monitoring and review of physician assistant utilization.

(a) Designated representatives of the Board will be authorized to make on-site visits to the office of registered supervising physicians and medical care facilities utilizing physician assistants to review the following:

- (1) Supervision of physician assistants.
- (2) Maintenance of the protocols and compliance with them.
- (3) Utilization in conformity with the provisions of this subchapter.
- (4) Identification of physician assistants.
- (5) Compliance with certification and registration requirements.

(b) Reports shall be submitted to the Board and become a permanent record under the supervising physician's registration. Deficiencies reported shall be reviewed by the Board and may provide a basis for disciplinary action against the license of the physician assistant and the license or registration, or both, of the supervising physician.

(c) The Board reserves the right to review physician assistant utilization and records associated therewith, including patient records, without prior notice to either the physician assistant or the registered supervising physician. It will be considered a violation of this subchapter for a supervising physician to refuse to undergo a review by the Board.

PHYSICIAN ASSISTANT REQUIREMENTS IN EMPLOYMENT

§ 25.191. Physician assistant identification.

(a) No physician assistant may render medical services nor a permitted task as set forth in this chapter to a patient until the patient has been informed of the following:

- (1) That the physician assistant is not a physician.
- (2) That the physician assistant may perform the services required as an employee of the physician and as directed by the supervising physician.
- (3) That the patient has the right not to be treated by the physician assistant if he so desires.

(b) It shall be the supervising physician's responsibility to ensure that patients are apprised of subsection (a) and it shall further be his responsibility to be alert to patient complaints concerning the type or quality of services provided by the physician assistant.

(c) In the supervising physician's office and a satellite operation, a notice plainly visible to patients shall be posted in a prominent place explaining the meaning of the term "physician assistant." The supervising physician shall display his registration to supervise the office. The physician assistant's license shall be prominently displayed in all facilities in which he may function. Duplicate certificates may be obtained from the Board if required.

(d) The physician assistant shall wear an identification tag which uses the term "Physician Assistant," in 16 point type or larger, conspicuously worn.

§ 25.192. Notification of termination of employment; change of address.

(a) The physician assistant is required to notify the Board of a termination of employment or change of mailing address within 15 days. Failure to notify the Board, in writing, of change in mailing address may result in failure to receive pertinent material distributed by the Board.

(b) The supervising physician is required to notify the Board of a termination of his supervision of a physician assistant within 15 days.

(c) Failure to notify the Board of a termination in the physician/physician assistant relationship shall provide a basis for disciplinary action against the physician assistant's license, the supervising physician's license or registration as a supervising physician.

DISCIPLINARY ACTION AGAINST LICENSE OF PHYSICIAN ASSISTANT

§ 25.201. Grounds for complaint.

(a) The bases upon which the Board may take disciplinary action against the license of a physician assistant are set forth in section 15(b) of the act (63 P.S. § 271.15(b)). A complaint against a physician assistant shall allege that the physician assistant is performing tasks in violation of statute, regulation or good and acceptable standards of practice of physician assistants. The grounds include those specifically enumerated in section 15(b) of the act. Unprofessional conduct shall include, but is not limited to, the following:

- (1) Misrepresentation or concealment of a material fact in obtaining a license or a reinstatement thereof.

(2) Commission of an offense under a statute of the Commonwealth relating to the practice of physician assistants or under this chapter.

(3) The commission of an act involving moral turpitude, dishonesty or corruption when the act directly or indirectly affects the health, welfare or safety of citizens of the Commonwealth. If the act constitutes a crime, conviction thereof in a criminal proceeding will not be a condition precedent to disciplinary action.

(4) Conviction of a felony, defined as such under the statute of the Commonwealth or under the laws of another state, territory or country.

(5) Misconduct in his practice as a physician assistant or performing a task fraudulently, beyond its authorized scope, with incompetence or with negligence on a particular occasion or on repeated occasions.

(6) Performing tasks as a physician assistant while the ability to do so is impaired by alcohol, drugs, physical disability or mental instability.

(7) Impersonation of a licensed physician or another licensed physician assistant.

(8) The offering, undertaking or agreeing to cure or treat disease by a secret method, procedure, treatment or medicine; the treating or prescribing for a human condition by a method, means or procedure which the physician assistant refuses to divulge upon demand of the Board; or the use of methods or treatment which are not in accordance with treatment processes accepted by a reasonable segment of the medical profession.

(9) Violation of this chapter fixing a standard of professional conduct.

(b) Subsection (a) supplements 1 Pa. Code § 35.10 (relating to form and content of formal complaints).

Subchapter D. MINIMUM STANDARDS OF PRACTICE

§ 25.215. Definitions.

The following words and terms, when used in this subchapter, have the following meanings, unless the context clearly indicates otherwise:

Board-regulated practitioner—An osteopathic physician, perfusionist, physician assistant, respiratory therapist, athletic trainer, acupuncturist or an applicant for a license or certificate issued by the Board.

Immediate family member—A parent or guardian, child, sibling, spouse or other family member, whether related by blood or marriage, with whom a patient resides.

Sexual behavior—Any sexual conduct which is nondiagnostic and nontherapeutic; it may be verbal or physical and may include expressions of thoughts and feelings or gestures that are sexual in nature or that reasonably may be construed by a patient as sexual in nature.

Sexual exploitation—Any sexual behavior that uses trust, knowledge, emotions or influence derived from the professional relationship.

Subchapter F. FEES

§ 25.231. Schedule of fees.

An applicant for a license, certificate, registration or service shall pay the following fees at the time of application:

* * * * *	
Application for physician assistant license	\$30
* * * * *	

Subchapter K. RESPIRATORY THERAPISTS

§ 25.501. Purpose.

This subchapter implements sections 10.1 and 10.2 of the act (63 P.S. §§ 271.10a and 271.10b), which were added by section 3 of the act of July 2, 1993 (P.L. 418, No. 59) to provide for the licensure of respiratory therapists.

§ 25.502. Definitions.

The following words and terms, when used in this subchapter, have the following meanings, unless the context clearly indicates otherwise:

AARC—American Association for Respiratory Care, an organization which provides continuing professional development programs.

AMA—American Medical Association, an organization which provides continuing professional development programs.

AOA—American Osteopathic Association, an organization which provides continuing professional development programs.

Act—The Osteopathic Medical Practice Act (63 P.S. §§ 271.1—271.18).

CoARC—The Committee on Accreditation for Respiratory Care, an organization which accredits respiratory care programs.

CSRT—Canadian Society of Respiratory Therapists, an organization which provides continuing professional development programs.

NBRC—The National Board for Respiratory Care, the agency recognized by the Board to certify respiratory therapists.

Practice building—Marketing or any other activity that has as its primary purpose increasing the business volume or revenue of a licensee or the licensee’s employer.

Respiratory therapist—A person who has been licensed in accordance with the act and this subchapter.

§ 25.503. Fees.

The following is the schedule of fees charged by the Board:

(1) Temporary permit	\$30
(2) Initial license application	\$30
(3) Licensure examination.	\$100
(4) Reexamination	\$60
(5) Biennial renewal of licensure	\$25

§ 25.504. Licensure of respiratory therapists; practice; exceptions.

(a) A person may not practice or hold himself out as being able to practice as a respiratory therapist in this Commonwealth unless the person holds a valid, current temporary permit or license issued by the Board, or the State Board of Medicine under Chapter 18 (relating to State Board of Medicine—practitioners other than medical doctors), or is exempted under section 10.1(e) of the act (63 P.S. § 271.10a(e)) or section 13.1(e) of the Medical Practice Act of 1985 (63 P.S. § 422.13a(e)).

(b) A person may not use the words “licensed respiratory therapist” or “respiratory care practitioner,” the letters “LRT,” “RT” or “RCP” or similar words and related abbreviations to imply that respiratory care services are being provided, unless the services are provided by a

respiratory therapist who holds a valid, current temporary permit or license issued by the Board or the State Board of Medicine and only while working under the supervision of a licensed physician.

§ 25.505. Functions of respiratory therapists.

(a) Under section 10.1(d) of the act (63 P. S. § 271.10a(d)), a respiratory therapist may implement direct respiratory care to an individual being treated by either a licensed medical doctor or a licensed doctor of osteopathic medicine, upon prescription or referral by a physician, certified registered nurse practitioner or physician assistant, or under medical direction and approval consistent with standing orders or protocols of an institution or health care facility. This care may constitute indirect services such as consultation or evaluation of an individual and also includes, but is not limited to, the following services:

- (1) Administration of medical gases.
- (2) Humidity and aerosol therapy.
- (3) Administration of aerosolized medications.
- (4) Intermittent positive pressure breathing.
- (5) Incentive spirometry.
- (6) Bronchopulmonary hygiene.
- (7) Management and maintenance of natural airways.
- (8) Maintenance and insertion of artificial airways.
- (9) Cardiopulmonary rehabilitation.
- (10) Management and maintenance of mechanical ventilation.
- (11) Measurement of ventilatory flows, volumes and pressures.
- (12) Analysis of ventilatory gases and blood gases.

(b) Under section 10.1(d) of the act, a respiratory therapist may perform the activities listed in subsection (a) only upon prescription or referral by a physician, certified registered nurse practitioner or physician assistant or while under medical direction consistent with standing orders or protocols in an institution or health care facility.

§ 25.506. Temporary permits.

(a) A temporary permit will be issued to an applicant, who is not yet a licensee, who submits evidence satisfactory to the Board, on forms supplied by the Board, that the applicant has met one or more of the following criteria:

- (1) Has graduated from a respiratory care program approved by the CoARC.
- (2) Is enrolled in a respiratory care program approved by the CoARC and expects to graduate within 30 days of the date of application to the Board for a temporary permit.
- (3) Meets the applicable requirements and is recognized as a credentialed respiratory therapist by the NBRC.

(b) A temporary permit is valid for 12 months and for an additional period as the Board may, in each case, specially determine except that a temporary permit expires if the holder fails the entry level credentialing examination. An applicant who fails the entry level credentialing examination may apply to retake it.

§ 25.507. Criteria for licensure as a respiratory therapist.

The Board will approve for licensure as a respiratory therapist an applicant who:

(1) Submits evidence satisfactory to the Board, on forms supplied by the Board, that the applicant has met one or more of the following criteria:

- (i) Has graduated from a respiratory care program approved by the CoARC and passed the entry level credentialing examination as determined by the NBRC.
- (ii) Holds a valid license, certificate or registration as a respiratory therapist in another state, territory or the District of Columbia which has been issued based on requirements substantially the same as those required by the Commonwealth, including the examination requirement.

(2) Has paid the appropriate fee in a form acceptable to the Board.

§ 25.508. Change of name or address.

A licensee shall inform the Board in writing within 10 days of a change of name or mailing address.

§ 25.509. Renewal of licensure.

(a) A license issued under this subchapter expires on December 31 of every even-numbered year unless renewed for the next biennium.

(b) Biennial renewal forms and other forms and literature to be distributed by the Board will be forwarded to the last mailing address given to the Board.

(c) To retain the right to engage in practice, the licensee shall renew licensure in the manner prescribed by the Board, pay the required fee and comply with the continuing education requirement of § 25.509a (relating to requirement of continuing education), prior to the expiration of the current biennium.

(d) When a license is renewed after December 31 of an even-numbered year, a penalty fee of \$5 for each month or part of a month of practice beyond the renewal date will be charged in addition to the renewal fee.

§ 25.509a. Requirement of continuing education.

(a) An applicant for biennial renewal or reactivation of licensure is required to complete a minimum of 30 hours of continuing education as set forth in section 10.2(f)(2) of the act (63 P. S. § 271.10b(f)(2)) subject to the following:

(1) At least 10 continuing education hours shall be obtained through traditional continuing education such as classroom lecture, clinical presentation, real-time webcast or other live sessions where a presenter is involved. For nontraditional continuing education such as prerecorded presentations, Internet-based presentations and journal review programs, to qualify for credit, the provider shall make available documented verification of completion of the course or program.

(2) One hour must be completed in medical ethics, and 1 hour must be completed in patient safety.

(3) Credit will not be given for continuing education in basic life support, including basic cardiac life support and cardiopulmonary resuscitation. In any given biennial renewal period, a licensee may receive credit for no more than 8 continuing education hours in advanced life support, including advanced cardiac life support, neonatal advanced life support/neonatal resuscitation and pediatric advanced life support.

(4) A licensee will not receive continuing education credit for participating in a continuing education activity with objectives and content identical to those of another continuing education activity within the same biennial renewal period for which credit was granted.

(b) An individual applying for the first time for licensure in this Commonwealth is exempt from completing the continuing education requirements during the initial biennial renewal period in which the license is issued.

(c) The Board may waive all or a portion of the requirements of continuing education in cases of serious illness, undue hardship or military service. It shall be the duty of each licensee who seeks a waiver to notify the Board in writing and request the waiver prior to the end of the renewal period. The request must be made in writing, with appropriate documentation, and include a description of circumstances sufficient to show why the licensee is unable to comply with the continuing education requirement. The Board will grant, deny or grant in part the request for waiver and will send the licensee written notification of its approval or denial of the waiver request. A licensee who requests a waiver may not practice as a respiratory therapist after the expiration of the licensee's current license until the Board grants the waiver request.

(d) A licensee shall maintain the information and documentation concerning compliance with the continuing education requirement or the waiver granted for a period of at least 2 years after the end of the biennial renewal period to which the continuing education or waiver applies, the date of completion of the continuing education or grant of the waiver, whichever is latest, and provide the information and documentation to representatives of the Board upon request.

§ 25.509b. Approved educational programs.

(a) The Board approves respiratory care continuing education programs designated for professional development credits by the AARC, the AMA, the AOA and the CSRT.

(1) Qualifying AMA continuing education programs must be in AMA PRA Category I credits, as defined in § 25.1 (relating to definitions).

(2) Qualifying AOA continuing education programs must be in Category I-A or I-B credits, as defined in § 25.1.

(b) Advanced course work in respiratory care successfully completed at a degree-granting institution of higher education approved by the United States Department of Education which offers academic credits are also approved for continuing education credit by the Board. Advanced course work is course work beyond the academic requirements necessary for licensure as a respiratory therapist.

(c) The Board will not accept courses of study which do not relate to the actual provision of respiratory care. Examples of unacceptable courses are those in office management or practice building.

§ 25.510. Inactive status.

(a) A licensee who does not intend to practice in this Commonwealth and who does not desire to renew licensure shall inform the Board in writing. Written confirmation of inactive status will be forwarded to the licensee.

(b) A licensee shall notify the Board, in writing, of the licensee's desire to reactivate the license.

(c) A licensee who is applying to return to active status is required to pay fees which are due for the current biennium and submit a sworn statement stating the period of time during which the licensee was not engaged in practice in this Commonwealth.

(d) The applicant for reactivation will not be assessed a fee or penalty for preceding biennial periods in which the applicant did not engage in practice in this Commonwealth.

[Pa.B. Doc. No. 14-235. Filed for public inspection January 31, 2014, 9:00 a.m.]

BUREAU OF PROFESSIONAL AND OCCUPATIONAL AFFAIRS

[49 PA. CODE CH. 43b]

Corrective Amendment to 49 Pa. Code § 43b.4

The Bureau of Professional and Occupational Affairs has discovered a discrepancy between the agency text of 49 Pa. Code § 43b.4 (relating to schedule of civil penalties—barbers and barber shops) as deposited with the Legislative Reference Bureau and the official text as published at 36 Pa.B. 7833, 7836 (December 23, 2006) and as currently appearing in the *Pennsylvania Code*. The citation for a violation of section 7 of the act of June 19, 1931 (P. L. 589, No. 202) (63 P. S. § 557), "availability of current license on premises," was cited incorrectly.

Therefore, under 45 Pa.C.S. § 901: The Bureau of Professional and Occupational Affairs has deposited with the Legislative Reference Bureau a corrective amendment to 49 Pa. Code § 43b.4. The corrective amendment to 49 Pa. Code § 43b.4 is effective December 23, 2006, the effective date of adoption of the final-form rulemaking amending this section.

The correct version of 49 Pa. Code § 43b.4 appears in Annex A.

Annex A

TITLE 49. PROFESSIONAL AND VOCATIONAL STANDARDS

PART I. DEPARTMENT OF STATE

Subpart A. PROFESSIONAL AND OCCUPATIONAL AFFAIRS

CHAPTER 43b. COMMISSIONER OF PROFESSIONAL AND OCCUPATIONAL AFFAIRS

SCHEDULE OF CIVIL PENALTIES, GUIDELINES FOR IMPOSITION OF CIVIL PENALTIES AND PROCEDURES FOR APPEAL

§ 43b.4. Schedule of civil penalties—barbers and barber shops.

STATE BOARD OF BARBER EXAMINERS

<i>Violation under 35 P. S.</i>	<i>Title/Description</i>	<i>Civil Penalty</i>
Section 637.6(a)(1)	Failure of licensed barber shop or school to post a sign as required under section 4 of the Clean Indoor Air Act (35 P. S. § 637.4)	1st offense—\$250 2nd offense (within 1 year of 1st offense)—\$500 3rd offense (within 1 year of 2nd offense)—\$1,000 Subsequent offenses (within 1 year of previous offense)—\$1,000
Section 637.6(a)(2)	Barber shop permitting smoking in the barber shop or barber school permitting smoking in the barber school in violation of the Clean Indoor Air Act (35 P. S. §§ 637.1—637.11)	1st offense—\$250 2nd offense (within 1 year of 1st offense)—\$500 3rd offense (within 1 year of 2nd offense)—\$1,000 Subsequent offenses (within 1 year of previous offense)—\$1,000
Section 637.6(a)(3)	Licensee of the Board smoking in a barber shop or in a barber school in violation of the Clean Indoor Air Act	1st offense—\$250 2nd offense (within 1 year of 1st offense)—\$500 3rd offense (within 1 year of 2nd offense)—\$1,000 Subsequent offenses (within 1 year of previous offense)—\$1,000
<i>Violation under 63 P. S.</i>	<i>Title/Description</i>	<i>Civil Penalty</i>
Section 551	Practicing without a license	1st offense—\$500 2nd offense—Formal action
Section 557	Availability of current license on premises	1st offense—\$150 2nd offense—\$500
Section 558	Practicing on a lapsed or expired license	1st offense—Up to 90 days—Warning; 90 days to 1 year—\$250; 1 year to 2 years—\$500; over 2 years—\$1,000 2nd offense—Formal action
Section 562(a)(2)	Operating a business or facility on a lapsed or expired permit or license	1st offense—Up to 90 days—Warning; 90 days to 1 year—\$250; from 1 year to 2 years—\$500; over 2 years—\$1,000 2nd offense—Formal action
Section 559	Failure to employ licensed persons	1st offense—\$500 for each individual unlicensed barber 2nd offense—Formal action
Section 560	Opening shop for business before shop inspected and approved	1st offense—\$200 2nd offense—Formal action
Section 560	Failure to file application when taking over as owner of existing shop	1st offense—\$500 2nd offense—Formal action
Section 562	Operating an establishment without supervision of designated manager barber or other designated licensee	1st offense—\$250 2nd offense—Formal action
Section 560	Operating a business or facility without a permit or license	1st offense—\$500 2nd offense—Formal action
Section 563(a)	Licensee practicing in place other than licensed shop	1st offense—\$500 2nd offense—Formal action

<i>Violation under 49 Pa. Code Chapter 3</i>	<i>Title/Description</i>	<i>Civil Penalty</i>
Section 3.51(a)	Failure to obtain new shop license when shop moves	1st offense—\$500 2nd offense—Formal action
Section 3.51(b)	Failure to register trade name	1st offense—\$100 2nd offense—Formal action
Section 3.54	Failure to meet minimum equipment requirements	1st offense—\$100 2nd offense—Formal action
Section 3.55	Failure to meet minimum maintenance and sanitation requirements	1st offense—\$100 2nd offense—Formal action
Section 3.85	School equipment does not meet requirements	1st offense—\$100 2nd offense—Formal action
Section 3.86	School maintenance and sanitation requirements not met	1st offense—\$250 2nd offense—Formal action
Section 3.89	School advertising requirements not met	1st offense—\$250 2nd offense—Formal action

[Pa.B. Doc. No. 14-236. Filed for public inspection January 31, 2014, 9:00 a.m.]

Title 58—RECREATION

PENNSYLVANIA GAMING CONTROL BOARD

[58 PA. CODE CHS. 461a, 463a, 464a, 465a, 607a, 627a, 629a, 631a AND 633a]

Slot Machine and Table Game Device Testing and Control; Possession of Slot Machines and Fully Automated Electronic Gaming Tables; Slot Machine Tournaments; Accounting and Internal Controls; Possession of Table Game and Table Game Devices; Rules of Play

The Pennsylvania Gaming Control Board (Board), under the general authority in 4 Pa.C.S. § 1202(b)(30) (relating to general and specific powers) and the specific authority in 4 Pa.C.S. §§ 1207(3), (6), (9) and (21) and 13A02(1), (2) and (4) (relating to regulatory authority of board; and regulatory authority), amends Chapters 461a, 463a, 465a, 627a, 629a, 631a and 633a and adds Chapters 464a and 607a (relating to slot machine tournaments; and possession of table games and table game devices) to read as set forth in Annex A.

Purpose of the Final-Form Rulemaking

This final-form rulemaking amends the requirements for the termination, transfer or modification of progressive jackpots, requires operators to provide monthly table game device master lists to the Bureau of Gaming Laboratory Operations (Bureau), codifies Board policy on slot machine tournaments and adds an additional side wager to the Baccarat games.

§ 461a.1. *Definitions*

The definitions added in this section are moved from § 461a.12 (relating to progressive slot machines).

§ 461a.8. *Gaming vouchers*

Although operators are required to file a report with the State Treasurer regarding old gaming vouchers that will escheat to the Commonwealth, operators are no longer required to submit a copy of that report to the Board.

§ 461a.12. *Progressive slot machines*

The definitions of “progressive slot machine” and “wide area progressive system” are moved from subsection (a) to § 461a.1 (relating to definitions) as these definitions are applicable to all sections in the chapter. Subsections (b)—(f) and (h) are amended for clarity.

Subsection (k) requires operators to receive written approval from the Bureau prior to capping or transferring a progressive jackpot. Additionally, operators may transfer progressive jackpots to machines with the same or similar probability of winning.

Subsection (k)(5) now states that if a transfer cannot be made slot machine licensees may remove the progressive functionality, change the game theme or permanently remove the machine from the gaming floor. This section is amended to ensure that progressive jackpots are not taken off the gaming floor if they can be transferred and not without prior approval from the Bureau. Additionally, final-form subsection (l) ensures that progressive jackpots that are removed are not simply returned to the gaming floor with lower reset amounts within a short period of time after removal. The remaining sections are renumbered.

§ 461a.26. *Testing and software installation on the live gaming floor*

The Board adds four types of electronic devices that require Bureau testing and approval prior to placement on the live gaming floor.

Chapter 463a. Possession of slot machines and fully automated electronic gaming tables

This chapter addresses the requirements for the possession of slot machines in this Commonwealth. Fully automated electronic gaming tables, which are more similar to slot machines that do not have a dealer than other types of table games, are added to the requirements in this chapter. Operators are required to include fully automated electronic gaming tables to the slot machine master device list which operators are required to submit to the Bureau monthly.

Chapter 464a. Slot machine tournaments

This chapter codifies a Board policy known to the industry as § 461b.6. This policy was not published in the

Pennsylvania Bulletin. The policy allowing operators to conduct tournaments was submitted to the industry on November 23, 2011, and was subsequently updated to allow for the charging of fees. This chapter reflects the current policy, submitted to the industry on March 21, 2012, without substantive revisions.

Operators shall submit a notice of intent to conduct a tournament to the Board as well as the Department of Revenue (Department) 10 days prior to the start of the tournament. In accordance with statutory provisions, operators may charge a fee to enter tournaments provided that the revenue generated is reported to the Department. Operators have discretion to establish rules of entry and prize structures provided that the rules are specified in the notice and provided to patrons who participate in the tournament.

§ 465a.2. *Internal control systems and audit protocols*

A minor amendment updates the name of the form that operators complete when submitting updated internal controls. Additionally, the language regarding the submission of changes to internal controls to the Department is deleted. The Department is sent only initial internal control submissions prior to a casino opening.

§ 465a.19. *Acceptance of tips or gratuities from patrons*

Language is added in subsection (d) which allows dealers to accept as a tip a winning wager that a patron has identified as a tip prior to play provided, however, that the tip shall be collected and deposited after the round of play or after a roll of the dice in craps that decides the outcome of the wager. A dealer is not allowed to subsequently wager a winning tip.

§ 465a.33. *Access to areas containing central control computer equipment*

A minor amendment was made to the key control requirements for access to the central control computer system.

Chapter 607a. Possession of table games and table game devices

This chapter addresses the possession of table games and table game devices. This chapter is similar to Chapter 463a (relating to possession of slot machines and fully automated electronic gaming tables). Section 607a.1 (relating to transportation of table games and table game devices into, within and out of this Commonwealth) requires persons transporting table games or table game devices to notify the Bureau and the Bureau of Casino Compliance that equipment is being shipped. Section 607a.2 (relating to table game device master list) requires operators to provide a monthly table game master list for certain table game equipment enumerated in subsection (a).

Section 607a.3 (relating to off premises storage of table games and table game devices) requires operators to obtain approval prior to storing table games or table game devices in locations other than the licensed facility. These provisions are consistent with the requirements applicable to slot machines.

Chapter 627a. Minibaccarat

Chapter 629a. Midibaccarat

Chapter 631a. Baccarat

Panda 8, a new side wager, is added for the Baccarat type games. The sections on layout, wager and payout odds are amended accordingly.

§ 633a.13. *Payout odds; payout limitation*

The payout table applicable to the hit and run progressive wager for Blackjack is corrected in subsection (l)(1).

Additional Revisions

§ 461a.5. *Slot machine conversions*

A minor revision was made in this section to reflect that § 463a.6 is rescinded and the requirements were moved and combined with § 463a.4 (relating to notice and connection to the central control computer system).

§ 461a.12. *Progressive slot machines*

In subsection (b)(7), the proposed language regarding progressive controllers that are not stored in a slot machine was replaced. Operators should have greater flexibility as to which departments will be responsible for key control provided that slot operations controls one key. Additionally, the licensee shall notify the Bureau if the progressive controller not located in a machine is to be accessed.

In subsection (k)(1), language was added stating that if the operator is going to place a cap on the progressive jackpot amount, the operator shall receive written approval from the Bureau prior to imposing the payout limit. These approvals are done electronically, typically by e-mail.

The proposed language in subsection (k)(5)(ii) was amended for clarity.

Language in final-form subsection (n) was deleted. The deleted language in this subsection is unnecessary as the requirements for transfers is addressed in subsection (k)(4).

§ 463a.1. *Possession of slot machines and fully automated electronic gaming tables generally*

Language in subsection (d) regarding the time period for Board approval of educational institutions, unlicensed manufacturers/suppliers and other persons to possess slot machines and electronic gaming tables was deleted. A request to possess slots and tables by persons, other than licensed entities, is treated like a petition. When a petition is filed it is answered by the Office of Enforcement Counsel within 30 days. Only after the Office of Enforcement Counsel answers a petition is it ready for the Board's consideration at an upcoming public meeting. Depending on the public meeting schedule, it may be more than 60 days before the Board can act on a request.

Subsection (e) is amended to allow the Board's designee (the Executive Director) to approve an alternative location to store slots and fully automated tables.

§ 463a.2. *Transportation of slot machines and fully automated electronic gaming tables into, within and out of this Commonwealth*

Many slot machine licensees now have approved, off premises storage locations for their extra slot machines and fully automated tables. However, the language in this section formerly only addressed movements from one person to another person. An additional requirement was added in subsection (b) to ensure that the Bureau and the onsite Casino Compliance representatives are notified when a shipment is coming in from or going out to an off premises storage location operated by the slot machine licensee. The same shipment notification requirement was added in § 607a.1.

§ 463a.4. *Notice and connection to the central control computer system*

The requirements in this section and formerly in rescinded § 463a.6 related to each other and were there-

fore combined into § 463a.4. Section 463a.6 is rescinded in this final-form rulemaking.

§ 463a.7. Off premises storage of slot machines and fully automated electronic gaming tables

Amendments were made to the information a slot machine licensee is required to submit as part of its request to store slots and tables in an off premises storage location. Operators will no longer be required to specify in the request the expected arrival and departure dates for the machines stored in the off premises location. This language was deleted as unnecessary since slots and tables may move in and out of the storage location many times depending on the business needs of the licensee. Similar proposed language regarding table games was deleted in § 607a.3.

§ 607a.1. Transportation of table games and table game devices into, within and out of this Commonwealth

A minor revision was made in subsection (a) for consistency with the title of the section and for consistency with § 463a.2 (relating to transportation of slot machines and fully automated electronic gaming tables into, within and out of this Commonwealth).

§ 607a.2. Table game device master list

Language was added in subsection (b)(3) requiring that operators include in their master list a notation if tables on the gaming floor offer a progressive or linked progressive. This is extremely important because table game progressive jackpots are funded solely through player wagers (minus any seed amount funded from the facility). If a facility is going to remove a table that has a progressive, the restrictions on removal in § 605a.7 (relating to progressive table game systems) would be applicable. Including the progressive in the master list is another mechanism to ensure that all progressives are accounted for on a monthly basis.

§ 633a.7. Procedure for dealing the cards; completion of each round of play

A minor revision was made in subsection (o)(2)(ii)(B) to reflect that the payout odds for the Hit and Run Progressive Wager in § 633a.13(1)(1) (relating to payout odds; payout limitation) were corrected.

Comment and Response Summary

Notice of proposed rulemaking was published at 42 Pa.B. 6761 (October 27, 2012). During the comment period, the Board received comments from slot machine licensee Greenwood Gaming and Entertainment, d/b/a Parx Casino (Parx). The Board did not receive comments from the Independent Regulatory Review Commission (IRRC).

Public Comment

Parx commented on the proposed rulemaking and requested clarification on the interplay between two provisions regarding transfer and termination of progressive jackpots in § 461a.12(k).

The current regulations provide operators with options regarding the movement of progressive jackpots. Operators can cap the progressive amount at a certain level, terminate the jackpot when a patron wins the jackpot amount, remove several linked progressives as long as one progressive remains on the floor, transfer the jackpot amount or terminate the progressive. If an operator were terminating a progressive jackpot, the current regulations require operators to simply notify the Board, without approval required, and post notice of the termination on the machine.

Many operators have taken large numbers of progressive jackpots off their gaming floors resulting in many patron complaints to the Board. The Board therefore believes it necessary to amend the process to terminate progressive jackpots. The language added in the proposed and final-form rulemakings in subsection (k)(5) will still allow for the termination of jackpots in those instances in which a transfer cannot otherwise be made or if there is good cause to remove the jackpots. Operators will need approval from Bureau staff prior to posting the 30-day removal notice on a progressive slot machine. Requests and subsequent approvals are typically handled electronically.

Lastly, former § 461a.12(k)(4) required that if operators were to transfer a progressive jackpot, the jackpot amount would have to be transferred in its entirety. Parx requested clarification regarding what portion of the jackpot amount would have to be transferred.

It was the intention of the Board to include only the accrued amount on the meter minus the seed or reset amount contributed by the licensee in the amount transferred to another jackpot. Clarifying language has been added to this section.

Affected Parties

Slot machine licensees, persons transporting table games and devices (typically licensed manufacturers) and table games dealers will be impacted by this final-form rulemaking.

Fiscal Impact

Commonwealth. It is not anticipated that this final-form rulemaking will have a fiscal impact on the Board or other Commonwealth agencies.

Political subdivisions. This final-form rulemaking will not have fiscal impact on political subdivisions of this Commonwealth.

Private sector. Slot machine licensees will be required to provide notice of slot machine tournaments and a monthly table game device master list. Additionally, persons transporting table games and table game devices (manufacturers, suppliers and slot machine licensees) into, within and out of this Commonwealth will be required to notify the Bureau and the Bureau of Casino Compliance of the shipment. It is anticipated that the fiscal impact on the private sector, to prepare notices, would be negligible.

General public. This final-form rulemaking will not have fiscal impact on the general public.

Paperwork Requirements

This final-form rulemaking will eliminate the need to file with the Board copies of reports that are submitted to the State Treasurer regarding gaming vouchers.

This final-form rulemaking will require operators to submit a monthly table game device master lists for tables and specified table game equipment. The monthly list is an online submission.

Operators that would like to conduct slot machine tournaments will be required to submit to the Board and the Department a notice specifying the rules of entry and the prize structure. This notice is also submitted online.

Effective Date

This final-form rulemaking will become effective upon publication in the *Pennsylvania Bulletin*.

Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on September 17, 2012, the Board submitted a copy of the notice of proposed rulemaking, published at 42 Pa.B. 6761, to IRRC and the Chairpersons of the House Gaming Oversight Committee and the Senate Community, Economic and Recreational Development Committee for review and comment.

Under section 5(c) of the Regulatory Review Act, IRRC and the House and Senate Committees were provided with copies of the comments received during the public comment period, as well as other documents when requested. In preparing the final-form rulemaking, the Department has considered all comments from IRRC, the House and Senate Committees and the public.

Under section 5.1(j.2) of the Regulatory Review Act (71 P. S. § 745.5a(j.2)), on December 11, 2013, the final-form rulemaking was deemed approved by the House and Senate Committees. Under section 5.1(e) of the Regulatory Review Act, IRRC met on December 12, 2013, and approved the final-form rulemaking.

Findings

The Board finds that:

(1) Public notice of intention to adopt these amendments was given under sections 201 and 202 of the act of July 31, 1968 (P. L. 769, No. 240) (45 P. S. §§ 1201 and 1202) and the regulations thereunder, 1 Pa. Code §§ 7.1 and 7.2.

(2) The final-form rulemaking is necessary and appropriate for the administration and enforcement of 4 Pa.C.S. Part II (relating to gaming).

Order

The Board, acting under 4 Pa.C.S. Part II, orders that:

(a) The regulations of the Board, 58 Pa. Code, are amended by adding §§ 464a.1, 464a.2 and 607a.1—607a.3, by deleting § 463a.6 and by amending §§ 461a.1, 461a.5, 461a.8, 461a.12, 461a.13, 461a.26, 463a.1—463a.5, 463a.7, 465a.2, 465a.19, 465a.33, 627a.1, 627a.2, 627a.7, 627a.11, 627a.12, 629a.1, 629a.2, 629a.7, 629a.11, 629a.12, 631a.1, 631a.2, 631a.8, 631a.12, 631a.13, 633a.7 and 633a.13 to read as set forth in Annex A, with ellipses referring to the existing text of the regulations.

(Editor's Note: Sections 461a.5 and 633a.7 were not included in the proposed rulemaking published at 42 Pa.B. 6761. Section 463a.6, which was proposed to be amended in the proposed rulemaking, is rescinded in Annex A.)

(Editor's Note: Final-form rulemaking 125-166 also amends §§ 627a.2, 627a.7, 627a.12, 629a.2, 629a.7, 629a.12, 631a.2, 631a.8, 631a.13, 633a.7 and 633a.13. See 44 Pa.B. 619 (February 1, 2014).)

(b) The Chairperson of the Board shall certify this order and Annex A and deposit them with the Legislative Reference Bureau as required by law.

(c) This order shall take effect upon publication in the *Pennsylvania Bulletin*.

WILLIAM H. RYAN, Jr.,
Chairperson

(Editor's Note: For the text of the order of the Independent Regulatory Review Commission relating to this document, see 43 Pa.B. 7606 (December 28, 2013).)

Fiscal Note: Fiscal Note 125-162 remains valid for the final adoption of the subject regulations.

Annex A

TITLE 58. RECREATION

PART VII. GAMING CONTROL BOARD

Subpart E. SLOT MACHINES AND ASSOCIATED EQUIPMENT

CHAPTER 461a. SLOT MACHINE AND TABLE GAME DEVICE TESTING AND CONTROL

§ 461a.1. Definitions.

The following words and terms, when used in this subpart, have the following meanings, unless the context clearly indicates otherwise:

* * * * *

Progressive awards—The award to be paid out when the event in the progressive game that triggered the award occurs.

Progressive controller—A program or computer system, other than an approved program that controls the operation of the slot machine, which controls, adjusts and displays the amount of the progressive jackpot.

Progressive payout—A slot machine payout that increases in a monetary amount based on the amounts wagered in a progressive system.

Progressive slot machine—A slot machine that offers a jackpot that may increase in value based upon the slot machine wagers placed.

Pseudo random number generator—Software or hardware, or both, that ensures the randomness of slot machine outcomes.

* * * * *

Wide area progressive system—Progressive slot machines located at a licensed facility that are linked with progressive slot machines at another licensed facility.

§ 461a.5. Slot machine conversions.

A slot machine licensee shall:

(1) Maintain complete and accurate records of all conversions.

(2) Give prior notice of a slot machine conversion to the Bureau of Gaming Laboratory Operations in writing.

(3) Notice the Department in accordance with § 463a.4 (relating to notice and connection to the central control computer system).

§ 461a.8. Gaming vouchers.

* * * * *

(d) Prior to issuing a gaming voucher, a slot machine licensee shall establish a system of internal controls for the issuance and redemption of gaming vouchers. The internal controls shall be submitted and approved by the Board under § 465a.2 (relating to internal control systems and audit protocols) and address:

(1) Procedures for assigning a slot machine's asset number and identifying other redemption locations in the system, and enabling and disabling voucher capabilities for slot machines and redemption locations.

(2) Procedures for issuance, modification and termination of a unique system account for each user in accordance with technical standards under § 461b.3.

(3) Procedures used to configure and maintain user passwords in accordance with technical standards under § 461b.3.

(4) Procedures for restricting special rights and privileges, such as administrator and override capabilities, in accordance with technical standards under § 461b.3.

(5) The duties and responsibilities of the information technology, internal audit, slot operations and finance departments, respectively, and the level of access for each position with regard to the gaming voucher system.

(6) A description of physical controls on all critical hardware such as locks and surveillance, including the location and security protocols applicable to each piece of equipment.

(7) Procedures for the backup and timely recovery of critical data in accordance with technical standards under § 461b.3.

(8) Logs used to document and maintain the details of Board-approved hardware and software modifications upon implementation.

(9) Procedures for the payment of the value of unredeemed gaming vouchers, which individually or in the aggregate equal \$25 or more, to a patron whose identity can be determined by the slot machine licensee using the slot machine licensee's player tracking system.

(10) Procedures for the retention, tracking and payment of the value of unredeemed gaming vouchers to the State Treasurer as required by Article XIII.1 of The Fiscal Code (72 P. S. §§ 1301.1—1301.28a) regarding the disposition of abandoned and unclaimed property.

(e) The system of internal controls required to be submitted and approved by the Board under subsection (d) must also include the procedures to be applied in the following instances:

* * * * *

§ 461a.12. Progressive slot machines.

(a) A progressive slot machine may stand alone or be linked with other progressive slot machines.

(b) Each slot machine that offers a progressive jackpot must have:

(1) A progressive meter, visible from the front of the slot machine, which may increase in value based upon wagers, that advises the player of the amount which can be won if the player receives the combination on the slot machine that awards the progressive jackpot.

(2) A slot machine paid progressive payout meter in accordance with § 461a.7(g) (relating to slot machine minimum design standards).

(3) A slot attendant paid progressive payout meter in accordance with § 461a.7(g).

(4) A cumulative progressive payout meter that continuously and automatically records the total value of progressive jackpots paid directly by the slot machine or by a slot attendant.

(5) A key and key switch or other reset mechanism to reset the progressive meter or meters.

(6) A key locking the compartment housing the progressive meter or meters or other means by which to preclude any unauthorized alterations to the progressive meters. The key or alternative security method must be different than the key or reset mechanism in paragraph (5).

(7) If the progressive controller is not secured in a slot machine, the progressive controller:

(i) Must be maintained in a secure area approved by the Bureau of Gaming Laboratory Operations.

(ii) Must be dual key controlled with one key controlled by the slot operations department and the other key controlled by a different designated department with no incompatible functions, as specified in the licensee's internal controls.

(iii) May not be accessed until the Bureau of Gaming Laboratory Operations is electronically notified.

(c) In addition to the requirements in subsection (b), a slot machine that is connected to a common progressive meter for the purpose of offering the same progressive jackpot on two or more slot machines must:

(1) Have the same probability of hitting the combination that will award the progressive jackpot as every other slot machine linked to the common progressive meter.

(2) Require that the same amount in wager be invested to entitle the player to a chance at winning the progressive jackpot and that each increase in wager increment the progressive meter by the same rate of progression as every other slot machine linked to the common progressive meter.

(d) Notwithstanding the provisions of subsection (c), two or more linked slot machines offering the same progressive jackpot may be of different denominations or have different wagers, or both, required to win the progressive jackpot, provided that:

(1) The probability of winning the progressive jackpot is directly proportional to the wager required to win that jackpot.

(2) Notice indicating the proportional probability of hitting the progressive jackpot on the linked progressive system is conspicuously displayed on each linked slot machine.

(e) A slot machine licensee seeking to utilize a linked slot machine shall submit for approval in accordance with § 461a.4 (relating to submission for testing and approval) the location and manner of installing any progressive meter display mechanism.

(f) A slot machine that offers a progressive jackpot may not be placed on the gaming floor until the slot machine licensee or, as applicable, the slot system operator, has submitted the following to the Bureau of Gaming Laboratory Operations for review and approval in accordance with § 461a.4:

(1) The initial and reset amounts at which the progressive meter or meters will be set.

(2) The proposed system for controlling the keys and applicable logical access controls to the slot machines.

(3) The proposed rate of progression for each progressive jackpot.

(4) The proposed limit for the progressive jackpot, if any.

(5) The calculated probability of winning each progressive jackpot. The probability may not exceed 50 million to 1. Notwithstanding the foregoing, this paragraph does not apply to a jackpot with a probability that may exceed 50 million to 1 during the game cycle due solely to the intervening occurrence of free play awards between the activation of a play and the award of the jackpot.

(g) A slot machine that offers either a new progressive jackpot or undergoes a modification or RAM clear of an

existing progressive jackpot may not be made available for play by the public until the slot machine has been tested and certified by the Bureau of Gaming Laboratory Operations. For purposes of this subsection, a modification includes any change in the software, hardware, including controllers, and any associated equipment that relates to progressive functionality.

(h) Progressive jackpot meters may not be turned back to a lesser amount unless one of the following occurs:

(1) The amount indicated has been actually paid to a winning patron and the progressive jackpot amount has been recorded in accordance with a system of internal controls approved under § 465a.2 (relating to internal control systems and audit protocols).

(2) With written approval, the progressive jackpot has been transferred to another progressive slot machine or wide area progressive system in accordance with subsection (k)(4).

(3) The change is necessitated by a slot machine or meter malfunction. An explanation for the change shall be entered on the progressive slot summary required under this subpart and the Bureau of Gaming Laboratory Operations shall be notified of the resetting in writing.

(i) Once an amount appears on a progressive meter, the probability of hitting the combination that will award the progressive jackpot may not be decreased unless the progressive jackpot has been won by a patron, has been transferred to another progressive slot machine or wide area progressive system or has been removed in accordance with subsection (k).

(j) When a slot machine has a progressive meter with digital limitations on the meter, the slot machine licensee shall set a limit on the progressive jackpot not to exceed the display capability of the progressive meter.

(k) A slot machine licensee or, as applicable, a slot system operator, may limit, transfer or terminate a progressive jackpot offered on a gaming floor only under the following circumstances:

(1) A slot machine licensee may establish a payout limit for a progressive jackpot provided that the payout limit is greater than the then current payout amount on the progressive jackpot meter. The slot machine licensee shall provide notice to and receive written approval from the Bureau of Gaming Laboratory Operations prior to the imposition of a payout limit on a progressive meter or a modification thereto.

(2) A slot machine licensee may terminate a progressive jackpot concurrent with the winning of the progressive jackpot provided its slot machine program or progressive controller was configured prior to the winning of the progressive jackpot to establish a fixed reset amount with no progressive increment.

(3) A slot machine licensee may immediately and permanently remove one or more linked slot machines from a gaming floor, provided that:

(i) When the slot machine is part of a wide area progressive system offered at multiple licensed facilities, the slot machine licensee retains at least one linked slot machine offering the same progressive jackpot on its gaming floor.

(ii) When the progressive jackpot is only offered in a single licensed facility, at least two linked slot machines offering the same progressive jackpot remain on the gaming floor.

(4) A slot machine licensee may transfer a progressive jackpot amount on a stand alone slot machine or the common progressive jackpot on an entire link of slot machines with a common progressive meter, including a wide area progressive system, from a gaming floor provided the slot machine licensee receives written approval from the Bureau of Gaming Laboratory Operations prior to the transfer and the accrued amount minus the seed amount of the progressive jackpot is:

(i) Transferred in its entirety.

(ii) Transferred to one of the following:

(A) The progressive meter for a slot machine or wide area progressive system with the same or similar probability of winning the progressive jackpot, the same or lower wager requirement to be eligible to win the progressive jackpot, and the same type of progressive jackpot (cash, annuity, annuity/cash option or a combination/alternate jackpot).

(B) The progressive meters of two separate slot machines or wide area progressive systems, provided that each slot machine or wide area progressive system to which the jackpot is transferred individually satisfies the requirements of clause (A).

(iii) Notice of intent to transfer the progressive jackpot is conspicuously displayed on the front of each slot machine for at least 30 days.

(5) If a transfer cannot be made in accordance with subsection (k)(4) or with good cause shown, a slot machine licensee may remove progressive functionality, change the game theme or permanently remove a stand alone progressive slot machine, an entire link of slot machines with a common progressive jackpot or an entire wide area progressive system from a gaming floor, provided:

(i) Notice of intent to remove the progressive slot machines or wide area progressive systems is conspicuously displayed on the front of each slot machine for at least 30 days.

(ii) Prior to posting the notice of intent required under subsection (k)(5)(i), the slot machine licensee receives written approval from the Bureau of Gaming Laboratory Operations to remove the progressive slot machines or wide area progressive systems.

(1) Progressive slot machines and wide area progressive systems removed from the gaming floor in accordance with subsection (k)(5) may not be returned to the gaming floor for 90 days.

(m) The amount indicated on the progressive meter or meters and coin in meter on each slot machine governed by subsection (b) shall be recorded on a progressive slot summary report at least once every 7 calendar days and each report shall be signed by the preparer. If not prepared by the finance department, the progressive slot summary report shall be forwarded to the finance department by the end of the gaming day on which it is prepared. A representative of the finance department shall be responsible for calculating the correct amount that should appear on a progressive meter. If an adjustment to the progressive meters is necessary, the adjustment shall be made by a member of the slot operations department as follows:

(1) Supporting documentation shall be maintained to explain any addition or reduction in the registered amount on the progressive meter. The documentation must include the date, asset number of the slot machine,

the amount of the adjustment and the signatures of the finance department member requesting the adjustment and of the slot operations department member making the adjustment.

(2) The adjustment must be effectuated within 48 hours of the meter reading.

(n) Except as otherwise authorized by this section, a slot machine offering a progressive jackpot that is temporarily removed from the gaming floor shall be returned to active play or replaced on the gaming floor within 5 gaming days. The amount on the progressive meter or meters on the returned or replacement slot machine may not be less than the amount on the progressive meter or meters at the time of removal. This subsection does not apply to the temporary removal by a slot machine licensee, for a period not to exceed 30 days, of all linked slot machines that are part of a particular wide area progressive system, provided that the progressive jackpot offered by the temporarily removed slot machines remains available on slot machines that are part of the same wide area progressive system in another licensed facility.

(o) When a slot machine is located adjacent to a slot machine offering a progressive jackpot, the slot machine licensee shall conspicuously display a notice advising patrons that the slot machine is not participating in the progressive jackpot of the adjacent slot machine.

§ 461a.13. Wide area progressive systems.

(a) Two or more slot machine licensees may, with the prior written approval of the Board as required under subsection (c), operate a wide area progressive system.

* * * * *

§ 461a.26. Testing and software installation on the live gaming floor.

(a) Prior to the testing of slot machines, table game devices as described in § 461a.4(c)(12) (relating to submission for testing and approval), associated equipment and displays on a live gaming floor during a slot machine licensee's normal hours of operation, the slot machine licensee shall notify the Bureau of Gaming Laboratory Operations and the Bureau of Casino Compliance in writing at least 72 hours prior to the test date and receive the required approvals from the Bureau of Gaming Laboratory Operations prior to beginning testing. The notification must include the following:

- (1) A detailed narrative description of the type of testing to be conducted, including the reason for the testing, a list of individuals conducting the testing and the slot machine licensee's procedures for conducting the testing.
- (2) The date, time and approximate duration of the testing.
- (3) The model, slot machine location number and asset number of the slot machine or machines or table game device to be tested.
- (4) The location within the licensed facility where the testing will occur.

(b) A slot machine licensee shall notify the Bureau of Gaming Laboratory Operations and the Bureau of Casino Compliance at least 72 hours prior to the installation of any new software or the installation of any change in previously approved software and receive the required approvals prior to the installation of:

- (1) Automated gaming voucher and coupon redemption machines.
- (2) Wide area progressive systems.
- (3) Slot monitoring systems.
- (4) Casino management systems.
- (5) Player tracking systems.
- (6) External bonusing systems.
- (7) Cashless funds transfer systems.
- (8) Server supported slot systems.
- (9) Server based slot systems.
- (10) Automated jackpot payout machines.
- (11) Electronic gaming tables.
- (12) Fully automated electronic gaming tables.
- (13) Progressive table game systems.
- (14) Electronic wagering systems.
- (15) Additional automated bill breaker machines, automated gaming voucher and coupon redemption machines, automated jackpot payout machines and automated teller machines on the gaming floor.
- (16) Gaming voucher systems.
- (17) Server supported slot systems.
- (18) Server based slot systems.

(c) The notification required under subsection (b) must include:

- (1) A description of the reasons for the new installation or change in previously approved software.
- (2) A list of the current computer components, software identifications or versions that are to be modified or replaced.
- (3) A list of the proposed computer components, software identifications or versions that will modify or replace the existing components or software.
- (4) The method to be used to complete the proposed installation.
- (5) The date and time that the proposed modification will be installed and the estimated time for completion.
- (6) The name, title and employer of the persons performing the installation.
- (7) The plan to handle disruptions, if any, to the gaming floor.
- (8) The approximate length of time the gaming floor or systems will be disrupted.
- (9) Plans for system backup prior to any proposed installation.

CHAPTER 463a. POSSESSION OF SLOT MACHINES AND FULLY AUTOMATED ELECTRONIC GAMING TABLES

§ 463a.1. Possession of slot machines and fully automated electronic gaming tables generally.

- (a) Except as otherwise provided in this section and 18 Pa.C.S. § 5513 (relating to gambling devices, gambling, etc.), a person may not possess any slot machine or fully automated electronic gaming table within this Commonwealth that may be used for gambling activity.
- (b) The following persons and any employee or agent acting on their behalf may possess slot machines or fully automated electronic gaming tables in this Common-

wealth for the purposes described herein provided that slot machines or fully automated electronic gaming tables located outside of a licensed facility may not be used for gambling activity:

(1) A slot machine licensee, for the purpose of maintaining for use, training or operating slot machines in a licensed facility.

(2) The holder of a manufacturer license for the purpose of manufacturing, exhibiting, demonstrating, training or preparing for transfer to a manufacturer designee licensee, supplier licensee or slot machine licensee.

(3) The holder of a manufacturer designee license or supplier license for the purpose of distributing, repairing, servicing, exhibiting or demonstrating slot machines or fully automated electronic gaming tables and any training with regard thereto.

(4) An educational institution for the purpose of teaching slot machine design, operation, repair or servicing.

(5) A manufacturer, manufacturer designee or supplier of slot machines not licensed within this Commonwealth for the limited purpose of temporary exhibition or demonstration.

(6) A common carrier, for the purpose of transporting slot machines or fully automated electronic gaming tables in accordance with § 463a.2 (relating to transportation of slot machines and fully automated electronic gaming tables into, within and out of this Commonwealth).

(7) An employee or agent of the Board, the Department, the Pennsylvania State Police or any law enforcement agency of this Commonwealth for the purpose of fulfilling official duties or responsibilities.

(8) Other persons upon a finding that the possession of slot machines or fully automated electronic gaming tables by those persons in this Commonwealth is not contrary to the goals and objectives of the act.

(c) Persons seeking to possess slot machines or fully automated electronic gaming tables under subsection (b)(4), (5) and (8) shall submit a petition to the Board as required under § 493a.4 (relating to petitions generally). The petition to the Board must contain:

(1) The purpose for having the slot machines or fully automated electronic gaming tables.

(2) The proposed location of the slot machines or fully automated electronic gaming tables.

(3) The time period for which the slot machines or fully automated electronic gaming tables will be kept.

(4) How the slot machines or fully automated electronic gaming tables will be secured.

(d) Requests approved by the Board may be subject to specific terms and conditions imposed by the Board.

(e) A person authorized to possess slot machines or fully automated electronic gaming tables under subsection (d) that desires to store the slot machines or fully automated electronic gaming tables at a location other than the location specified in subsection (c)(2) shall obtain approval from the Board's Executive Director prior to storing the slot machines or fully automated electronic gaming tables at the other location.

§ 463a.2. Transportation of slot machines and fully automated electronic gaming tables into, within and out of this Commonwealth.

(a) In furtherance of section 1511 of the act (relating to declaration of exemption from Federal laws prohibiting

slot machines), prior to the transport or movement of a slot machine or fully automated electronic gaming table into, within or out of this Commonwealth, from one person authorized to possess slot machines or fully automated electronic gaming tables under § 463a.1 (relating to possession of slot machines and fully automated electronic gaming tables generally) to another person, the persons causing the slot machine or fully automated electronic gaming table to be transported or moved shall notify the Bureau of Gaming Laboratory Operations and the Bureau of Casino Compliance in writing or in an electronic format approved by the Bureau of Gaming Laboratory Operations. The notice shall be submitted no later than the day the slot machine or fully automated electronic gaming table is transported and include the following information:

(1) The name and address of the person shipping or moving the slot machine or fully automated electronic gaming table.

(2) The name and address of the person who owns the slot machine or fully automated electronic gaming table, if different from the person shipping or moving the machine.

(3) The name and address of a new owner if ownership is being changed in conjunction with the shipment or movement.

(4) The method of shipment or movement and the name and address of the common carrier or carriers, if applicable.

(5) The name and address of the person to whom the slot machine or fully automated electronic gaming table is being sent and the destination of the slot machine or fully automated electronic gaming table, if different from that address.

(6) The quantity of slot machines or fully automated electronic gaming tables being shipped or moved and the manufacturer's serial number of each machine.

(7) The expected date and time of delivery to, or removal from, any authorized location within this Commonwealth.

(8) The port of entry, or exit, if any, of the slot machine or fully automated electronic gaming table if the origin or destination of the slot machine or fully automated electronic gaming table is outside the continental United States.

(9) The reason for transporting or moving the slot machine or fully automated electronic gaming table.

(b) In addition to the requirements in subsection (a), if a slot machine licensee is shipping slot machines or fully automated electronic gaming tables to or from the slot machine licensee's approved, off-premises storage location, the slot machine licensee shall comply with the requirements in subsection (a) and record the movement in the licensee's movement log as required under § 463a.5(e) (relating to slot machine and fully automated electronic gaming table master lists). If a slot machine or fully automated electronic gaming table is being transported to the licensed facility from the licensee's approved, off-premises storage location, the licensee shall specify in the notice required under subsection (a) whether the slot machine or fully automated electronic gaming table will be placed directly onto the gaming floor or stored off the gaming floor in a restricted area within the licensed facility.

§ 463a.3. Slot machine and fully automated electronic gaming table location on the gaming floor.

(a) A gaming floor must consist of one or more areas within a licensed facility approved by the Board or Executive Director under § 467a.1 (relating to gaming floor plan) for the placement and operation of slot machines or fully automated electronic gaming tables.

(b) A slot machine or fully automated electronic gaming table on a gaming floor shall be placed at a location, which location may contain no more than one slot machine or fully automated electronic gaming table, identified by number on a gaming floor plan approved by the Board or Executive Director under section 1322 of the act (relating to slot machine accounting controls and audits) and § 467a.1 and shall also be identified by this slot machine or fully automated electronic gaming table location number and an asset number on the Gaming Floor Slot Machine and Fully Automated Electronic Gaming Table Master List.

§ 463a.4. Notice and connection to the central control computer system.

(a) Prior to utilization for gambling activity, a slot machine or fully automated electronic gaming table on a gaming floor shall be connected or linked to a central control computer system having the capabilities and in compliance with the terms of section 1323 of the act (relating to central control computer system).

(b) To ensure activation or disabling, as appropriate, in the central control computer system and the retrieval of real time meter information from the slot machine or fully automated electronic gaming table in conjunction with the movement of a slot machine or fully automated electronic gaming table, the slot machine licensee shall provide the Department with written notice of the slot or fully automated electronic gaming table movement, prior to any of the following:

- (1) Placement of a slot machine or fully automated electronic gaming table on the gaming floor.
- (2) Movement of a slot machine or fully automated electronic gaming table between slot machine or fully automated electronic gaming table locations on the gaming floor.
- (3) Removal of a slot machine or fully automated electronic gaming table from the gaming floor.

§ 463a.5. Slot machine and fully automated electronic gaming table master lists.

(a) Prior to the commencement of operations at a licensed facility, a slot machine licensee shall file the following with the Bureau of Gaming Laboratory Operations and the Bureau of Casino Compliance, in an electronic format approved by the Bureau of Gaming Laboratory Operations:

- (1) Gaming Floor Slot Machine and Fully Automated Electronic Gaming Table Master List.
- (2) Restricted Area/Off Premises Slot Machine and Fully Automated Electronic Gaming Table Master List.

(b) A Gaming Floor Slot Machine and Fully Automated Electronic Gaming Table Master List must list all slot machines and fully automated electronic gaming tables located on the gaming floor in consecutive order by the slot machine location number under § 463a.3 (relating to slot machine and fully automated electronic gaming table location on the gaming floor) and contain the following:

- (1) The date the list was prepared.

(2) A description of each slot machine or fully automated electronic gaming table which includes:

- (i) The zone/location number.
- (ii) The asset number.
- (iii) The manufacturer's serial number.
- (iv) The base denomination, or if configured for multiple denominations, a list of the denominations.
- (v) The game software/program ID.
- (vi) The operating system/base ROM.
- (vii) The manufacturer.
- (viii) The slot machine or fully automated electronic gaming table model.
- (ix) The model type (reel or video).
- (x) The game theme/description.
- (xi) The minimum payout percentage.
- (xii) The machine displayed payout percentage.
- (xiii) The payable ID.
- (xiv) Whether the slot machine or fully automated electronic gaming table is in a smoking area.
- (xv) If the slot machine or fully automated electronic gaming table is a progressive, the type of progressive, the progressive controller type and the progressive software.
- (xvi) The fund transfer/voucher system software.

(c) If a slot machine or fully automated electronic gaming table is configured to allow a patron to select from multiple game themes, each game theme, minimum and machine displayed payout percentages and payable ID must be listed in the Gaming Floor Slot Machine and Fully Automated Electronic Gaming Table Master List. Instead of listing each game theme, minimum and machine displayed payout percentage and payable ID for a slot machine or fully automated electronic gaming table configured to offer multiple game themes with the slot machine or fully automated electronic gaming table, a slot machine licensee may use a unique generic code for the game theme and attach an appendix which lists the game themes, minimum and machine displayed payout percentages and payable IDs that correspond to each unique generic game theme code.

(d) A Restricted Area/Off Premises Slot Machine and Fully Automated Electronic Gaming Table Master List must include all slot machines and fully automated electronic gaming tables located off the gaming floor in a restricted area within the licensed facility approved under § 465a.8(b) (relating to licensed facility), or in storage locations in this Commonwealth off the premises of the licensed facility approved under § 463a.7 (relating to off premises storage of slot machines and fully automated electronic gaming tables) grouped by the location where the slot machines or fully automated electronic gaming tables are located. A Restricted Area/Off Premises Slot Machine and Fully Automated Electronic Gaming Table Master List must include the following information:

- (1) The date the list was prepared.
- (2) A description of each slot machine and fully automated electronic gaming table which includes:
 - (i) The location of the slot machine or fully automated electronic gaming table.
 - (ii) The asset number.
 - (iii) The manufacturer's serial number.

- (iv) The game software/program ID.
- (v) The operating system/base ROM.
- (vi) The game theme/description.
- (vii) The manufacturer.
- (viii) The slot machine or fully automated electronic gaming table model.
- (ix) The model type (reel or video).

(e) Once a slot machine or fully automated electronic gaming table has been placed in an authorized location on the gaming floor, stored in a restricted area off the gaming floor but within the licensed facility approved under § 465a.8 or in a location in this Commonwealth off the premises of the licensed facility approved under § 463a.7, all subsequent movements of that slot machine or fully automated electronic gaming table shall be recorded by a slot department member in a slot machine movement log which includes the following:

- (1) The asset number and model and manufacturer's serial number of the moved slot machine or fully automated electronic gaming table.
- (2) The date and time of movement.
- (3) The location from which the slot machine or fully automated electronic gaming table was moved.
- (4) The location to which the slot machine or fully automated electronic gaming table was moved.
- (5) The date and time of any required notice to the Department in connection with activation or disabling of the slot machine or fully automated electronic gaming table in the central control computer system.
- (6) The signature of the slot shift manager and the lead technician verifying the movement of the slot machine or fully automated electronic gaming table in compliance with this section.
- (f) Documentation summarizing slot machine or fully automated electronic gaming table movements, as described in subsection (e), shall be submitted to the Bureau of Gaming Laboratory Operations and the Bureau of Casino Compliance, in an electronic format approved by the Bureau of Gaming Laboratory Operations, on a daily basis.

(g) On the first Tuesday of each month a slot machine licensee shall file an updated Gaming Floor Slot Machine and Fully Automated Electronic Gaming Table Master List and an updated Restricted Area/Off Premises Slot Machine and Fully Automated Electronic Gaming Table Master List containing the information required under subsections (b)—(d). The Gaming Floor Slot Machine and Fully Automated Electronic Gaming Table Master List and the Restricted Area/Off Premises Slot Machine and Fully Automated Electronic Gaming Table Master List shall be filed in an electronic format with the Bureau of Gaming Laboratory Operations.

(h) Persons authorized by the Board to possess slot machines or fully automated electronic gaming tables under § 463a.1(c) (relating to possession of slot machines and fully automated electronic gaming tables generally) shall file with the Bureau of Gaming Laboratory Operations, in an electronic format approved by the Bureau of Gaming Laboratory Operations, a complete list of slot machines or fully automated electronic gaming table possessed by the person. The list shall:

(1) Be denoted as a Slot Machine and Fully Automated Electronic Gaming Table Master List.

(2) Be filed within 3 business days of the initial receipt of slot machines or fully automated electronic gaming tables.

(3) Contain the following information:

- (i) The date on which the list was prepared.
- (ii) A description of each slot machine or fully automated electronic gaming table including:
 - (A) The manufacturer.
 - (B) The manufacturer's serial number.
 - (C) The slot machine or fully automated electronic gaming table model.
 - (D) The model type (reel or video).
 - (E) Whether or not the slot machine or fully automated electronic gaming table is a progressive, and if it is, the type of progressive.

(i) On the first Tuesday of each month following the initial filing of a Slot Machine and Fully Automated Electronic Gaming Table Master List, those persons enumerated in subsection (h) shall file with the Bureau of Gaming Laboratory Operations, in an electronic format approved by the Bureau of Gaming Laboratory Operations, an updated Slot Machine and Fully Automated Electronic Gaming Table Master List containing the information required in subsection (h).

§ 463a.6. (Reserved).

§ 463a.7. Off premises storage of slot machines and fully automated electronic gaming tables.

(a) A slot machine licensee may not store slot machines or fully automated electronic gaming tables off the premises of a licensed facility without prior approval from the Board's Executive Director.

(b) A slot machine licensee seeking to store slot machines off the premises of a licensed facility shall submit a written request to the Bureau of Gaming Operations for off premise storage. The written request must include:

- (1) The location and a physical description of the proposed storage facility.
- (2) A description of the type of surveillance system that has been or will be installed at the proposed storage facility.
- (3) The plan to provide 24 hour, 7 day a week security at the proposed storage facility.
- (4) The anticipated number of slot machines or fully automated electronic gaming tables that may be stored at the proposed storage facility.
- (c) Before the Board's Executive Director will act on a request for off premise storage of slot machines, the Director of Casino Compliance will inspect the proposed storage facility.

(d) The Board's Executive Director will approve or disapprove requests within 60 days. Requests approved by the Board's Executive Director may be subject to specific terms and conditions imposed by the Board's Executive Director.

CHAPTER 464a. SLOT MACHINE TOURNAMENTS

- Sec.
 464a.1. Definitions.
 464a.2. Conduct of a slot machine tournament.

§ 464a.1. Definitions.

The following words and terms, when used in this chapter, have the following meanings, unless the context clearly indicates otherwise:

Points—Noncash equivalent electronic instrument utilized for slot machine tournament play only, the total of which determines the winners of a slot machine tournament.

Slot machine tournament—A contest whereby individuals engage in competitive slot machine play against other individuals utilizing points.

§ 464a.2. Conduct of a slot machine tournament.

(a) Slot machine tournaments may not be played with cash, value chips, plaques, gaming vouchers or other cash equivalents.

(b) A slot machine licensee may charge an entry fee to participate in a slot machine tournament. A slot machine licensee that charges an entry fee shall submit electronically to the Department of Revenue a Slot Tournament Revenue Report by 10 a.m. on the day following the conclusion of the tournament.

(c) A slot machine licensee that wishes to conduct a slot machine tournament shall submit for Executive Director approval notice of intent to conduct a slot machine tournament at least 10 days prior to the start of the tournament. The notice must be submitted electronically to the Bureau of Gaming Operations using the Internal Controls & Table Games Submission Form, which is posted on the Board's web site, and include the following:

- (1) A general description of how the slot machine tournament will be conducted and a copy of the rules governing play.
- (2) The dates and times that the tournament will be conducted.
- (3) Participation eligibility requirements including:
 - (i) Who is eligible to participate.
 - (ii) The minimum and maximum number of participants.
 - (iii) Entry fees charged.
- (4) The criteria used to determine the winners.
- (5) The monetary amount or description of the prizes to be awarded.
- (6) The details of when and how the prizes will be awarded.
- (7) The asset and gaming floor plan location numbers of the slot machines that will be used to conduct the slot machine tournament.
- (8) How the slot machine tournament area will be segregated from patrons who are not participating in the slot machine tournament.

(d) In addition to filing a notice required under subsection (c), a slot machine licensee shall submit a copy of the notice to the casino compliance representatives at the licensed facility, the Bureau of Gaming Laboratory Operations and the Department of Revenue.

(e) Advertising to promote a slot machine tournament must, at a minimum:

(1) Comply with the advertising requirements in Chapter 421b (relating to advertising guidelines—statement of policy) and § 421a.6 (relating to advertising).

(2) Contain information on who is eligible to participate.

(3) Include a copy of the slot machine tournament rules or state how a copy of the rules may be obtained.

(f) A slot machine used for a slot machine tournament must:

(1) Use tournament software authorized by the Bureau of Gaming Laboratory Operations in accordance with § 461a.4 (relating to submission for testing and approval).

(2) Maintain connectivity with the Central Control Computer System (CCS).

(3) Have the functionality of the bill validator, ticket printer and electronic funds transfer meters disabled during the slot machine tournament so that the slot machine does not accept cash or credits or make payouts during tournament play.

(g) A slot machine used in a slot machine tournament may not be made available for play to individuals entered in the tournament until the Bureau of Gaming Laboratory Operations has completed an initial test of the tournament software and has authorized the slot machine for tournament play.

(h) Before and after slot machine tournament, the slot machine licensee shall:

(1) Receive approval from the onsite CCR to place the slot machine in and take it out of tournament mode.

(2) Ensure that the CCS has recorded all meter settings on all slot machines used in the tournament.

(i) A slot machine licensee shall maintain records related to the conduct of a slot machine tournament in accordance with § 465a.6(c) (relating to retention, storage and destruction of books, records and documents). These records shall be made available to Board staff, the Department and the Pennsylvania State Police upon request and must include:

- (1) A copy of the notice required under subsection (d).
- (2) The names and addresses of all prize winners and the prize each winner was awarded.

CHAPTER 465a. ACCOUNTING AND INTERNAL CONTROLS

§ 465a.2. Internal control systems and audit protocols.

* * * * *

(f) If a slot machine licensee intends to make a change or amendment to its system of internal controls, it shall submit the change or amendment electronically to the Bureau of Gaming Operations using the Internal Controls & Table Games Submission Form posted on the Board's web site. A request for a change or amendment must include electronic copies of the attestations required under subsection (b)(1) and (2). The slot machine licensee may implement the change or amendment on the 30th calendar day following the filing of a complete submission unless the slot machine licensee receives written notice tolling the change or amendment in accordance with subsection (g) or written notice from the Board's Executive Director rejecting the change or amendment.

* * * * *

§ 465a.19. Acceptance of tips or gratuities from patrons.

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(d) A patron may identify a wager as a tip wager. A tip wager placed at the table shall be played separately from the player's other wagers. A winning tip wager shall be collected and deposited in the tip box after each round of play or after a roll of the dice which decides the outcome of the wager. A winning tip wager or part of a winning tip wager may not be wagered again. Upon receipt from a patron of a tip or gratuity, a dealer shall extend his arm in an overt motion, and deposit the tip or gratuity in the locked box reserved for tips and gratuities.

* * * * *

§ 465a.33. Access to areas containing central control computer equipment.

A slot machine licensee shall develop and submit to the Board and the Department, as part of the submission required under § 465a.2 (relating to internal control systems and audit protocols), procedures for safeguarding and limiting access to the central control computer (CCC) equipment housed within the licensed facility. At a minimum, these procedures must include the following requirements:

- (1) The area containing CCC equipment must:
 - (i) Be secured with a manual key lock system, the keys to which must be different from any other keys used in the licensed facility.
 - (ii) Have a door that when opened audibly signals the surveillance monitoring room.
 - (iii) Have adequate surveillance camera coverage to record all activity in the area.
- (2) Access to the area containing the CCC system equipment may not be permitted unless prior arrangements have been made with the Department and the operator of the CCC system.
- (3) All keys which access the area containing CCC equipment shall be maintained by the slot machine licensee's security department. The keys may only be signed out by a security supervisor or above to employees of the Department or the operator of the CCC system who are on the authorized access list. The authorized access list shall be obtained from the Department and made available to the casino compliance representatives and the director of security at the licensed facility. A verbal notification shall be made to the surveillance monitoring room, the operator of the CCC system and the casino compliance representatives at the licensed facility prior to signing out the keys.
- (4) The slot machine licensee shall maintain an access log for the area containing CCC equipment. The log shall be maintained in a book with bound numbered pages that cannot be readily removed and placed in close proximity to the CCC equipment. Casino compliance representatives at the licensed facility may review the log upon request to the Department and the operator of the CCC system. The log shall be stored and retained in accordance with § 465a.6 (relating to retention, storage and destruction of books, records and documents). The following information shall be recorded in a log:
 - (i) The date and time of each entry.
 - (ii) The entering individual's name, Board-issued credential number and department or affiliation.

(iii) The reason for entering the area containing CCC equipment.

(iv) The name of the individual authorizing entry into the area containing CCC equipment.

(v) The date and time of exiting the area containing the CCC equipment.

(5) Individuals who are not authorized to have access to the area containing CCC equipment may only be granted access for emergency situations requiring environmental adjustments, such as electrical, plumbing or HVAC malfunctions, with a security escort. When emergency access is granted, the slot machine licensee shall provide notice immediately to the Department, the operator of the CCC system and the casino compliance representatives at the licensed facility prior to permitting entry to the area containing CCC equipment.

Subpart K. TABLE GAMES

CHAPTER 607a. POSSESSION OF TABLE GAMES AND TABLE GAME DEVICES

Sec.

- 607a.1. Transportation of table games and table game devices into, within and out of this Commonwealth.
- 607a.2. Table game device master list.
- 607a.3. Off premises storage of table games and table game devices.

§ 607a.1. Transportation of table games and table game devices into, within and out of this Commonwealth.

(a) Prior to the transport or movement of table games and table game devices into, within or out of this Commonwealth, the persons causing the table games and table game devices to be transported or moved shall notify the Bureau of Gaming Laboratory Operations and the Bureau of Casino Compliance in writing or in an electronic format approved by Board staff. The notice shall be submitted no later than the day the table games or table game devices are transported and must include the following:

- (1) The name and address of the person shipping or moving the table games or table game devices.
- (2) The name and address of the person who owns the table games or table game devices if different from the person shipping or moving table games or table game devices.
- (3) The name and address of the new owner if ownership is being changed in conjunction with the shipment or movement.
- (4) The method of shipment or movement and the name and address of the common carrier, if applicable.
- (5) The name and address of the person to whom the table games or table game devices are being sent and the destination of the table games or table game devices, if different from that address.
- (6) The quantity of table games or table game devices being shipped or moved and the manufacturer's serial number, if applicable, for each table game or table game device.
- (7) The expected date and time of delivery to, or removal from, an authorized location within this Commonwealth.

(8) The port of entry or exit, if any, of the table games or table game devices if the origin or destination of the table games or table game devices is outside of the continental United States.

(9) The reason for transporting or moving the table games or table game devices.

(b) In addition to the requirements in subsection (a), if a certificate holder is shipping table games or table game devices to or from the certificate holder's off-premises storage location, the certificate holder shall comply with the requirements in subsection (a). If a table game or table game device is being transported to the licensed facility from the certificate holder's office-premises storage location, the certificate holder shall specify in the notice required under subsection (a) whether the table game or table game device will be placed directly onto the gaming floor or stored off the gaming floor in a restricted area within the licensed facility.

§ 607a.2. Table game device master list.

(a) Prior to commencement of table game operations at a licensed facility, a table games certificate holder shall file with the Bureau of Gaming Laboratory Operations and the Bureau of Casino Compliance, in an electronic format approved by the Bureau of Gaming Laboratory Operations, a Gaming Floor Table Game Device Master List and a Restricted Area/Off Premises Table Game Device Master List for the following table game devices:

(1) Electronic gaming tables as described in § 605a.4 (relating to electronic gaming tables).

(2) Progressive table game systems as described in § 605a.7 (relating to progressive table game systems).

(3) Automated card shuffling devices as described in § 603a.17 (relating to dealing shoes; automated card shuffling devices).

(4) Electronic dealing shoes as described in § 603a.17.

(5) Electronic wagering systems as described in § 605a.2 (relating to electronic wagering systems)

(6) Any other mechanical, electrical or computerized contrivance, terminal or machine required to be submitted to the Bureau of Gaming Laboratory Operators for testing and approval in accordance with Chapter 461a (relating to slot machine and table game device testing and control).

(b) The Gaming Floor Table Game Device Master List and the Restricted Area/Off Premises Table Game Device Master List must contain the following information:

(1) The date the list was prepared.

(2) A description of each table game device listed in subsection (a) which includes:

(i) The pit number or location on the gaming floor, restricted area of the licensed facility or other approved storage location.

(ii) The asset number or table game type, or both, that the device is connected to.

(iii) The manufacturer.

(iv) The manufacturer's serial number.

(v) The software/program identification.

(vi) If the device is a progressive:

(A) The name of the progressive controller type.

(B) The name and version of the progressive software.

(3) Identify if the fully automated, electronic or live gaming table on the gaming floor utilizes a progressive table game system in accordance with § 605a.7 to offer a progressive jackpot and, if so, identify all other tables that are linked to the same progressive jackpot.

(c) In conjunction with the Gaming Floor and Restricted Area/Off Premises Slot Machine and Fully Automated Electronic Gaming Table Master List filed in accordance with § 463a.5(g) (relating to slot machine and fully automated electronic gaming table master lists), on the first Tuesday of each month, a certificate holder shall file with the Bureau of Gaming Laboratory Operations an updated Gaming Floor Table Game Device Master List and Restricted Area/Off Premises Table Game Device Master List containing the information required under subsection (b). The Gaming Floor Table Game Device Master List and the Restricted Area/Off Premises Table Game Device Master List shall be filed in an electronic format with the Bureau of Gaming Laboratory Operations.

§ 607a.3. Off premises storage of table games and table game devices.

(a) A certificate holder may not store table games or table game devices off the premises of a licensed facility without prior approval from the Board's Executive Director.

(b) A slot machine licensee seeking to store table games and table game devices off the premises of a licensed facility shall submit a written request to the Bureau of Gaming Operations for off premise storage. The written request must include:

(1) The location and a physical description of the proposed storage facility.

(2) A description of the type of surveillance system that has been or will be installed at the proposed storage facility.

(3) The plan to provide 24-hour, 7-day a week security at the proposed storage facility.

(4) The anticipated number of table games or table game devices that may be stored at the proposed storage facility.

(c) Before the Board's Executive Director will act on a request for off premise storage of table games or table game devices, the Director of Casino Compliance will inspect the proposed storage facility.

(d) The Board's Executive Director will approve or disapprove requests within 60 days. Approved requests may be subject to specific terms and conditions imposed by the Board's Executive Director.

CHAPTER 627a. MINIBACCARAT

§ 627a.1. Definitions.

The following words and terms, when used in this chapter, have the following meanings, unless the context clearly indicates otherwise:

Dragon 7—A Banker's Hand which has a Point Count of 7 with a total of three cards dealt and the Player's Hand which has a Point Count of less than 7.

EZ Baccarat—A variation of Minibaccarat in which vigorish is not collected.

Natural—A hand which has a Point Count of 8 or 9 on the first two cards dealt.

Panda 8—A Player's Hand which has a Point Count of 8 with a total of three cards dealt and the Banker's Hand which has a Point Count of less than 8.

§ 627a.2. Minibaccarat table physical characteristics.

(a) Minibaccarat shall be played on a table having numbered positions for no more than nine seated players on one side of the table and a place for the dealer on the opposite side of the table.

(b) The layout for a Minibaccarat table shall be submitted to the Bureau of Gaming Operations and approved in accordance with § 601a.10(a) (relating to approval of table game layouts, signage and equipment) and contain, at a minimum:

- (1) The name or logo of the certificate holder.
- (2) Separate areas designated for the placement of wagers on the Banker's Hand, Player's Hand and Tie Hand for each player.
- (3) The payout odds for all permissible wagers offered by the certificate holder. If the payout odds are not inscribed on the layout, a sign identifying the payout odds shall be posted at each Minibaccarat table.
- (4) An area designated for the placement of cards for the Player's Hand and Banker's Hand.
- (5) If a certificate holder offers the Dragon Bonus Wager authorized under § 627a.7(a)(4) (relating to wagers), separate areas designated for the placement of the Dragon Bonus Wager for each player.
- (6) If a certificate holder offers EZ Baccarat in which vigorish is not collected:
 - (i) Separate areas designated for the placement of the Dragon 7 Insurance Wager, authorized under § 627a.7(a)(5), for each player.
 - (ii) Inscriptions that advise patrons that a wager on the Banker's Hand that results in a Dragon 7 shall push and be returned to the player. If the information is not inscribed on the layout, a sign containing the information shall be posted at each Minibaccarat table.
 - (iii) Separate areas designated for the placement of the Panda 8 Insurance Wager, authorized under § 627a.7(a)(6), for each player.
- (7) If a certificate holder offers the House Money Wager, authorized under § 627a.7(a)(7), separate areas designated for the placement of the House Money Wager for each player.
- (8) Numbered areas that correspond to the seat numbers for the purpose of marking vigorish unless the dealer, in accordance with the option selected in the certificate holder's Rules Submission under § 601a.2 (relating to table games Rules Submissions), collects the vigorish from a player at the time the winning payout is made or the table is designated for play as an EZ Baccarat table in which vigorish is not collected.

(c) If marker buttons are used for the purpose of marking vigorish, the marker buttons shall be placed in the table inventory container or in a separate rack designed for the purpose of storing marker buttons. If a separate rack is used, the rack shall be placed in front of the table inventory container during gaming activity.

(d) Each Minibaccarat table must have a drop box and a tip box attached on the same side of the gaming table as, but on opposite sides of, the dealer, as approved by the Bureau of Casino Compliance in accordance with § 601a.10(g). The Bureau of Casino Compliance may approve an alternative location for the tip box when a card shuffling device or other table game equipment

prevents the placement of the drop box and tip box on the same side of the gaming table as, but on opposite sides of, the dealer.

(e) Each Minibaccarat table must have a discard rack securely attached to the top of the dealer's side of the table.

§ 627a.7. Wagers.

(a) The following are permissible wagers in the game of Minibaccarat:

(1) A wager on the Banker's Hand which shall:

(i) Win if the Banker's Hand has a Point Count higher than that of the Player's Hand unless EZ Baccarat is being played and the Point Counts of the Banker's Hand and the Player's Hand result in a Dragon 7.

(ii) Lose if the Banker's Hand has a Point Count lower than that of the Player's Hand.

(iii) Tie and be returned to the player if the Banker's Hand and the Player's Hand have the same Point Count or if EZ Baccarat is being played and the Point Counts of the Banker's Hand and the Player's Hand result in a Dragon 7.

(2) A wager on the Player's Hand which shall:

(i) Win if the Player's Hand has a Point Count higher than that of the Banker's Hand and if EZ Baccarat is being played and the Point Counts of the Player's Hand and the Dealer's Hand result in a Panda 8.

(ii) Lose if the Player's Hand has a Point Count lower than that of the Banker's Hand or if EZ Baccarat is being played and the Point Counts of the Banker's Hand and the Player's Hand result in a Dragon 7.

(iii) Tie and be returned to the player if the Point Counts of the Banker's Hand and the Player's Hand are equal.

(3) A Tie Wager which shall:

(i) Win if the Point Counts of the Banker's Hand and the Player's Hand are equal.

(ii) Lose if Point Counts of the Banker's Hand and the Player's Hand are not equal.

(4) If offered by a certificate holder, a Dragon Bonus Wager on the Player's Hand or Banker's Hand, or both, which shall:

(i) Win if the selected hand is:

(A) A Natural and the other hand is not a Natural.

(B) A Natural 9 and the other hand is a Natural 8.

(C) Not a Natural and has a Point Count that exceeds the Point Count of the other hand by four or more points.

(ii) Lose if the selected hand is:

(A) A Natural 8 and the other hand is a Natural 9.

(B) Not a Natural and has a Point Count less than or equal to the Point Count of the other hand.

(C) Not a Natural and has a Point Count that exceeds the Point Count of the other hand by less than four points.

(iii) Tie and be returned to the player if the selected hand is a Natural and the other hand is a Natural of equal Point Count.

(5) A Dragon 7 Insurance Wager, if the table is designated for play as an EZ Baccarat table, which shall:

(i) Win if the Point Counts of the Banker's Hand and the Player's Hand result in a Dragon 7.

(ii) Lose if the Point Counts of the Banker's Hand and the Player's Hand do not result in a Dragon 7.

(6) A Panda 8 Insurance Wager, if the table is designated for play as an EZ Baccarat table, which shall:

(i) Win if the Point Counts of the Player's Hand and the Dealer's Hand result in a Panda 8.

(ii) Lose if the Point Counts of the Player's Hand and the Dealer's Hand do not result in a Panda 8.

(7) If offered by a certificate holder, a House Money Wager which shall:

(i) Win if the first two cards of either the Player's Hand or Banker's Hand, or both, are a pair. For purposes of the House Money Wager, a pair must be of same rank (two queens, for example), regardless of suit.

(ii) Lose if in the first two cards dealt to the player's hand and the banker's hand, neither the player's hand nor the banker's hand contains a pair.

(b) Wagers at Minibaccarat shall be made by placing value chips or plaques on the appropriate areas of the Minibaccarat layout. Verbal wagers accompanied by cash may be accepted provided that they are confirmed by the dealer and the cash is expeditiously converted into value chips or plaques.

(c) A wager may not be made, increased or withdrawn after the dealer has announced "no more bets."

§ 627a.11. Announcement of result of round; payment and collection of wagers.

(a) After each hand has received all the cards to which it is entitled under §§ 627a.8, 627a.9 and 627a.10 (relating to hands of player and banker; procedure for dealing initial two cards to each hand; procedure for dealing a third card; and rules for determining whether a third card shall be dealt), the dealer shall announce the final Point Count of each hand indicating which hand has won the round. If two hands have equal Point Counts, the dealer shall announce "tie hand." If the table is designated for play as an EZ Baccarat table and the Point Counts of the Banker's Hand and the Player's Hand result in a Dragon 7 or a Panda 8, the dealer shall announce "Dragon 7" or "Panda 8."

(b) After the result of the round is announced, the dealer shall first collect each losing wager. After the losing wagers are collected, the dealer shall, starting at the highest numbered player position at which a winning wager is located, mark or collect the vigorish owed by that player, unless the table is designated for play as an EZ Baccarat table in which vigorish is not collected. Immediately thereafter, the dealer shall pay that player's winning wager and then, proceeding in descending order to the next highest numbered player position at which a winning wager is located, repeat this procedure until the vigorish owed by each player is either marked or collected and each winning wager is paid.

(c) At the conclusion of a round of play, the dealer shall remove all cards from the table and place them in the discard rack in a manner that permits the reconstruction of each hand in the event of a question or dispute.

§ 627a.12. Payout odds; vigorish.

(a) A winning wager made on the Player's Hand shall be paid at odds of 1 to 1.

(b) A winning Tie Wager shall be paid at odds of at least 8 to 1.

(c) A winning wager made on the Banker's Hand shall be paid at odds of 1 to 1, except that the certificate holder shall extract a vigorish from the winning players in an amount equal to 5% of the amount won unless the certificate holder is offering EZ Baccarat in which vigorish is not collected. When collecting the vigorish, the certificate holder may round off the vigorish to 25¢ or the next highest multiple of 25¢.

(d) A dealer shall collect the vigorish from a player in accordance with one of the following procedures selected by the certificate holder in its Rules Submission under § 601a.2 (relating to table games Rules Submissions):

(1) At the time the winning payout is made.

(2) At a later time, provided that:

(i) The outstanding vigorish shall be collected prior to the reshuffling of the cards in a dealing shoe or when the player leaves the gaming table, whichever occurs first.

(ii) The amount of the vigorish shall be tracked by placing a coin or marker button, which contains the amount of the vigorish owed, in the rectangular space on the layout that is imprinted with the number of the player owing the vigorish.

(iii) The coin or marker button may not be removed from the layout until the vigorish owed is collected.

(e) If a certificate holder offers the Dragon Bonus Wager, in accordance with § 627a.7(a)(4) (relating to wagers), a vigorish may not be extracted on a winning Dragon Bonus Wager. Winning Dragon Bonus Wagers shall be paid out at the odds in one of the following paytables selected by the certificate holder in its Rules Submission filed in accordance with § 601a.2:

<i>Hand</i>	<i>Paytable A</i>	<i>Paytable B</i>	<i>Paytable C</i>
Win by 9 points	30 to 1	20 to 1	30 to 1
Win by 8 points	10 to 1	8 to 1	10 to 1
Win by 7 points	6 to 1	7 to 1	4 to 1
Win by 6 points	4 to 1	4 to 1	4 to 1
Win by 5 points	2 to 1	3 to 1	2 to 1
Win by 4 points	1 to 1	1 to 1	2 to 1
Natural winner	1 to 1	1 to 1	1 to 1
Natural tie	Push	Push	Push

(f) A winning Dragon 7 Insurance Wager, as described in § 627a.7(a)(5), shall be paid at odds of 40 to 1.

(g) A winning Panda 8 Insurance Wager, as described in § 627a.7(a)(6), shall be paid at odds of 25 to 1.

(h) If a certificate holder offers the House Money Wager and the player elects to take the payout, the player shall be paid in accordance with the following payable:

<i>Hand</i>	<i>Odds</i>
Player and Banker Pair	15 to 1
Player or Banker Pair	3 to 1

CHAPTER 629a. MIDIBACCARAT

§ 629a.1. Definitions.

The following words and terms, when used in this chapter, have the following meanings, unless the context clearly indicates otherwise:

Dragon 7—A Banker's Hand which has a Point Count of 7 with a total of three cards dealt and the Player's Hand which has a Point Count of less than 7.

EZ Baccarat—A variation of Midibaccarat in which vigorish is not collected.

Natural—A hand which has a Point Count of 8 or 9 on the first two cards dealt.

Panda 8—A Player's Hand which has a Point Count of 8 with a total of three cards dealt and the Banker's Hand which has a Point Count of less than 8.

§ 629a.2. Midibaccarat table physical characteristics.

(a) Midibaccarat shall be played on a table having numbered positions for no more than nine seated players on one side of the table and a place for the dealer on the opposite side of the table.

(b) The layout for a Midibaccarat table shall be submitted to the Bureau of Gaming Operations and approved in accordance with § 601a.10(a) (relating to approval of table game layouts, signage and equipment) and contain, at a minimum:

- (1) The name or logo of the certificate holder.
- (2) Separate areas designated for the placement of wagers on the Banker's Hand, Player's Hand and Tie Hand for each player.
- (3) The payout odds for all permissible wagers offered by the certificate holder. If the payout odds are not inscribed on the layout, a sign identifying the payout odds shall be posted at each Midibaccarat table.
- (4) An area designated for the placement of cards for the Player's Hand and Banker's Hand.
- (5) If a certificate holder offers the Dragon Bonus Wager, authorized under § 629a.7(a)(4) (relating to wagers), separate areas designated for the placement of the Dragon Bonus Wager for each player.
- (6) If a certificate holder offers EZ Baccarat in which vigorish is not collected:
 - (i) Separate areas designated for the placement of the Dragon 7 Insurance Wager, authorized under § 629a.7(a)(5), for each player.
 - (ii) Inscriptions that advise patrons that a wager on the Banker's Hand that results in a Dragon 7 shall push and be returned to the player. If the information is not inscribed on the layout, a sign containing the information shall be posted at each Midibaccarat table.
 - (iii) Separate areas designated for the placement of the Panda 8 Insurance Wager, authorized under § 629a.7(a)(6), for each player.
- (7) If a certificate holder offers the House Money Wager, authorized under § 629a.7(a)(7), separate areas designated for the placement of the House Money Wager for each player.
- (8) Numbered areas that correspond to the seat numbers for the purpose of marking vigorish unless the dealer, in accordance with the option selected in the certificate holder's Rules Submission under § 601a.2 (relating to table games Rules Submissions), collects the vigorish from a player at the time the winning payout is made or the table is designated for play as an EZ Baccarat table in which vigorish is not collected.

(c) If marker buttons are used for the purpose of marking vigorish, the marker buttons shall be placed in the table inventory container or in a separate rack designed for the purpose of storing marker buttons. If a separate rack is used, the rack shall be placed in front of the table inventory container during gaming activity.

(d) Each Midibaccarat table must have a drop box and a tip box attached on the same side of the gaming table as, but on opposite sides of, the dealer, as approved by the Bureau of Casino Compliance in accordance with § 601a.10(g). The Bureau of Casino Compliance may approve an alternative location for the tip box when a card shuffling device or other table game equipment prevents the placement of the drop box and tip box on the same side of the gaming table as, but on opposite sides of, the dealer.

(e) Each Midibaccarat table must have a discard bucket on the dealer's side of the table.

§ 629a.7. Wagers.

(a) The following are permissible wagers in the game of Midibaccarat:

(1) A wager on the Banker's Hand which shall:

(i) Win if the Banker's Hand has a Point Count higher than that of the Player's Hand unless EZ Baccarat is being played and the Point Counts of the Banker's Hand and the Player's Hand result in a Dragon 7.

(ii) Lose if the Banker's Hand has a Point Count lower than that of the Player's Hand.

(iii) Tie and be returned to the player if the Banker's Hand and the Player's Hand have the same Point Count or if EZ Baccarat is being played and the Point Counts of the Banker's Hand and the Player's Hand result in a Dragon 7.

(2) A wager on the Player's Hand which shall:

(i) Win if the Player's Hand has a Point Count higher than that of the Banker's Hand and if EZ Baccarat is being played and the Point Counts of the Player's Hand and the Dealer's Hand result in a Panda 8.

(ii) Lose if the Player's Hand has a Point Count lower than that of the Banker's Hand or if EZ Baccarat is being played and the Point Counts of the Banker's Hand and the Player's Hand result in a Dragon 7.

(iii) Tie and be returned to the player if the Point Counts of the Banker's Hand and the Player's Hand are equal.

(3) A Tie Wager which shall:

(i) Win if the Point Counts of the Banker's Hand and the Player's Hand are equal.

(ii) Lose if Point Counts of the Banker's Hand and the Player's Hand are not equal.

(4) If offered by a certificate holder, a Dragon Bonus Wager on the Player's Hand or Banker's Hand, or both, which shall:

(i) Win if the selected hand is:

(A) A Natural and the other hand is not a Natural.

(B) A Natural 9 and the other hand is a Natural 8.

(C) Not a Natural and has a Point Count that exceeds the Point Count of the other hand by four or more points.

(ii) Lose if the selected hand is:

(A) A Natural 8 and the other hand is a Natural 9.

(B) Not a Natural and has a Point Count less than or equal to the Point Count of the other hand.

(C) Not a Natural and has a Point Count that exceeds the Point Count of the other hand by less than four points.

(iii) Tie and be returned to the player if the selected hand is a Natural and the other hand is a Natural of equal Point Count.

(5) A Dragon 7 Insurance Wager, if the table is designated for play as an EZ Baccarat table, which shall:

(i) Win if the Point Counts of the Banker's Hand and the Player's Hand result in a Dragon 7.

(ii) Lose if the Point Counts of the Banker's Hand and the Player's Hand do not result in a Dragon 7.

(6) A Panda 8 Insurance Wager, if the table is designated for play as an EZ Baccarat table, which shall:

(i) Win if the Point Counts of the Player's Hand and the Dealer's Hand result in a Panda 8.

(ii) Lose if the Point Counts of the Player's Hand and the Dealer's Hand do not result in a Panda 8.

(7) If offered by a certificate holder, a House Money Wager which shall:

(i) Win if the first two cards of either the Player's Hand or Banker's Hand, or both, are a pair. For purposes of the House Money Wager, a pair must be of same rank (two queens, for example), regardless of suit.

(ii) Lose if in the first two cards dealt to the player's hand and the banker's hand, neither the player's hand nor the banker's hand contains a pair.

(b) Wagers at Midibaccarat shall be made by placing value chips or plaques on the appropriate areas of the Midibaccarat layout. Verbal wagers accompanied by cash may be accepted provided that the verbal wagers are confirmed by the dealer and the cash is expeditiously converted into value chips or plaques.

(c) A wager may not be made, increased or withdrawn after the dealer has announced "no more bets."

§ 629a.11. Announcement of result of round; payment and collection of wagers.

(a) After each hand has received all the cards to which it is entitled under §§ 629a.8, 629a.9 and 629a.10 (relating to hands of player and banker; procedure for dealing initial two cards to each hand; procedure for dealing a third card; and rules for determining whether a third card shall be dealt), the dealer shall announce the final Point Count of each hand indicating which hand has won the round. If two hands have equal Point Counts, the dealer shall announce "tie hand." If the table is designated for play as an EZ Baccarat table and the Point Counts of the Banker's Hand and the Player's Hand result in a Dragon 7 or a Panda 8, the dealer shall announce "Dragon 7" or "Panda 8."

(b) After the result of the round is announced, the dealer shall first collect each losing wager. After the losing wagers are collected, the dealer shall, starting at the highest numbered player position at which a winning wager is located, mark or collect the vigorish owed by that player, unless the table is designated for play as an EZ Baccarat table in which vigorish is not collected. Immediately thereafter, the dealer shall pay that player's winning wager and then, proceeding in descending order to the next highest numbered player position at which a winning wager is located, repeat this procedure until the vigorish owed by each player is either marked or collected and each winning wager is paid.

(c) At the conclusion of a round of play, the dealer shall remove all cards from the table and place the cards in the discard bucket.

§ 629a.12. Payout odds; vigorish.

(a) A winning wager made on the Player's Hand shall be paid at odds of 1 to 1.

(b) A winning Tie Wager shall be paid at odds of at least 8 to 1.

(c) A winning wager made on the Banker's Hand shall be paid at odds of 1 to 1, except that the certificate holder shall extract a vigorish from the winning players in an amount equal to 5% of the amount won unless the certificate holder is offering EZ Baccarat in which vigorish is not collected. When collecting the vigorish, the certificate holder may round off the vigorish to 25¢ or the next highest multiple of 25¢.

(d) A dealer shall collect the vigorish from a player in accordance with one of the following procedures selected by the certificate holder in its Rules Submission under § 601a.2 (relating to table games Rules Submissions):

(1) At the time the winning payout is made.

(2) At a later time, provided that:

(i) The outstanding vigorish shall be collected prior to beginning play with a new dealing shoe of cards or when the player leaves the gaming table, whichever occurs first.

(ii) The amount of the vigorish shall be tracked by placing a coin or marker button, which contains the amount of the vigorish owed, in the rectangular space on the layout that is imprinted with the number of the player owing the vigorish.

(iii) The coin or marker button may not be removed from the layout until the vigorish owed is collected.

(e) If a certificate holder offers the Dragon Bonus Wager, in accordance with § 629a.7(a)(4) (relating to wagers), a vigorish may not be extracted on a winning Dragon Bonus Wager. Winning Dragon Bonus Wagers shall be paid out at the odds in one of the following paytables selected by the certificate holder in its Rules Submission filed in accordance with § 601a.2:

Hand	Paytable A	Paytable B	Paytable C
Win by 9 points	30 to 1	20 to 1	30 to 1
Win by 8 points	10 to 1	8 to 1	10 to 1
Win by 7 points	6 to 1	7 to 1	4 to 1
Win by 6 points	4 to 1	4 to 1	4 to 1
Win by 5 points	2 to 1	3 to 1	2 to 1
Win by 4 points	1 to 1	1 to 1	2 to 1
Natural winner	1 to 1	1 to 1	1 to 1
Natural tie	Push	Push	Push

(f) A winning Dragon 7 Insurance Wager, as described in § 629a.7(a)(5), shall be paid at odds of 40 to 1.

(g) A winning Panda 8 Insurance Wager, as described in § 629a.7(a)(6), shall be paid at odds of 25 to 1.

(h) If a certificate holder offers the House Money Wager and the player elects to take the payout, the player shall be paid in accordance with the following paytable:

Hand	Odds
Player and Banker Pair	15 to 1
Player or Banker Pair	3 to 1

CHAPTER 631a. BACCARAT

§ 631a.1. Definitions.

The following words and terms, when used in this chapter, have the following meanings, unless the context clearly indicates otherwise:

Curator—The player who accepts the dealing shoe and who is responsible for dealing the cards in accordance with this chapter and the instructions of the dealer calling the game.

Dragon 7—A Banker's Hand which has a Point Count of 7 with a total of three cards dealt and the Player's Hand which has a Point Count of less than 7.

EZ Baccarat—A variation of Baccarat in which vigorish is not collected.

Natural—A hand which has a Point Count of 8 or 9 on the first two cards dealt.

Panda 8—A Player's Hand which has a Point Count of 8 with a total of three cards dealt and the Banker's Hand which has a Point Count of less than 8.

§ 631a.2. Baccarat table physical characteristics.

(a) Baccarat shall be played on a table having numbered positions for 10 to 14 seated players.

(b) The layout for a Baccarat table shall be submitted to the Bureau of Gaming Operations and approved in accordance with § 601a.10(a) (relating to approval of table layouts, signage and equipment) and contain, at a minimum:

- (1) The name or logo of the certificate holder.
- (2) Separate areas designated for the placement of wagers on the Banker's Hand, Player's Hand and Tie Hand for each player.
- (3) The payout odds for all permissible wagers offered by the certificate holder. If the payout odds are not inscribed on the layout, a sign identifying the payout odds shall be posted at each Baccarat table.
- (4) An area designated for the placement of cards for the Player's Hand and Banker's Hand.
- (5) If a certificate holder offers the Dragon Bonus Wager, authorized under § 631a.8(a)(4) (relating to wagers), separate areas designated for the placement of the Dragon Bonus Wager for each player.
- (6) If a certificate holder offers EZ Baccarat:
 - (i) Separate areas designated for the placement of the Dragon 7 Insurance Wager, authorized under § 631a.8(a)(5), for each player.
 - (ii) Inscriptions that advise patrons that a wager on the Banker's Hand that results in a Dragon 7 shall push and be returned to the player. If the information is not inscribed on the layout, a sign containing the information must be posted at each Baccarat table.
 - (iii) Separate areas designated for the placement of the Panda 8 Insurance Wager, authorized under § 631a.8(a)(6), for each player.
- (7) If a certificate holder offers the House Money Wager, authorized under § 631a.8(a)(7), separate areas designated for the placement of the House Money Wager for each player.
- (8) Numbered areas that correspond to the seat numbers for the purpose of marking vigorish unless the dealer, in accordance with the option selected in the certificate holder's Rules Submission under § 601a.2 (relating to table games Rules Submissions), collects the vigorish from a player at the time the winning payout is made or the table is designated for play as an EZ Baccarat table in which vigorish is not collected.

(c) If marker buttons are used for the purpose of marking vigorish, the marker buttons shall be placed in the table inventory container or in a separate rack designed for the purpose of storing marker buttons. If a separate rack is used, the rack shall be placed in front of the table inventory container during gaming activity.

(d) Each Baccarat table must have a drop box and a tip box attached on the same side of the gaming table as, but on opposite sides of, the dealer, as approved by the Bureau of Casino Compliance in accordance with § 601a.10(g). The Bureau of Casino Compliance may approve an alternative location for the tip box when a card shuffling device or other table game equipment prevents the placement of the drop box and tip box on the same side of the gaming table as, but on opposite sides of, the dealer.

(e) Each Baccarat table must have a discard bucket on dealer's side of the table.

§ 631a.8. Wagers.

(a) The following are permissible wagers in the game of Baccarat:

(1) A wager on the Banker's Hand which shall:

(i) Win if the Banker's Hand has a Point Count higher than that of the Player's Hand unless EZ Baccarat is being played and the Point Counts of the Banker's Hand and the Player's Hand result in a Dragon 7.

(ii) Lose if the Banker's Hand has a Point Count lower than that of the Player's Hand.

(iii) Tie and be returned to the player if the Banker's Hand and the Player's Hand have the same Point Count or if EZ Baccarat is being played and the Point Counts of the Banker's Hand and the Player's Hand result in a Dragon 7.

(2) A wager on the Player's Hand which shall:

(i) Win if the Player's Hand has a Point Count higher than that of the Banker's Hand and if EZ Baccarat is being played and the Point Counts of the Player's Hand and the Dealer's Hand result in a Panda 8.

(ii) Lose if the Player's Hand has a Point Count lower than that of the Banker's Hand or if EZ Baccarat is being played and the Point Counts of the Banker's Hand and the Player's Hand result in a Dragon 7.

(iii) Tie and be returned to the player if the Point Counts of the Banker's Hand and the Player's Hand are equal.

(3) A Tie Wager which shall:

(i) Win if the Point Counts of the Banker's Hand and the Player's Hand are equal.

(ii) Lose if Point Counts of the Banker's Hand and the Player's Hand are not equal.

(4) If offered by a certificate holder, a Dragon Bonus Wager on the Player's Hand or Banker's Hand, or both, which shall:

(i) Win if the selected hand is:

(A) A Natural and the other hand is not a Natural.

(B) A Natural 9 and the other hand is a Natural 8.

(C) Not a Natural and has a Point Count that exceeds the Point Count of the other hand by four or more points.

(ii) Lose if the selected hand is:

(A) A Natural 8 and the other hand is a Natural 9.

(B) Not a Natural and has a Point Count less than or equal to the Point Count of the other hand.

(C) Not a Natural and has a Point Count that exceeds the Point Count of the other hand by less than four points.

(iii) Tie and be returned to the player if the selected hand is a Natural and the other hand is a Natural of equal Point Count.

(5) A Dragon 7 Insurance Wager, if the table is designated for play as an EZ Baccarat table, which shall:

(i) Win if the Point Counts of the Banker's Hand and the Player's Hand result in a Dragon 7.

(ii) Lose if the Point Counts of the Banker's Hand and the Player's Hand do not result in a Dragon 7.

(6) A Panda 8 Insurance Wager, if the table is designated for play as an EZ Baccarat table, which shall:

(i) Win if the Point Counts of the Player's Hand and the Dealer's Hand result in a Panda 8.

(ii) Lose if the Point Counts of the Player's Hand and the Dealer's Hand do not result in a Panda 8.

(7) If offered by a certificate holder, a House Money Wager which shall:

(i) Win if the first two cards of either the Player's Hand or Banker's Hand, or both, are a pair. For purposes of the House Money Wager, a pair must be of the same rank (two queens, for example), regardless of suit.

(ii) Lose if in the first two cards dealt to the player's hand and the banker's hand, neither the player's hand nor the banker's hand contains a pair.

(b) Wagers at Baccarat shall be made by placing value chips or plaques on the appropriate areas of the Baccarat layout. Verbal wagers accompanied by cash may be accepted provided that the verbal wagers are confirmed by the dealer and the cash is expeditiously converted into value chips or plaques.

(c) A wager may not be made, increased or withdrawn after the dealer has announced "no more bets."

§ 631a.12. Announcement of result of round; payment and collection of wagers.

(a) After each hand has received all the cards to which it is entitled under §§ 631a.9, 631a.10 and 631a.11 (relating to hands of player and banker; procedure for dealing initial two cards to each hand; procedure for dealing a third card; and rules for determining whether a third card shall be dealt), the dealer calling the game shall announce the final Point Count of each hand indicating which hand has won the round. If the two hands have equal Point Counts, the dealer shall announce "tie hand." If the table is designated for play as an EZ Baccarat table and the Point Counts of the Banker's Hand and the Player's Hand result in a Dragon 7 or a Panda 8, the dealer shall announce "Dragon 7" or "Panda 8."

(b) After the result of the round is announced, the dealer or dealers responsible for the wagers on the table shall first collect each losing wager. After the losing wagers are collected, the dealer or dealers responsible for the wagers on the table shall, starting at the highest numbered player position at which a winning wager is located, pay that player's winning wager and immediately thereafter mark or collect the vigorish owed by that player unless the table is designated for play as an EZ

Baccarat table in which vigorish is not collected. The dealer shall then proceed in descending order to the next highest numbered player position at which a winning wager is located and repeat this procedure until each winning wager is paid and the vigorish owed by each player, if any, is either marked or collected.

(c) At the conclusion of a round of play, the dealer shall remove all cards from the table and place the cards in the discard bucket.

§ 631a.13. Payout odds; vigorish.

(a) A winning wager made on the Player's Hand shall be paid at odds of 1 to 1.

(b) A winning Tie Wager shall be paid at odds of at least 8 to 1.

(c) A winning wager made on the Banker's Hand shall be paid at odds of 1 to 1, except that the certificate holder shall extract a vigorish from the winning players in an amount equal to 5% of the amount won, unless the certificate holder is offering EZ Baccarat in which vigorish is not collected. When collecting the vigorish, the certificate holder may round off the vigorish to 25¢ or the next highest multiple of 25¢.

(d) A dealer shall collect the vigorish from a player in accordance with one of the following procedures selected by the certificate holder in its Rules Submission under § 601a.2 (relating to table games Rules Submissions):

(1) At the time the winning payout is made.

(2) At a later time, provided that:

(i) The outstanding vigorish shall be collected prior to beginning play with a new dealing shoe of cards or when the player leaves the gaming table, whichever occurs first.

(ii) The amount of the vigorish shall be tracked by placing a coin or marker button, which contains the amount of the vigorish owed, in the rectangular space on the layout that is imprinted with the number of the player owing the vigorish.

(iii) The coin or marker button may not be removed from the layout until the vigorish owed is collected.

(e) If a certificate holder offers the Dragon Bonus Wager, in accordance with § 631a.8(a)(4) (relating to wagers), a vigorish may not be extracted on a winning Dragon Bonus Wager. Winning Dragon Bonus Wagers shall be paid out at the odds in one of the following paytables selected by the certificate holder in its Rules Submission filed in accordance with § 601a.2:

<i>Hand</i>	<i>Paytable A</i>	<i>Paytable B</i>	<i>Paytable C</i>
Win by 9 points	30 to 1	20 to 1	30 to 1
Win by 8 points	10 to 1	8 to 1	10 to 1
Win by 7 points	6 to 1	7 to 1	4 to 1
Win by 6 points	4 to 1	4 to 1	4 to 1
Win by 5 points	2 to 1	3 to 1	2 to 1
Win by 4 points	1 to 1	1 to 1	2 to 1
Natural winner	1 to 1	1 to 1	1 to 1
Natural tie	Push	Push	Push

(f) A winning Dragon 7 Insurance Wager, as described in § 631a.8(a)(5), shall be paid out at odds of 40 to 1.

(g) A winning Panda 8 Insurance Wager, as described in § 631a.8(a)(6), shall be paid at odds of 25 to 1.

(h) If a certificate holder offers the House Money Wager and the player elects to take the payout, the player shall be paid in accordance with the following payable:

<i>Hand</i>	<i>Odds</i>
Player and Banker Pair	15 to 1
Player or Banker Pair	3 to 1

CHAPTER 633a. BLACKJACK

§ 633a.7. Procedure for dealing the cards; completion of each round of play.

* * * * *

(o) After all additional cards have been dealt to the players and the dealer, the dealer shall, starting with the player farthest to the dealer's right and continuing around the table in a counterclockwise direction, settle the remaining optional wagers by collecting all losing wagers and paying all winning wagers as follows:

* * * * *

(2) If a player placed a Hit and Run Progressive Wager:

(i) A player shall win if the dealer has Blackjack or the dealer's hand has five or more cards inclusive of any card which would give the dealer's hand a total point count of greater than 21. For example, if the dealer's hand has a total point count of 14 with five cards drawn and the dealer draws an additional card resulting in a total point count of 23, the dealer's sixth card shall also count toward the Hit and Run Progressive payout.

(ii) If a player has won the Hit and Run Progressive Wager, the dealer shall:

(A) Verify that the hand is a winning hand.

(B) Have a floormperson or above verify any Hit and Run Progressive payout with odds of 200 for 1 or greater in accordance with approved internal control procedures submitted under § 465a.2.

(C) Pay the player the winning Hit and Run Progressive Wager in accordance with § 633a.13(1). If a player has won a progressive payout that is 100% of the jackpot amount on the progressive meter, the progressive payout may not be paid from the table inventory container. If a player has won a progressive payout that is not being paid from the table inventory container, the cards of the player must remain on the table until the necessary documentation has been completed. If more than one player at the table has won a progressive payout that is 100% of the jackpot amount on the progressive meter, each player shall share the maximum amount equally.

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§ 633a.13. Payout odds; payout limitation.

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(1) If the certificate holder offers the Hit and Run Progressive Wager:

(1) The certificate holder shall pay out winning Hit and Run Progressive Wagers at the odds in the following payable:

<i>Hand</i>	<i>Payout</i>
Dealer has:	
Eight or more cards	100% of meter
Seven cards	200 for 1
Six cards	25 for 1
Five cards	8 for 1
Blackjack	4 for 1

(2) The rate of progression for the meter used for the Hit and Run Progressive Wager must be specified in the certificate holder's Rules Submission filed in accordance with § 601a.2. The initial and reset amounts must also be in the Rules Submission and at least \$1,000.

(m) If the certificate holder offers the Straight Jack Progressive Wager:

(1) The certificate holder shall pay out winning Straight Jack Progressive Wagers at the odds in the following payable:

<i>Hand</i>	<i>Payout</i>
Player has:	
Six-card straight with an ace of spades	100% of meter and 200 to 1
Six-card straight with an ace of diamonds, clubs or hearts	10% of meter and 200 to 1
Five-card straight	200 to 1
Four-card straight	50 to 1
Three-card straight	15 to 1
Two-card straight	3 to 1

(2) The rate of progression for the meter used for the Straight Jack Progressive Wager must be specified in the certificate holder's Rules Submission filed in accordance with § 601a.2. The initial and reset amounts must also be in the Rules Submission and be at least \$5,000.

(n) If a certificate holder offers the House Money Wager and the player elects to take the payout, the player shall be paid in accordance with the following payable:

(1) If a single deck of cards is being used:

<i>Hand</i>	<i>Odds</i>
Ace-king suited	9 to 1
Two-card straight flush	5 to 1
Pair	3 to 1
Two-card straight	1 to 1

(2) If multiple decks of cards are being used:

<i>Hand</i>	<i>Odds</i>
Ace-king suited	9 to 1
Two-card straight flush	4 to 1
Pair	3 to 1
Two-card straight	1 to 1

(o) Notwithstanding the payout odds in subsections (b) and (g), a certificate holder may, in its Rules Submission under § 601a.2, establish a maximum amount that is payable to a player with a queen of hearts pair and dealer Blackjack or king of spades pair and dealer Blackjack that is payable to all winning hands in the aggregate on a single round of play. The maximum payout amount shall be at least \$25,000 or the maximum amount that one patron could win per round when betting the maximum possible wager, whichever is greater. If a certificate holder establishes a maximum payout, and more than one player at a table has a winning hand of queen of hearts pair and dealer Blackjack or king of spades pair and dealer Blackjack, each player shall share the maximum payout amount proportionately to the amount of the player's respective wager. Any maximum payout limit established by the certificate holder shall apply only to payouts of Royal Match 21 Wagers and King's Bounty Wagers.

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PENNSYLVANIA GAMING CONTROL BOARD

[58 PA. CODE CHS. 461a, 465a, 525, 575, 577, 579, 603a, 609a, 623a, 627a, 629a, 631a, 633a, 635a, 637a, 649a, 659a, 661a, 663a AND 665a]

Slot Machines and Table Game Controls, Equipment, Credit and Rules

The Pennsylvania Gaming Control Board (Board), under the general authority in 4 Pa.C.S. § 1202(b)(30) (relating to general and specific powers) and the specific authority in 4 Pa.C.S. §§ 1207(3) and (9) and 13A02(1), (2) and (4) (relating to regulatory authority of board; and regulatory authority), amends Chapters 461a, 465a, 603a, 609a, 623a, 627a, 629a, 631a, 633a, 635a, 637a and 649a, rescinds Chapters 525, 575, 577 and 579 and adds Chapters 659a, 661a, 663a and 665a.

Purpose of the Final-Form Rulemaking

This final-form rulemaking transitions the requirements for Match Play Coupons and the game rules for Asia Poker, Three Dice Football and Five Card Hi-Lo from temporary to final-form regulations. This final-form rulemaking contains a new game, Double Attack Blackjack, and optional side wagers.

Explanation of Revisions

The heading of § 461a.9 (relating to coupons utilized in slot machine gaming) is amended to specify that the section refers to coupons utilized in slot machine gaming. The coupons used in table games, Match Play Coupons, are described in §§ 603a.20 and 603a.21 (relating to Match Play Coupons; physical characteristics and issuance; and Match Play Coupon use). The retention period for Match Play Coupons is added in § 465a.6 (relating to retention, storage and destruction of books, records and documents) and is consistent with the retention periods for coupons used in slot machine gaming.

In §§ 465a.9(c)(2) and 465a.35 (relating to surveillance system; surveillance department control; surveillance department restrictions; and personnel assigned to the operation and conduct of table games), the camera coverage requirements and the personnel assigned to Three Dice Football are added. The requirements are consistent with those established in the temporary regulations. Additionally, the inspection requirements for the dice utilized in Three Dice Football are added in § 603a.13(f)(1) and (2) (relating to dice; receipt, storage, inspection and removal from use).

In § 603a.1 (relating to definitions), the definition of "Match Play Coupon" is added. In § 603a.10 (relating to permissible wagering; exchange and redemption of gaming chips and plaques), a Match Play Coupon is added as a permissible wager. The requirements for the design, internal controls and distribution of promotional Match Play Coupons are in § 603a.20. Match Play Coupons are to be controlled by the finance department and distributed to patrons by the marketing department. Certificate holders are required to file a quarterly report with the Bureau of Casino Compliance listing the total value of Match Play Coupons redeemed by patrons.

Section 603a.21 specifies that a promotional Match Play Coupon shall be used with an equal value of gaming chips. The value of the Match Play Coupon is added to the gaming chips wagered by the patron. If the wager wins, it is paid in accordance with the terms and conditions of the Match Play Coupon. Irrespective of

whether the Match Play Coupon wins or loses, it is deposited into the table game drop box at the conclusion of each round of play.

Section 603a.13(f)(3) is added as an alternative dice inspection and distribution procedure. This alternative was previously available when the equipment chapter were temporary regulations but was inadvertently not transitioned when the final-form regulations were promulgated. One operator requested to continue utilizing the procedures in this subsection.

Amendments to § 603a.13(c)(3) allow the finance department to issue the manual Counter Checkbook to the table games department provided that adequate internal controls are submitted to Board staff for approval.

A new series of side wagers, Bonus Craps, are added to the game of Craps. The layout requirements are in § 623a.2(d)(5) (relating to Craps and Mini-Craps tables; physical characteristics) and a description of the side wagers is added to § 623a.3(a)(43) (relating to wagers) with the payout odds in § 623a.5(h) (relating to payout odds). The additional procedures regarding Bonus Craps are in § 623a.12 (relating to additional procedures and rules for Bonus Craps).

A new side wager, the House Money Wager, is added in the three Baccarat style games in Chapters 627a, 629a and 631a (relating to Minibaccarat; Midibaccarat; and Baccarat). The amendments to the games include layout requirements, the description of the wager, dealing procedure and the payout odds.

Two additional side wagers, the Straight Jack Progressive Wager and the House Money Wager, are added in Chapter 633a (relating to Blackjack). The layout requirements are added in § 633a.2(b) (relating to Blackjack table; card reader device; physical characteristics; inspections), a description of the wagers are added in § 633a.6(e) (relating to wagers), the dealing procedures are added to § 633a.7(g) and (o) (relating to procedure for dealing the cards; completion of each round of play) and the payout odds are added in § 633a.13(m) and (n) (relating to payout odds; payout limitation).

In Chapter 635a (relating to Spanish 21), the provision on when a patron may double down is expanded to allow patrons to double down on two or more cards dealt instead of only the first two cards dealt to the patron. Additionally, § 635a.8(e) (relating to Insurance Wager) is deleted as unnecessary. If a player has Blackjack, the player shall win even if the dealer also has a Blackjack.

A new variation and several new games are added to Chapter 637a (relating to Poker). Operators may now offer the Super Seven-card Stud High Low Split Eight or Better, Five-card Omaha, Triple Draw 2-7, Triple Draw A-5, Triple Draw Bادهucey, Triple Draw Bادهucey and Badugi. The new variation of seven-card stud is added in § 637a.10 (relating to Seven-card Stud Poker; procedures for dealing the cards; completion of each round of play) and the new games are added in §§ 637a.19—637a.21 (relating to Five-card Omaha Poker; procedures for dealing the cards; completion of each round of play; Triple Draw Poker; procedures for dealing the cards; completion of each round of play; and Badugi Poker; procedures for dealing the cards; completion of each round of play).

In Three Card Poker, a new hand ranking, a mini-royal flush, is added in § 649a.6(e) (relating to Three Card Poker rankings) and the corresponding payout is added in § 649a.12(g) (relating to payout odds; Envy Bonus; rate of progression). This payout was, at one time, available

when the regulation was temporary but was not transitioned when the final-form regulation was promulgated.

Three games that were in temporary form are in this final-form rulemaking including Asia Poker, Three Dice Football and Five Card Hi-Lo. Chapters 659a, 661a and 663a (relating to Asia Poker; Three Dice Football; and Five Card Hi-Lo) contain the table layout requirements, dealing procedures, permissible wagers and payout odds for all permissible wagers.

Chapter 665a (relating to Double Attack Blackjack) is added. This is a variation on Blackjack in which a player may place an additional wager after seeing the dealer's up card and may surrender even after taking additional cards. Table layout requirements, the dealing procedures, permissible wagers and payout odds are included in this chapter.

Comment and Response Summary

Notice of proposed rulemaking was published at 43 Pa.B. 834 (February 9, 2013). The Board did not receive comments from the public or the regulated community. On April 10, 2013, the Board received comments from the Independent Regulatory Review Commission (IRRC) on the rulemaking.

Chapter 627a, 629a and 631a

IRRC requested that the Board clarify when a House Money Wager would win and when it would lose. The Board did not add additional language regarding when a House Money Wager would win but has amended the language regarding losing wagers. A House Money Wager in Baccarat style games will lose if in the first two cards dealt to the player's hand or banker's hand, neither hand contains a pair. This amendment was made to §§ 627a.7(a)(7)(ii), 629a.7(a)(7)(ii) and 631a.8(a)(7)(ii) (relating to wagers).

Chapter 659a

IRRC requested that the Board clarify § 659a.6(b)(2)—(6) (relating to Asia Poker rankings) regarding when a joker may be used. The rules regarding the use of the joker are in subsection (a). For consistency among the paragraphs in subsection (b), the reference to the joker was deleted from paragraph (1).

The same rules regarding the use of the joker are also applicable to subsection (d) with the exception of paragraphs (4) and (5) which either specifically include or exclude the use of a joker.

IRRC commented that § 659a.10(a)(2) (relating to procedures for dealing the cards from an automated dealing shoe) is redundant with the requirements in subsection (a)(1). The Board agrees and amended the language accordingly.

Chapter 663a

The Board added corrective language to § 663a.6(a) (relating to Five Card Hi-Lo rankings) regarding the point value of nonface cards.

IRRC commented that § 663a.11(j) (relating to procedures for completion of each round of play) was unclear as to when a player's Tie Wager would win or lose. IRRC requested that the Board clarify the language. Subsection (j)(1)(i) was amended to reflect that if neither the high hand nor the low hand of the player is identical in point value to the high and low hands of the dealer, the Tie Wager will be collected as a losing wager.

Affected Parties

Slot machine licensees will be impacted by this final-form rulemaking as operators will have a greater number of table games and side wagers to offer at their facilities.

Fiscal Impact

Commonwealth. The Board does not expect that this final-form rulemaking will have fiscal impact on the Board or other Commonwealth agencies. Internal control procedures submitted by certificate holders regarding table games Rules Submissions and Match Play Coupons will be reviewed by existing Board staff.

Promotional Match Play Coupons have been utilized by the licensed facilities to increase the amount of table game play and the overall revenue to the facilities and the tax collected for the Commonwealth. Match Play Coupons are neither included in nor deducted from gross table game revenue.

Political subdivisions. This proposed rulemaking will not have fiscal impact on political subdivisions of this Commonwealth. Host municipalities and counties will benefit from the local share funding that is mandated by the act of January 7, 2010 (P. L. 1, No. 1).

Private sector. Slot machine licensees that decide to offer the new games, variations or side wagers will be required to comply with the requirements in this final-form rulemaking and will be required to submit updated Rules Submission forms and internal controls to reflect additions. Costs incurred to purchase equipment and train employees should be offset by the proceeds of gaming.

General public. This final-form rulemaking will not have fiscal impact on the general public.

Paperwork Requirements

If a certificate holder selects different options for the play of table games, the certificate holder will be required to update its gaming guide and submit an updated Rules Submission reflecting the changes. These forms are available and submitted to the Board electronically. If a certificate holder elects to offer Match Play Coupons to patrons, the certificate holder will have to submit updated internal controls for approval and will have to submit a quarterly report listing the total value of Match Play Coupons given to patrons.

Effective Date

This final-form rulemaking will become effective upon publication in the *Pennsylvania Bulletin*.

Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on January 29, 2013, the Board submitted a copy of the notice of proposed rulemaking, published at 43 Pa.B. 834, to IRRC and the Chairpersons of the House Gaming Oversight Committee and the Senate Community, Economic and Recreational Development Committee for review and comment.

Under section 5(c) of the Regulatory Review Act, IRRC and the House and Senate Committees were provided with copies of the comments received during the public comment period, as well as other documents when requested. In preparing the final-form rulemaking, the Department has considered all comments from IRRC, the House and Senate Committees and the public.

Under section 5.1(j.2) of the Regulatory Review Act (71 P. S. § 745.5a(j.2)), on December 11, 2013, the final-form rulemaking was deemed approved by the House and

Senate Committees. Under section 5.1(e) of the Regulatory Review Act, IRRC met on December 12, 2013, and approved the final-form rulemaking.

Findings

The Board finds that:

(1) Public notice of intention to adopt these amendments was given under sections 201 and 202 of the act of July 31, 1968 (P.L. 769, No. 240) (45 P.S. §§ 1201 and 1202) and the regulations thereunder, 1 Pa. Code §§ 7.1 and 7.2.

(2) The final-form rulemaking is necessary and appropriate for the administration and enforcement of 4 Pa.C.S. Part II (relating to gaming).

Order

The Board, acting under 4 Pa.C.S. Part II, orders that:

(a) The regulations of the Board, 58 Pa. Code, are amended by:

Adding §§ 603a.20, 603a.21, 623a.12, 637a.19, 637a.20 and 661a.1—661a.8, deleting §§ 525.21, 525.22, 575.1—575.13, 577.1—577.9 and 579.1—579.13 and amending §§ 461a.9, 465a.6, 465a.9, 465a.35, 603a.1, 603a.10, 603a.13, 609a.13, 623a.2, 623a.3, 623a.4, 623a.5, 633a.1, 633a.2, 633a.6, 635a.10, 637a.6, 649a.6 and 649a.12 to read as set forth at 43 Pa.B. 834.

Adding §§ 637a.21, 659a.1—659a.13, 663a.1—663a.13 and 665a.1—665a.13 and amending §§ 627a.2, 627a.7, 627a.8, 627a.12, 629a.2, 629a.7, 629a.8, 629a.12, 631a.2, 631a.8, 631a.9, 631a.13, 633a.7, 633a.13, 635a.8 and 637a.10 to read as set forth in Annex A, with ellipses referring to the existing text of the regulations.

(Editor's Note: Sections 635a.8 and 637a.10 were not included in the proposed rulemaking published at 43 Pa.B. 834.)

(Editor's Note: Final-form rulemaking 125-162 also amends §§ 627a.2, 627a.7, 627a.12, 629a.2, 629a.7, 629a.12, 631a.2, 631a.8, 631a.13, 633a.7 and 633a.13. See 44 Pa.B. 599 (February 1, 2014).)

(b) The Chairperson of the Board shall certify this order, 43 Pa.B. 834 and Annex A and deposit them with the Legislative Reference Bureau as required by law.

(c) This order shall take effect upon publication in the *Pennsylvania Bulletin*.

WILLIAM H. RYAN, Jr.,
Chairperson

(Editor's Note: For the text of the order of the Independent Regulatory Review Commission relating to this document, see 43 Pa.B. 7606 (December 28, 2013).)

Fiscal Note: Fiscal Note 125-166 remains valid for the final adoption of the subject regulations.

Annex A

TITLE 58. RECREATION

PART VII. GAMING CONTROL BOARD

Subpart K. TABLE GAMES

CHAPTER 627a. MINIBACCARAT

§ 627a.2. Minibaccarat table physical characteristics.

(a) Minibaccarat shall be played on a table having numbered positions for no more than nine seated players on one side of the table and a place for the dealer on the opposite side of the table.

(b) The layout for a Minibaccarat table shall be submitted to the Bureau of Gaming Operations and approved in accordance with § 601a.10(a) (relating to approval of table game layouts, signage and equipment) and contain, at a minimum:

(1) The name or logo of the certificate holder.

(2) Separate areas designated for the placement of wagers on the Banker's Hand, Player's Hand and Tie Hand for each player.

(3) The payout odds for all permissible wagers offered by the certificate holder. If the payout odds are not inscribed on the layout, a sign identifying the payout odds shall be posted at each Minibaccarat table.

(4) An area designated for the placement of cards for the Player's Hand and Banker's Hand.

(5) If a certificate holder offers the Dragon Bonus Wager authorized under § 627a.7(a)(4) (relating to wagers), separate areas designated for the placement of the Dragon Bonus Wager for each player.

(6) If a certificate holder offers EZ Baccarat in which vigorish is not collected:

(i) Separate areas designated for the placement of the Dragon 7 Insurance Wager, authorized under § 627a.7(a)(5), for each player.

(ii) Inscriptions that advise patrons that a wager on the Banker's Hand that results in a Dragon 7 shall push and be returned to the player. If the information is not inscribed on the layout, a sign containing the information shall be posted at each Minibaccarat table.

(iii) Separate areas designated for the placement of the Panda 8 Insurance Wager, authorized under § 627a.7(a)(6), for each player.

(7) If a certificate holder offers the House Money Wager, authorized under § 627a.7(a)(7), separate areas designated for the placement of the House Money Wager for each player.

(8) Numbered areas that correspond to the seat numbers for the purpose of marking vigorish unless the dealer, in accordance with the option selected in the certificate holder's Rules Submission under § 601a.2 (relating to table games Rules Submissions), collects the vigorish from a player at the time the winning payout is made or the table is designated for play as an EZ Baccarat table in which vigorish is not collected.

(c) If marker buttons are used for the purpose of marking vigorish, the marker buttons shall be placed in the table inventory container or in a separate rack designed for the purpose of storing marker buttons. If a separate rack is used, the rack shall be placed in front of the table inventory container during gaming activity.

(d) Each Minibaccarat table must have a drop box and a tip box attached on the same side of the gaming table as, but on opposite sides of, the dealer, as approved by the Bureau of Casino Compliance in accordance with § 601a.10(g). The Bureau of Casino Compliance may approve an alternative location for the tip box when a card shuffling device or other table game equipment prevents the placement of the drop box and tip box on the same side of the gaming table as, but on opposite sides of, the dealer.

(e) Each Minibaccarat table must have a discard rack securely attached to the top of the dealer's side of the table.

§ 627a.7. Wagers.

(a) The following are permissible wagers in the game of Minibaccarat:

(1) A wager on the Banker's Hand which shall:

(i) Win if the Banker's Hand has a Point Count higher than that of the Player's Hand unless EZ Baccarat is being played and the Point Counts of the Banker's Hand and the Player's Hand result in a Dragon 7.

(ii) Lose if the Banker's Hand has a Point Count lower than that of the Player's Hand.

(iii) Tie and be returned to the player if the Banker's Hand and the Player's Hand have the same Point Count or if EZ Baccarat is being played and the Point Counts of the Banker's Hand and the Player's Hand result in a Dragon 7.

(2) A wager on the Player's Hand which shall:

(i) Win if the Player's Hand has a Point Count higher than that of the Banker's Hand and if EZ Baccarat is being played and the Point Counts of the Player's Hand and the Dealer's Hand result in a Panda 8.

(ii) Lose if the Player's Hand has a Point Count lower than that of the Banker's Hand or if EZ Baccarat is being played and the Point Counts of the Banker's Hand and the Player's Hand result in a Dragon 7.

(iii) Tie and be returned to the player if the Point Counts of the Banker's Hand and the Player's Hand are equal.

(3) A Tie Wager which shall:

(i) Win if the Point Counts of the Banker's Hand and the Player's Hand are equal.

(ii) Lose if Point Counts of the Banker's Hand and the Player's Hand are not equal.

(4) If offered by a certificate holder, a Dragon Bonus Wager on the Player's Hand or Banker's Hand, or both, which shall:

(i) Win if the selected hand is:

(A) A Natural and the other hand is not a Natural.

(B) A Natural 9 and the other hand is a Natural 8.

(C) Not a Natural and has a Point Count that exceeds the Point Count of the other hand by four or more points.

(ii) Lose if the selected hand is:

(A) A Natural 8 and the other hand is a Natural 9.

(B) Not a Natural and has a Point Count less than or equal to the Point Count of the other hand.

(C) Not a Natural and has a Point Count that exceeds the Point Count of the other hand by less than four points.

(iii) Tie and be returned to the player if the selected hand is a Natural and the other hand is a Natural of equal Point Count.

(5) A Dragon 7 Insurance Wager, if the table is designated for play as an EZ Baccarat table, which shall:

(i) Win if the Point Counts of the Banker's Hand and the Player's Hand result in a Dragon 7.

(ii) Lose if the Point Counts of the Banker's Hand and the Player's Hand do not result in a Dragon 7.

(6) A Panda 8 Insurance Wager, if the table is designated for play as an EZ Baccarat table, which shall:

(i) Win if the Point Counts of the Player's Hand and the Dealer's Hand result in a Panda 8.

(ii) Lose if the Point Counts of the Player's Hand and the Dealer's Hand do not result in a Panda 8.

(7) If offered by a certificate holder, a House Money Wager which shall:

(i) Win if the first two cards of either the Player's Hand or Banker's Hand, or both, are a pair. For purposes of the House Money Wager, a pair must be of same rank (two queens, for example), regardless of suit.

(ii) Lose if in the first two cards dealt to the player's hand and the banker's hand, neither the player's hand nor the banker's hand contains a pair.

(b) Wagers at Minibaccarat shall be made by placing value chips or plaques on the appropriate areas of the Minibaccarat layout. Verbal wagers accompanied by cash may be accepted provided that they are confirmed by the dealer and the cash is expeditiously converted into value chips or plaques.

(c) A wager may not be made, increased or withdrawn after the dealer has announced "no more bets."

§ 627a.8. Hands of player and banker; procedure for dealing initial two cards to each hand.

(a) There shall be two hands dealt in the game of Minibaccarat, one of which shall be designated the Player's Hand and the other designated the Banker's Hand.

(b) Prior to dealing any cards, the dealer shall announce "no more bets."

(c) The dealer shall then deal an initial four cards from the dealing shoe in accordance with one of the following options selected by the certificate holder in its Rules Submission under § 601a.2 (relating to table games Rules Submissions):

(1) The dealer shall remove cards from the dealing shoe with his left hand and place them face up on the appropriate area of the layout with his right hand. The first and third cards dealt shall constitute the first and second cards of the Player's Hand and placed on the area designated for the Player's Hand. The second and fourth cards dealt shall constitute the first and second cards of the Banker's Hand and placed on the area designated for the Banker's Hand.

(2) The dealer shall remove cards from the dealing shoe with his left hand and place them face down on the layout. The first and third cards dealt shall constitute the first and second cards of the Player's Hand and placed on the area designated for the Player's Hand. The second and fourth cards dealt shall constitute the first and second cards of the Banker's Hand and placed underneath the right corner of the dealing shoe until the Player's Hand is called as provided in § 627a.9 (relating to procedure for dealing a third card). The second and fourth cards shall then be turned face up and placed on the area designated for the Banker's Hand.

(d) Prior to dealing a third card to the Player's or Banker's Hand, the dealer shall settle all House Money Wagers as follows:

(1) If a player placed a House Money Wager, beginning from the dealer's right and moving counterclockwise around the table, the dealer shall collect all losing House Money Wagers and pay all winning wagers in accordance with § 627a.12(h) (relating to payout odds; vigorish) provided that, at a player's discretion, the player may add

the winning House Money payout to the player's original wager on the Player's or Banker's Hand in accordance with the following:

(i) All of the winning House Money payout or, if specified in the certificate holder's Rules Submission filed in accordance with § 601a.2, only a specified portion of the winning House Money payout shall be added to the area designated for the placement of the player's original wager on the Player's or Banker's Hand. The player's original wager and the House Money payout which was added to the player's original wager shall be settled based on the outcome of the player's wager on the Player's or Banker's Hand.

(ii) A player may not touch the winning House Money payout. The dealer shall either hand the entire winning House Money payout to the player or place all or a portion thereof, as authorized by the certificate holder, on the area designated for the placement of the player's wager on the Player's or Banker's Hand.

(2) After settling the House Money Wagers, the game shall resume by dealing any third cards that are required to be dealt in accordance with § 627a.9.

(e) Players may not touch, handle, remove or alter any cards used to play Minibaccarat.

§ 627a.12. Payout odds; vigorish.

(a) A winning wager made on the Player's Hand shall be paid at odds of 1 to 1.

(b) A winning Tie Wager shall be paid at odds of at least 8 to 1.

(c) A winning wager made on the Banker's Hand shall be paid at odds of 1 to 1, except that the certificate holder shall extract a vigorish from the winning players in an amount equal to 5% of the amount won unless the certificate holder is offering EZ Baccarat in which vigorish is not collected. When collecting the vigorish, the certificate holder may round off the vigorish to 25¢ or the next highest multiple of 25¢.

(d) A dealer shall collect the vigorish from a player in accordance with one of the following procedures selected by the certificate holder in its Rules Submission under § 601a.2 (relating to table games Rules Submissions):

- (1) At the time the winning payout is made.
- (2) At a later time, provided that:

(i) The outstanding vigorish shall be collected prior to the reshuffling of the cards in a dealing shoe or when the player leaves the gaming table, whichever occurs first.

(ii) The amount of the vigorish shall be tracked by placing a coin or marker button, which contains the amount of the vigorish owed, in the rectangular space on the layout that is imprinted with the number of the player owing the vigorish.

(iii) The coin or marker button may not be removed from the layout until the vigorish owed is collected.

(e) If a certificate holder offers the Dragon Bonus Wager, in accordance with § 627a.7(a)(4) (relating to wagers), a vigorish may not be extracted on a winning Dragon Bonus Wager. Winning Dragon Bonus Wagers shall be paid out at the odds in one of the following

paytables selected by the certificate holder in its Rules Submission filed in accordance with § 601a.2:

<i>Hand</i>	<i>Paytable A</i>	<i>Paytable B</i>	<i>Paytable C</i>
Win by 9 points	30 to 1	20 to 1	30 to 1
Win by 8 points	10 to 1	8 to 1	10 to 1
Win by 7 points	6 to 1	7 to 1	4 to 1
Win by 6 points	4 to 1	4 to 1	4 to 1
Win by 5 points	2 to 1	3 to 1	2 to 1
Win by 4 points	1 to 1	1 to 1	2 to 1
Natural winner	1 to 1	1 to 1	1 to 1
Natural tie	Push	Push	Push

(f) A winning Dragon 7 Insurance Wager, as described in § 627a.7(a)(5), shall be paid at odds of 40 to 1.

(g) A winning Panda 8 Insurance Wager, as described in § 627a.7(a)(6), shall be paid at odds of 25 to 1.

(h) If a certificate holder offers the House Money Wager and the player elects to take the payout, the player shall be paid in accordance with the following payable:

<i>Hand</i>	<i>Odds</i>
Player and Banker Pair	15 to 1
Player or Banker Pair	3 to 1

CHAPTER 629a. MIDIBACCARAT

§ 629a.2. Midibaccarat table physical characteristics.

(a) Midibaccarat shall be played on a table having numbered positions for no more than nine seated players on one side of the table and a place for the dealer on the opposite side of the table.

(b) The layout for a Midibaccarat table shall be submitted to the Bureau of Gaming Operations and approved in accordance with § 601a.10(a) (relating to approval of table game layouts, signage and equipment) and contain, at a minimum:

- (1) The name or logo of the certificate holder.
- (2) Separate areas designated for the placement of wagers on the Banker's Hand, Player's Hand and Tie Wager for each player.

(3) The payout odds for all permissible wagers offered by the certificate holder. If the payout odds are not inscribed on the layout, a sign identifying the payout odds shall be posted at each Midibaccarat table.

(4) An area designated for the placement of cards for the Player's Hand and Banker's Hand.

(5) If a certificate holder offers the Dragon Bonus Wager, authorized under § 629a.7(a)(4) (relating to wagers), separate areas designated for the placement of the Dragon Bonus Wager for each player.

(6) If a certificate holder offers EZ Baccarat in which vigorish is not collected:

(i) Separate areas designated for the placement of the Dragon 7 Insurance Wager, authorized under § 629a.7(a)(5), for each player.

(ii) Inscriptions that advise patrons that a wager on the Banker's Hand that results in a Dragon 7 shall push and be returned to the player. If the information is not inscribed on the layout, a sign containing the information shall be posted at each Midibaccarat table.

(iii) Separate areas designated for the placement of the Panda 8 Insurance Wager, authorized under § 629a.7(a)(6), for each player.

(7) If a certificate holder offers the House Money Wager, authorized under § 629a.7(a)(7), separate areas designated for the placement of the House Money Wager for each player.

(8) Numbered areas that correspond to the seat numbers for the purpose of marking vigorish unless the dealer, in accordance with the option selected in the certificate holder's Rules Submission under § 601a.2 (relating to table games Rules Submissions), collects the vigorish from a player at the time the winning payout is made or the table is designated for play as an EZ Baccarat table in which vigorish is not collected.

(c) If marker buttons are used for the purpose of marking vigorish, the marker buttons shall be placed in the table inventory container or in a separate rack designed for the purpose of storing marker buttons. If a separate rack is used, the rack shall be placed in front of the table inventory container during gaming activity.

(d) Each Midibaccarat table must have a drop box and a tip box attached on the same side of the gaming table as, but on opposite sides of, the dealer, as approved by the Bureau of Casino Compliance in accordance with § 601a.10(g). The Bureau of Casino Compliance may approve an alternative location for the tip box when a card shuffling device or other table game equipment prevents the placement of the drop box and tip box on the same side of the gaming table as, but on opposite sides of, the dealer.

(e) Each Midibaccarat table must have a discard bucket on the dealer's side of the table.

§ 629a.7. Wagers.

(a) The following are permissible wagers in the game of Midibaccarat:

(1) A wager on the Banker's Hand which shall:

(i) Win if the Banker's Hand has a Point Count higher than that of the Player's Hand unless EZ Baccarat is being played and the Point Counts of the Banker's Hand and the Player's Hand result in a Dragon 7.

(ii) Lose if the Banker's Hand has a Point Count lower than that of the Player's Hand.

(iii) Tie and be returned to the player if the Banker's Hand and the Player's Hand have the same Point Count or if EZ Baccarat is being played and the Point Counts of the Banker's Hand and the Player's Hand result in a Dragon 7.

(2) A wager on the Player's Hand which shall:

(i) Win if the Player's Hand has a Point Count higher than that of the Banker's Hand and if EZ Baccarat is being played and the Point Counts of the Player's Hand and the Dealer's Hand result in a Panda 8.

(ii) Lose if the Player's Hand has a Point Count lower than that of the Banker's Hand or if EZ Baccarat is being played and the Point Counts of the Banker's Hand and the Player's Hand result in a Dragon 7.

(iii) Tie and be returned to the player if the Point Counts of the Banker's Hand and the Player's Hand are equal.

(3) A Tie Wager which shall:

(i) Win if the Point Counts of the Banker's Hand and the Player's Hand are equal.

(ii) Lose if Point Counts of the Banker's Hand and the Player's Hand are not equal.

(4) If offered by a certificate holder, a Dragon Bonus Wager on the Player's Hand or Banker's Hand, or both, which shall:

(i) Win if the selected hand is:

(A) A Natural and the other hand is not a Natural.

(B) A Natural 9 and the other hand is a Natural 8.

(C) Not a Natural and has a Point Count that exceeds the Point Count of the other hand by four or more points.

(ii) Lose if the selected hand is:

(A) A Natural 8 and the other hand is a Natural 9.

(B) Not a Natural and has a Point Count less than or equal to the Point Count of the other hand.

(C) Not a Natural and has a Point Count that exceeds the Point Count of the other hand by less than four points.

(iii) Tie and be returned to the player if the selected hand is a Natural and the other hand is a Natural of equal Point Count.

(5) A Dragon 7 Insurance Wager, if the table is designated for play as an EZ Baccarat table, which shall:

(i) Win if the Point Counts of the Banker's Hand and the Player's Hand result in a Dragon 7.

(ii) Lose if the Point Counts of the Banker's Hand and the Player's Hand do not result in a Dragon 7.

(6) A Panda 8 Insurance Wager, if the table is designated for play as an EZ Baccarat table, which shall:

(i) Win if the Point Counts of the Player's Hand and the Dealer's Hand result in a Panda 8.

(ii) Lose if the Point Counts of the Player's Hand and the Dealer's Hand do not result in a Panda 8.

(7) If offered by a certificate holder, a House Money Wager which shall:

(i) Win if the first two cards of either the Player's Hand or Banker's Hand, or both, are a pair. For purposes of the House Money Wager, a pair must be of same rank (two queens, for example), regardless of suit.

(ii) Lose if in the first two cards dealt to the player's hand and the banker's hand, neither the player's hand nor the banker's hand contains a pair.

(b) Wagers at Midibaccarat shall be made by placing value chips or plaques on the appropriate areas of the Midibaccarat layout. Verbal wagers accompanied by cash may be accepted provided that the verbal wagers are confirmed by the dealer and the cash is expeditiously converted into value chips or plaques.

(c) A wager may not be made, increased or withdrawn after the dealer has announced "no more bets."

§ 629a.8. Hands of player and banker; procedure for dealing initial two cards to each hand.

(a) There shall be two hands dealt in the game of Midibaccarat, one of which shall be designated the Player's Hand and the other designated the Banker's Hand.

(b) Prior to dealing any cards, the dealer shall announce "no more bets."

(c) The dealer shall then deal an initial four cards from the dealing shoe. The first and third cards dealt shall be placed face down on the area designated for the Player's Hand and the second and fourth cards dealt shall be placed face down on the area designated for the Banker's Hand.

(1) After all four cards have been dealt, the dealer shall place the Banker's Hand underneath the right corner of the dealing shoe. The dealer shall then hand the two cards of the Player's Hand, face down, to the player with the highest wager on the Player's Hand. After viewing the Player's Hand, the player shall return the two cards, face up, to the dealer, who shall place the cards face up on the area designated for the Player's Hand and announce the Point Count of the Player's Hand.

(2) The dealer shall then hand the two cards of the Banker's Hand, face down, to the player with the highest wager on the Banker's Hand. After viewing the Banker's Hand, the player shall return the two cards, face up, to the dealer, who shall place the cards face up on the area designated for the Banker's Hand and announce the Point Count of the Banker's Hand.

(3) Prior to dealing a third card to the Player's or Banker's Hand, the dealer shall settle all House Money Wagers as follows:

(i) If a player placed a House Money Wager, after the initial two cards of the Player's Hand and Banker's Hand have been turned face up on the layout, beginning from the dealer's right and moving counterclockwise around the table, the dealer shall collect all losing House Money wagers and pay all winning wagers in accordance with § 629a.12(h) (relating to payout odds; vigorish) provided that, at a player's discretion, the player may add the winning House Money payout to the player's original wager on the Player's or Banker's Hand in accordance with the following:

(A) All of the winning House Money payout or, if specified in the certificate holder's Rules Submission filed in accordance with § 601a.2 (relating to table games Rules Submissions), only a specified portion of the winning House Money payout shall be added to the area designated for the placement of the player's original wager on the Player's or Banker's Hand. The player's original wager and the House Money payout which was added to the player's original wager shall then be settled based on the outcome of the player's wager on the Player's or Banker's Hand.

(B) A player may not touch the winning House Money payout. The dealer shall either hand the entire winning House Money payout to the player or place all or a portion thereof, as authorized by the certificate holder, on the area designated for the placement of the player's wager on the Player's or Banker's Hand.

(ii) After settling the House Money Wagers, the game shall resume by dealing any third cards that are required to be dealt.

(4) Any third card required to be dealt to the Player's Hand shall be placed face down on the area designated for the Player's Hand. The dealer shall then hand the card, face down, to the player who was handed and returned the Player's Hand. After viewing the card, the player shall return the card, face up, to the dealer, who shall place the card face up on the area designated for the Player's Hand.

(5) Any third card required to be dealt to the Banker's Hand shall be placed face down on the area designated for the Banker's Hand. The dealer shall then hand the card, face down, to the player who was handed and returned the Banker's Hand. After viewing the card, the player shall return the card, face up, to the dealer, who shall place the card face up on the area designated for the Banker's Hand.

(6) If two or more players wager an equally high amount on the Player's Hand, the player making the wager who is closest to the dealer, moving counterclockwise around the table, shall be handed the Player's Hand and any third card required to be dealt. If two or more players wager an equally high amount on the Banker's Hand, the player making the wager who is closest to the dealer, moving counterclockwise around the table, shall be handed the Banker's Hand and any third card required to be dealt.

(d) The dealer or floorperson assigned to the table may require any player to relinquish the right to turn over the cards in accordance with subsection (c) if the player unreasonably delays the game. If the voluntary or compulsory relinquishment of that right occurs, the dealer shall offer it to the player immediately to the right of the previous player. If the player does not accept it or there is not a player in that position, the dealer shall offer it to each of the other players in turn, moving counterclockwise around the table for the remainder of that round of play. If no player accepts the cards, the dealer shall turn the cards over and place them on the designated areas of the layout.

§ 629a.12. Payout odds; vigorish.

(a) A winning wager made on the Player's Hand shall be paid at odds of 1 to 1.

(b) A winning Tie Wager shall be paid at odds of at least 8 to 1.

(c) A winning wager made on the Banker's Hand shall be paid at odds of 1 to 1, except that the certificate holder shall extract a vigorish from the winning players in an amount equal to 5% of the amount won unless the certificate holder is offering EZ Baccarat in which vigorish is not collected. When collecting the vigorish, the certificate holder may round off the vigorish to 25¢ or the next highest multiple of 25¢.

(d) A dealer shall collect the vigorish from a player in accordance with one of the following procedures selected by the certificate holder in its Rules Submission under § 601a.2 (relating to table games Rules Submissions):

(1) At the time the winning payout is made.

(2) At a later time, provided that:

(i) The outstanding vigorish shall be collected prior to beginning play with a new dealing shoe of cards or when the player leaves the gaming table, whichever occurs first.

(ii) The amount of the vigorish shall be tracked by placing a coin or marker button, which contains the amount of the vigorish owed, in the rectangular space on the layout that is imprinted with the number of the player owing the vigorish.

(iii) The coin or marker button may not be removed from the layout until the vigorish owed is collected.

(e) If a certificate holder offers the Dragon Bonus Wager, in accordance with § 629a.7(a)(4) (relating to wagers), a vigorish may not be extracted on a winning Dragon Bonus Wager. Winning Dragon Bonus Wagers shall be paid out at the odds in one of the following paytables selected by the certificate holder in its Rules Submission filed in accordance with § 601a.2:

<i>Hand</i>	<i>Paytable A</i>	<i>Paytable B</i>	<i>Paytable C</i>
Win by 9 points	30 to 1	20 to 1	30 to 1
Win by 8 points	10 to 1	8 to 1	10 to 1
Win by 7 points	6 to 1	7 to 1	4 to 1

<i>Hand</i>	<i>Paytable A</i>	<i>Paytable B</i>	<i>Paytable C</i>
Win by 6 points	4 to 1	4 to 1	4 to 1
Win by 5 points	2 to 1	3 to 1	2 to 1
Win by 4 points	1 to 1	1 to 1	2 to 1
Natural winner	1 to 1	1 to 1	1 to 1
Natural tie	Push	Push	Push

(f) A winning Dragon 7 Insurance Wager, as described in § 629a.7(a)(5), shall be paid at odds of 40 to 1.

(g) A winning Panda 8 Insurance Wager, as described in § 629a.7(a)(6), shall be paid at odds of 25 to 1.

(h) If a certificate holder offers the House Money Wager and the player elects to take the payout, the player shall be paid in accordance with the following paytable:

<i>Hand</i>	<i>Odds</i>
Player and Banker Pair	15 to 1
Player or Banker Pair	3 to 1

CHAPTER 631a. BACCARAT

§ 631a.2. Baccarat table physical characteristics.

(a) Baccarat shall be played on a table having numbered positions for 10 to 14 seated players.

(b) The layout for a Baccarat table shall be submitted to the Bureau of Gaming Operations and approved in accordance with § 601a.10(a) (relating to approval of table layouts, signage and equipment) and contain, at a minimum:

- (1) The name or logo of the certificate holder.
- (2) Separate areas designated for the placement of wagers on the Banker's Hand, Player's Hand and Tie Hand for each player.
- (3) The payout odds for all permissible wagers offered by the certificate holder. If the payout odds are not inscribed on the layout, a sign identifying the payout odds shall be posted at each Baccarat table.
- (4) An area designated for the placement of cards for the Player's Hand and Banker's Hand.
- (5) If a certificate holder offers the Dragon Bonus Wager, authorized under § 631a.8(a)(4) (relating to wagers), separate areas designated for the placement of the Dragon Bonus Wager for each player.
- (6) If a certificate holder offers EZ Baccarat:
 - (i) Separate areas designated for the placement of the Dragon 7 Insurance Wager, authorized under § 631a.8(a)(5), for each player.
 - (ii) Inscriptions that advise patrons that a wager on the Banker's Hand that results in a Dragon 7 shall push and be returned to the player. If the information is not inscribed on the layout, a sign containing the information must be posted at each Baccarat table.
 - (iii) Separate areas designated for the placement of the Panda 8 Insurance Wager, authorized under § 631a.8(a)(6), for each player.
- (7) If a certificate holder offers the House Money Wager, authorized under § 631a.8(a)(7), separate areas designated for the placement of the House Money Wager for each player.
- (8) Numbered areas that correspond to the seat numbers for the purpose of marking vigorish unless the dealer, in accordance with the option selected in the certificate holder's Rules Submission under § 601a.2 (relating to table games Rules Submissions), collects the

vigorish from a player at the time the winning payout is made or the table is designated for play as an EZ Baccarat table in which vigorish is not collected.

(c) If marker buttons are used for the purpose of marking vigorish, the marker buttons shall be placed in the table inventory container or in a separate rack designed for the purpose of storing marker buttons. If a separate rack is used, the rack shall be placed in front of the table inventory container during gaming activity.

(d) Each Baccarat table must have a drop box and a tip box attached on the same side of the gaming table as, but on opposite sides of, the dealer, as approved by the Bureau of Casino Compliance in accordance with § 601a.10(g). The Bureau of Casino Compliance may approve an alternative location for the tip box when a card shuffling device or other table game equipment prevents the placement of the drop box and tip box on the same side of the gaming table as, but on opposite sides of, the dealer.

(e) Each Baccarat table must have a discard bucket on dealer's side of the table.

§ 631a.8. Wagers.

(a) The following are permissible wagers in the game of Baccarat:

(1) A wager on the Banker's Hand which shall:

(i) Win if the Banker's Hand has a Point Count higher than that of the Player's Hand unless EZ Baccarat is being played and the Point Counts of the Banker's Hand and the Player's Hand result in a Dragon 7.

(ii) Lose if the Banker's Hand has a Point Count lower than that of the Player's Hand.

(iii) Tie and be returned to the player if the Banker's Hand and the Player's Hand have the same Point Count or if EZ Baccarat is being played and the Point Counts of the Banker's Hand and the Player's Hand result in a Dragon 7.

(2) A wager on the Player's Hand which shall:

(i) Win if the Player's Hand has a Point Count higher than that of the Banker's Hand and if EZ Baccarat is being played and the Point Counts of the Player's Hand and the Dealer's Hand result in a Panda 8.

(ii) Lose if the Player's Hand has a Point Count lower than that of the Banker's Hand or if EZ Baccarat is being played and the Point Counts of the Banker's Hand and the Player's Hand result in a Dragon 7.

(iii) Tie and be returned to the player if the Point Counts of the Banker's Hand and the Player's Hand are equal.

(3) A Tie Wager which shall:

(i) Win if the Point Counts of the Banker's Hand and the Player's Hand are equal.

(ii) Lose if Point Counts of the Banker's Hand and the Player's Hand are not equal.

(4) If offered by a certificate holder, a Dragon Bonus Wager on the Player's Hand or Banker's Hand, or both, which shall:

(i) Win if the selected hand is:

(A) A Natural and the other hand is not a Natural.

(B) A Natural 9 and the other hand is a Natural 8.

(C) Not a Natural and has a Point Count that exceeds the Point Count of the other hand by four or more points.

- (ii) Lose if the selected hand is:
 - (A) A Natural 8 and the other hand is a Natural 9.
 - (B) Not a Natural and has a Point Count less than or equal to the Point Count of the other hand.
 - (C) Not a Natural and has a Point Count that exceeds the Point Count of the other hand by less than four points.
 - (iii) Tie and be returned to the player if the selected hand is a Natural and the other hand is a Natural of equal Point Count.
 - (5) A Dragon 7 Insurance Wager, if the table is designated for play as an EZ Baccarat table, which shall:
 - (i) Win if the Point Counts of the Banker's Hand and the Player's Hand result in a Dragon 7.
 - (ii) Lose if the Point Counts of the Banker's Hand and the Player's Hand do not result in a Dragon 7.
 - (6) A Panda 8 Insurance Wager, if the table is designated for play as an EZ Baccarat table, which shall:
 - (i) Win if the Point Counts of the Player's Hand and the Dealer's Hand result in a Panda 8.
 - (ii) Lose if the Point Counts of the Player's Hand and the Dealer's Hand do not result in a Panda 8.
 - (7) If offered by a certificate holder, a House Money Wager which shall:
 - (i) Win if the first two cards of either the Player's Hand or Banker's Hand, or both, are a pair. For purposes of the House Money Wager, a pair must be of the same rank (two queens, for example), regardless of suit.
 - (ii) Lose if in the first two cards dealt to the player's hand and the banker's hand, neither the player's hand nor the banker's hand contains a pair.
 - (b) Wagers at Baccarat shall be made by placing value chips or plaques on the appropriate areas of the Baccarat layout. Verbal wagers accompanied by cash may be accepted provided that the verbal wagers are confirmed by the dealer and the cash is expeditiously converted into value chips or plaques.
 - (c) A wager may not be made, increased or withdrawn after the dealer has announced "no more bets."
- § 631a.9. Hands of player and banker; procedure for dealing initial two cards to each hand.**
- (a) There shall be two hands dealt in the game of Baccarat, one of which shall be designated the Player's Hand and the other designated the Banker's Hand.
 - (b) After the dealer calling the game announces "no more bets," the dealer calling the game shall instruct the curator to commence dealing the cards by announcing "cards."
 - (c) The curator shall deal an initial four cards from the dealing shoe face down to the areas designated for the placement of the Player's Hand and the Dealer's Hand. The first and third cards dealt shall constitute the first and second cards of the Player's Hand. The second and fourth cards dealt shall constitute the first and second cards of the Banker's Hand. Except as provided in subsection (d), after the cards are dealt to each hand, the dealer calling the game shall place the cards face up in front of himself. Any third cards that are required to be dealt shall first be dealt face up to the Player's Hand and then to the Banker's Hand by the curator.
 - (d) A certificate holder may, if specified in its Rules Submission under § 601a.2 (relating to table games Rules

Submissions), elect to use the following procedures in lieu of the procedures in subsection (c) and § 631a.10(a) (relating to procedure for dealing a third card), after all four cards have been dealt:

- (1) The curator shall place the Banker's Hand underneath the right corner of the dealing shoe.
- (2) The dealer calling the game shall then hand the two cards of the Player's Hand, face down, to the player with the highest wager on the Player's Hand. After viewing the Player's Hand, the player shall return the two cards, face up, to the dealer calling the game, who shall place the cards face up on the area designated for the Player's Hand and announce the Point Count of the Player's Hand.
- (3) The dealer calling the game shall then hand the two cards of the Banker's Hand, face down, to the player with the highest wager on the Banker's Hand. After viewing the Banker's Hand, the player shall return the two cards, face up, to the dealer calling the game, who shall place the cards face up on the area designated for the Banker's Hand and announce the Point Count of the Banker's Hand.
- (4) Any third card required to be dealt to the Player's Hand shall be placed face down on the area designated for the Player's Hand. The dealer calling the game shall then hand the card, face down, to the player who was handed and returned the Player's Hand. After viewing the card, the player shall return the card, face up, to the dealer calling the game, who shall place the card face up on the area designated for the Player's Hand.
- (5) Any third card required to be dealt to the Banker's Hand shall be placed face down on the area designated for the Banker's Hand. The dealer calling the game shall then hand the card, face down, to the player who was handed and returned the Banker's Hand. After viewing the card, the player shall return the card, face up, to the dealer calling the game, who shall place the card face up on the area designated for the Banker's Hand.
- (6) If two or more players wager an equally high amount on the Player's Hand, the player making the wager who is closest to the dealer calling the game, moving counterclockwise around the table, shall be handed the Player's Hand and any third card required to be dealt. If two or more players wager an equally high amount on the Banker's Hand, the player making the wager who is closest to the dealer calling the game, moving counterclockwise around the table, shall be handed the Banker's Hand and any third card required to be dealt.
- (7) In the event there are no wagers on the Player's Hand, the dealer calling the game shall turn the Player's Hand face up and any additional card required to be dealt. In the event there are no wagers on the Banker's Hand, the dealer calling the game shall turn the Banker's Hand face up and any additional card required to be dealt.
- (e) After the initial two cards of the Player's Hand and Banker's Hand have been turned face up on the layout but prior to dealing a third card in accordance with subsections (c) and (d), the dealer shall settle all House Money Wagers as follows:
 - (1) If a player placed a House Money Wager, beginning from the dealer's right and moving counterclockwise around the table, the dealer shall collect all losing House Money wagers and pay all winning wagers in accordance with § 631a.13(h) (relating to payout odds; vigorish)

provided that, at a player's discretion, the player may add the winning House Money payout to the player's original wager on the Player's or Banker's Hand in accordance with the following:

(i) All of the winning House Money payout or, if specified in the certificate holder's Rules Submission filed in accordance with § 601a.2, only a specified portion of the winning House Money payout shall be added to the area designated for the placement of the player's original wager on the Player's or Banker's Hand. The player's original wager and the House Money payout which was added to the player's original wager shall then be settled based on the outcome of the player's wager on the Player's or Banker's Hand.

(ii) A player may not touch the winning House Money payout. The dealer shall either hand the entire winning House Money payout to the player or place all or a portion thereof, as authorized by the certificate holder, on the area designated for the placement of the player's wager on the Player's or Banker's Hand.

(2) After settling the House Money Wagers, the game shall resume by dealing any third cards that are required to be dealt in accordance with subsection (c) or (d)(4).

(f) The dealer or floorperson assigned to the table may require any player to relinquish the right to turn over the cards in accordance with subsection (d) if the player unreasonably delays the game. If the voluntary or compulsory relinquishment of that right occurs, the dealer shall offer it to the player immediately to the right of the previous player. If the player does not accept it or there is not a player in that position, the dealer shall offer it to each of the other players in turn, moving counterclockwise around the table for the remainder of that round of play. If no player accepts the cards, the dealer shall turn the cards over and place them on the designated areas of the layout.

§ 631a.13. Payout odds; vigorish.

(a) A winning wager made on the Player's Hand shall be paid at odds of 1 to 1.

(b) A winning Tie Wager shall be paid at odds of at least 8 to 1.

(c) A winning wager made on the Banker's Hand shall be paid at odds of 1 to 1, except that the certificate holder shall extract a vigorish from the winning players in an amount equal to 5% of the amount won, unless the certificate holder is offering EZ Baccarat in which vigorish is not collected. When collecting the vigorish, the certificate holder may round off the vigorish to 25¢ or the next highest multiple of 25¢.

(d) A dealer shall collect the vigorish from a player in accordance with one of the following procedures selected by the certificate holder in its Rules Submission under § 601a.2 (relating to table games Rules Submissions):

(1) At the time the winning payout is made.

(2) At a later time, provided that:

(i) The outstanding vigorish shall be collected prior to beginning play with a new dealing shoe of cards or when the player leaves the gaming table, whichever occurs first.

(ii) The amount of the vigorish shall be tracked by placing a coin or marker button, which contains the amount of the vigorish owed, in the rectangular space on the layout that is imprinted with the number of the player owing the vigorish.

(iii) The coin or marker button may not be removed from the layout until the vigorish owed is collected.

(e) If a certificate holder offers the Dragon Bonus Wager, in accordance with § 631a.8(a)(4) (relating to wagers), a vigorish may not be extracted on a winning Dragon Bonus Wager. Winning Dragon Bonus Wagers shall be paid out at the odds in one of the following paytables selected by the certificate holder in its Rules Submission filed in accordance with § 601a.2:

<i>Hand</i>	<i>Paytable A</i>	<i>Paytable B</i>	<i>Paytable C</i>
Win by 9 points	30 to 1	20 to 1	30 to 1
Win by 8 points	10 to 1	8 to 1	10 to 1
Win by 7 points	6 to 1	7 to 1	4 to 1
Win by 6 points	4 to 1	4 to 1	4 to 1
Win by 5 points	2 to 1	3 to 1	2 to 1
Win by 4 points	1 to 1	1 to 1	2 to 1
Natural winner	1 to 1	1 to 1	1 to 1
Natural tie	Push	Push	Push

(f) A winning Dragon 7 Insurance Wager, as described in § 631a.8(a)(5), shall be paid out at odds of 40 to 1.

(g) A winning Panda 8 Insurance Wager, as described in § 631a.8(a)(6), shall be paid at odds of 25 to 1.

(h) If a certificate holder offers the House Money Wager and the player elects to take the payout, the player shall be paid in accordance with the following payable:

<i>Hand</i>	<i>Odds</i>
Player and Banker Pair	15 to 1
Player or Banker Pair	3 to 1

CHAPTER 633a. BLACKJACK

§ 633a.7. Procedure for dealing the cards; completion of each round of play.

* * * * *

(g) Immediately after the second card is dealt to each player and the dealer, but prior to any additional cards being dealt or before any card reader device is utilized, the dealer shall, starting with the player farthest to the dealer's right and continuing around the table in a counterclockwise direction, settle the player's optional wagers by collecting all losing wagers and paying all winning wagers as follows:

* * * * *

(8) If a player placed a Three Card Poker Wager and the dealer's up card and the player's initial two cards form a three-card Poker hand of a straight flush, three-of-a-kind, straight or a flush, the dealer shall pay the winning Three Card Poker Wager in accordance with § 633a.13(k).

(9) If a player placed a Straight Jack Progressive Wager and the player's initial two cards do not form a two-card straight, the dealer shall collect the player's Straight Jack Progressive Wager.

(10) If a player placed a House Money Wager and the player's initial two cards do not form a two-card straight, a pair, a two-card straight flush or an ace-king suited, the dealer shall collect the player's House Money Wager. If a player has a winning hand:

(i) And the dealer's up card is an ace, king, queen, jack or 10, the dealer shall determine whether the hole card will give the dealer a Blackjack in accordance with subsection (h). If the dealer:

(A) Has a Blackjack, the dealer shall pay the winning House Money Wager in accordance with § 633a.13(n).

(B) Does not have a Blackjack, the dealer shall follow the requirements in subparagraph (ii).

(ii) And the dealer's up card is not an ace, king, queen, jack or 10, the dealer shall pay all winning wagers in accordance with § 633a.13(n) provided that, at a player's discretion, the player may add the winning House Money payout to the player's Blackjack Wager in accordance with the following:

(A) All of the winning House Money payout or, if specified in the certificate holder's Rules Submission filed in accordance with § 601a.2 (relating to table games Rules Submissions), only a specified portion of the winning House Money payout shall be added to the area designated for the placement of the player's Blackjack Wager.

(B) A player may not touch the winning House Money payout. The dealer shall either hand the entire winning House Money payout to the player or place all or a portion thereof, as authorized by the certificate holder, on the area designated for the placement of the player's Blackjack Wager. If a player has a Blackjack, the player may add the House Money payout to the Blackjack Wager.

(C) If the player adds the House Money payout to his Blackjack Wager, the House Money payout and the Blackjack Wager must be considered the entire Blackjack Wager. Thus, if the player elects to split in accordance with § 633a.11 (relating to splitting pairs) or doubles down in accordance with § 633a.10 (relating to Double Down Wager), the player shall match the entire Blackjack Wager.

(h) After settling the player's optional wagers in accordance with subsection (g), if the dealer's first card is an ace, king, queen, jack or 10, the dealer shall, after offering the Insurance Wager or even money in accordance with § 633a.8 (relating to Insurance Wager), determine whether the hole card will give the dealer a Blackjack. The dealer shall insert the hole card into the card reader device by moving the card face down on the layout without exposing it to anyone at the table, including the dealer. If the dealer has a Blackjack, additional cards may not be dealt and each player's Blackjack Wager and the Bad Beat, Hit and Run Progressive and Insurance Wagers, if applicable, shall be settled.

(i) After the procedures in subsection (h) have been completed, if necessary, the dealer shall start with the player farthest to the dealer's left and continue around the table in a clockwise direction and if the player:

(1) Has Blackjack and the dealer's up card:

(i) Is a 2, 3, 4, 5, 6, 7, 8 or 9, the dealer shall announce and pay the Blackjack and remove the player's cards.

(ii) Is an ace, king, queen, jack or 10 but the dealer's hole card will not give the dealer a Blackjack, the dealer shall announce the player's Blackjack but may not make a payment nor remove any cards until all other cards are dealt to the players and the dealer reveals the hole card.

(2) Does not have Blackjack, the player shall indicate whether he wishes to surrender, as permitted under § 633a.9 (relating to surrender), double down as permitted under § 633a.10 split pairs as permitted under § 633a.11 stand or draw additional cards.

(j) As each player indicates his decision, the dealer shall deal face upwards whatever additional cards are necessary to effectuate the player's decision.

(k) A player may elect to draw additional cards whenever his point count total is less than 21, except that:

(1) A player having Blackjack or a hard or soft total of 21 may not draw additional cards.

(2) A player electing to make a Double Down Wager may draw only one additional card.

(l) After the decisions of each player have been implemented and all additional cards have been dealt, the dealer shall turn the hole card face up. Any additional cards required to be dealt to the hand of the dealer, in accordance with subsection (m), shall be dealt face up. The dealer shall announce the dealer's total point count after each additional card is dealt.

(m) Except as provided in subsection (n), the dealer shall draw additional cards until he has a hard or soft total of 17, 18, 19, 20 or 21.

(n) A dealer shall draw no additional cards to his hand, regardless of the point count, if decisions have been made on all players' hands and the point count of the dealer's hand will not have an effect on the outcome of the round of play.

(o) After all additional cards have been dealt to the players and the dealer, the dealer shall, starting with the player farthest to the dealer's right and continuing around the table in a counterclockwise direction, settle the remaining optional wagers by collecting all losing wagers and paying all winning wagers as follows:

(1) If a player placed a Bad Beat Progressive Wager:

(i) A player shall win if the player's hand has a total point count of 20 and the dealer has Blackjack or the total point count of the dealer's hand is 21. If selected by the certificate holder in its Rules Submission under § 601a.2, a player may also win if the total point count of the player's hand is 20, irrespective of the total point count of the dealer's hand.

(ii) If a player has won the Bad Beat Progressive Wager or a Magic Card or Lucky Player Bonus, if offered by the certificate holder, the dealer shall:

(A) Verify that the hand is a winning hand.

(B) Have a floorperson or above verify any Bad Beat Progressive payout with odds of 100 for 1 or greater in accordance with approved internal control procedures submitted under § 465a.2 (relating to internal control systems and audit protocols).

(C) Credit the player's game account for the winning Bad Beat Progressive Wager or the Magic Card or Lucky Player Bonus in accordance with § 633a.13(j). If more than one player at the table has won a progressive payout that is 100% of the jackpot amount on the progressive meter, each player shall share the maximum amount proportionally to the amount of the player's respective Bad Beat Progressive Wager.

(2) If a player placed a Hit and Run Progressive Wager:

(i) A player shall win if the dealer has Blackjack or the dealer's hand has five or more cards inclusive of any card which would give the dealer's hand a total point count of greater than 21. For example, if the dealer's hand has a total point count of 14 with five cards drawn and the dealer draws an additional card resulting in a total point count of 23, the dealer's sixth card shall also count toward the Hit and Run Progressive payout.

(ii) If a player has won the Hit and Run Progressive Wager, the dealer shall:

- (A) Verify that the hand is a winning hand.
- (B) Have a floorperson or above verify any Hit and Run Progressive payout with odds of 200 for 1 or greater in accordance with approved internal control procedures submitted under § 465a.2.
- (C) Pay the player the winning Hit and Run Progressive Wager in accordance with § 633a.13(l). If a player has won a progressive payout that is 100% of the jackpot amount on the progressive meter, the progressive payout may not be paid from the table inventory container. If a player has won a progressive payout that is not being paid from the table inventory container, the cards of the player must remain on the table until the necessary documentation has been completed. If more than one player at the table has won a progressive payout that is 100% of the jackpot amount on the progressive meter, each player shall share the maximum amount equally.
- (3) If a player placed a Straight Jack Progressive Wager:

- (i) A player shall win if the player's initial two cards were a two-card straight. Each additional card drawn by the player which does not break the sequence of the two-card straight shall result in a payout increase, provided that an ace, king shall be a two-card straight. For example, if the player's initial two cards are a 4 and a 5 and the player draws:

- (A) A 6, the player has a three-card straight.
- (B) A 3 then a 6, the player has a four-card straight.
- (C) A 2 then a 3, the 2 breaks the sequence and the player has a two-card straight.
- (D) A 6 then a 7, resulting in a hand with a total point count greater than 21, the last card drawn may not count toward the Straight Jack Progressive Payout. The player will receive a payout for only a three-card straight.

- (ii) If a player has won the Straight Jack Progressive Wager, the dealer shall:

- (A) Verify that the hand is a winning hand.
- (B) Have a floorperson or above verify any Straight Jack Progressive Payout with odds of 100 for 1 or greater in accordance with approved internal control procedures submitted under § 465a.2.
- (C) Pay the player the winning Straight Jack Progressive Wager in accordance with § 633a.13(m). If a player has won a progressive payout that is 10% or more of the jackpot amount on the progressive meter, the progressive payout may not be paid from the table inventory container. If a player has won a progressive payout that is not being paid from the table inventory container, the cards of the player must remain on the table until the necessary documentation has been completed. If more than one player at the table has won a progressive payout that is 100% of the jackpot amount on the progressive meter, each player shall share the maximum amount equally.

- (p) A player shall win the Blackjack Wager and be paid in accordance with the payout odds in § 633a.13(a) if:

- (1) The total point count of the player's hand is 21 or less and the total point count of the dealer's hand is in excess of 21.
- (2) The total point count of the player's hand exceeds the total point count of the dealer's hand without exceeding 21.

- (3) The player has a Blackjack and the dealer's hand has a total point count of 21 in more than two cards.

- (q) A Blackjack Wager shall tie and be returned to the player if the total point count of the player's hand is the same as the dealer's. A player's Blackjack Wager shall be lost if the dealer has a Blackjack and the player's hand has a total point count of 21 in more than two cards.

- (r) The dealer shall collect all losing wagers and pay off all winning wagers in accordance with one of the following procedures designated in the certificate holder's Rules Submission under § 601a.2:

- (1) Collect all losing wagers and then pay off all winning wagers.
- (2) Pay off all winning wagers and collect all losing wagers beginning with the player farthest to the dealer's right and continuing around the table in a counterclockwise direction. The dealer shall place any losing wagers directly into the table inventory and may not pay off any winning wagers by using value chips collected from a losing wager.

- (s) After all wagers have been settled, the dealer shall remove all remaining cards from the table and place them in the discard rack in a manner that permits the reconstruction of each hand in the event of a question or dispute.

- (t) Except as provided in § 633a.12(b), players and spectators may not handle, remove or alter any cards used to play Blackjack.

§ 633a.13. Payout odds; payout limitation.

* * * * *

- (l) If the certificate holder offers the Hit and Run Progressive Wager:

- (1) The certificate holder shall pay out winning Hit and Run Progressive Wagers at the odds in the following payable:

<i>Hand</i>	<i>Payout</i>
Dealer has:	
Eight or more cards	100% of meter
Seven cards	200 for 1
Six cards	25 for 1
Five cards	8 for 1
Blackjack	4 for 1

- (2) The rate of progression for the meter used for the Hit and Run Progressive Wager must be specified in the certificate holder's Rules Submission filed in accordance with § 601a.2. The initial and reset amounts must also be in the Rules Submission and at least \$1,000.

- (m) If the certificate holder offers the Straight Jack Progressive Wager:

- (1) The certificate holder shall pay out winning Straight Jack Progressive Wagers at the odds in the following payable:

<i>Hand</i>	<i>Payout</i>
Player has:	
Six-card straight with an ace of spades	100% of meter and 200 to 1
Six-card straight with an ace of diamonds, clubs or hearts	10% of meter and 200 to 1
Five-card straight	200 to 1
Four-card straight	50 to 1
Three-card straight	15 to 1
Two-card straight	3 to 1

(2) The rate of progression for the meter used for the Straight Jack Progressive Wager must be specified in the certificate holder's Rules Submission filed in accordance with § 601a.2. The initial and reset amounts must also be in the Rules Submission and be at least \$5,000.

(n) If a certificate holder offers the House Money Wager and the player elects to take the payout, the player shall be paid in accordance with the following payable:

(1) If a single deck of cards is being used:

<i>Hand</i>	<i>Odds</i>
Ace-king suited	9 to 1
Two-card straight flush	5 to 1
Pair	3 to 1
Two-card straight	1 to 1

(2) If multiple decks of cards are being used:

<i>Hand</i>	<i>Odds</i>
Ace-king suited	9 to 1
Two-card straight flush	4 to 1
Pair	3 to 1
Two-card straight	1 to 1

(o) Notwithstanding the payout odds in subsections (b) and (g), a certificate holder may, in its Rules Submission under § 601a.2, establish a maximum amount that is payable to a player with a queen of hearts pair and dealer Blackjack or king of spades pair and dealer Blackjack that is payable to all winning hands in the aggregate on a single round of play. The maximum payout amount shall be at least \$25,000 or the maximum amount that one patron could win per round when betting the maximum possible wager, whichever is greater. If a certificate holder establishes a maximum payout, and more than one player at a table has a winning hand of queen of hearts pair and dealer Blackjack or king of spades pair and dealer Blackjack, each player shall share the maximum payout amount proportionately to the amount of the player's respective wager. Any maximum payout limit established by the certificate holder shall apply only to payouts of Royal Match 21 Wagers and King's Bounty Wagers.

CHAPTER 635a. SPANISH 21

§ 635a.8. Insurance Wager.

(a) If the first card dealt to the dealer is an ace, each player may make an Insurance Wager which shall win if the dealer's hole card is a king, queen or jack.

(b) An Insurance Wager shall be made by placing a value chip on the insurance line of the layout in an amount not more than 1/2 the player's initial Spanish 21 Wager. A player may wager an amount in excess of 1/2 the initial Spanish 21 Wager to the next unit that can be wagered in chips when, because of the limitation of the value of chip denominations, half the initial Spanish 21 Wager cannot be bet. Insurance Wagers shall be placed prior to the dealer inserting his hole card into the card reader device.

(c) Winning Insurance Wagers shall be paid in accordance with the payout odds in § 635a.12(d) (relating to payout odds).

(d) Losing Insurance Wagers shall be collected by the dealer immediately after the dealer inserts his hole card into the card reader device and determines that he does not have a Blackjack and before he draws any additional cards.

CHAPTER 637a. POKER

§ 637a.10. Seven-card Stud Poker; procedures for dealing the cards; completion of each round of play.

* * * * *

(l) In Seven-card Stud High-low Split Poker and Seven-card Stud High-low Split Eight or Better Poker, an ace may be used concurrently as a low hand card to make up a low hand and as a high card to make up a high Poker hand.

(m) Notwithstanding the requirements in subsection (c), if the certificate holder is offering Super Seven-card Stud High-low Split Eight or better, starting with the first player to the dealer's left and continuing around the table in a clockwise manner, the dealer shall deal four rounds of cards face down and one round of cards face up to each player. After examining the cards, each player shall discard two cards. The first betting round shall commence in accordance with subsection (d).

§ 637a.21. Badugi Poker; procedures for dealing the cards; completion of each round of play.

(a) A certificate holder that offers Badugi Poker shall observe the procedures in this section.

(b) No more than nine players may participate in a Badugi Poker game. Each player who elects to participate in a round of play may be required to place an Ante bet. The rules governing the placement of an Ante bet and the amount of the Ante bet, if any, and the Kill or Half-kill option, if offered, must be specified in the certificate holder's Rules Submission under § 601a.2 (relating to table games Rules Submissions) and posted on a sign at each Poker table.

(c) A button shall be used to indicate the order in which the cards shall be dealt and the order in which players shall bet in accordance with the following procedures:

(1) At commencement of play, the button shall be placed in front of either:

- (i) The first player to the right of the dealer.
- (ii) The player randomly determined by rank of a single card dealt.

(2) Thereafter, the button shall rotate around the table in a clockwise manner after each round of play.

(d) Before any cards are dealt, the player to the immediate left of the button shall initiate the first betting round by placing a Blind Bet. A certificate holder may require additional Blind Bets to be made immediately after the initial Blind Bet. The amount and number of all Blind Bets required must be specified in the certificate holder's Rules Submission under § 601a.2 and posted on a sign at the table.

(e) The player to the left of the player who placed a Blind Bet may place a Straddle Bet, if offered by the certificate holder. The rules governing the placement of a Straddle Bet and the amount of the Straddle Bet, if any, must be specified in the certificate holder's Rules Submission under § 601a.2 and posted on a sign at each Poker table. No more than one Straddle Bet may be made during a round of play.

(f) Starting with the player to the immediate left of the button and continuing around the table in a clockwise manner, the dealer shall deal four rounds of cards face down to each player. The player with the button shall be the last player to receive a card each time.

(g) After each player has been dealt four cards in accordance with subsection (f), each player, starting with the player to the left of the player or players who were required to place a Blind Bet or the player who placed a Straddle Bet, if offered, and continuing around the table in a clockwise manner, may fold, call or raise the bet. The option to raise also applies to a player who made a Blind Bet or Straddle Bet. After the last player has responded to the most recent bet, the betting round shall be considered complete.

(h) The dealer shall then burn the top card of the deck. Each player who has not folded, starting with the player to the immediate left of the button and continuing in a clockwise rotation, shall have the opportunity to draw new cards one player at a time. Each player may keep his original hand or discard as many cards as he chooses. Each discarded card shall be replaced by the dealer with a new card from the deck. If an insufficient number of cards remain in the deck for a player to draw new cards, the discarded cards, except the cards discarded by that player, shall be reshuffled and the new cards shall be dealt to the player. The first player to the left of the button who has not folded shall commence the next betting round and may bet or check. Each subsequent player may, in clockwise rotation, fold, call, raise or, if preceding players have not made a bet, make an opening bet or check. After the last player has responded to the most recent bet, the second betting round shall be considered complete.

(i) Upon completion of the second betting round, the dealer shall burn the top card of the deck. Each player who has not folded shall then have the opportunity to draw new cards in accordance with subsection (h). The next betting round shall be commenced and completed in accordance with subsection (h).

(j) Upon completion of the third betting round, the dealer shall burn the top card of the deck. Each player who has not folded shall then have the opportunity to draw new cards in accordance with subsection (h). The fourth and final betting round shall be commenced and completed in accordance with subsection (h).

(k) If more than one player remains in the round of play after the final betting round has been completed, a showdown shall be used to determine the winner of the pot based upon the following rankings in order from highest to lowest:

(1) The lowest Badugi hand shall win the pot. For purposes of this section, a Badugi hand shall be a hand in which each of the player's four cards are of a different suit from the others and rank in accordance with § 637a.6(c) (relating to Poker rankings) with the best Badugi hand being an ace, 2, 3 and 4.

(2) If no players have a Badugi, the player with the lowest hand containing three cards, each of which are a different suit and rank.

(3) If no players have three cards of a different suit and rank than the player with the lowest hand containing two cards, each of which are a different suit and rank shall win the pot.

(4) If no remaining players have a hand containing two cards of a different suit and rank than the player with the lowest card.

(5) If a tie exists between two or more players, the pot shall be divided equally among the tied players. If the pot cannot be divided equally among the tied players, the

excess, which may not exceed \$1, shall be given to the player specified in the certificate holder's Rules Submission under § 601a.2.

CHAPTER 659a. ASIA POKER

Sec.

- 659a.1. Definitions.
- 659a.2. Asia Poker table; Asia Poker shaker; physical characteristics.
- 659a.3. Cards; number of decks.
- 659a.4. Opening of the table for gaming.
- 659a.5. Shuffle and cut of the cards; procedures for determining the starting position for dealing cards.
- 659a.6. Asia Poker rankings.
- 659a.7. Wagers.
- 659a.8. Procedures for dealing the cards from a manual dealing shoe.
- 659a.9. Procedures for dealing the cards from the hand.
- 659a.10. Procedures for dealing the cards from an automated dealing shoe.
- 659a.11. Procedures for completion of each round of play.
- 659a.12. Payout odds; payout limitation.
- 659a.13. Irregularities; invalid roll of dice.

§ 659a.1. Definitions.

The following words and terms, when used in this chapter, have the following meanings, unless the context clearly indicates otherwise:

Copy hand—A high hand, medium hand or low hand of a player that is identical in rank to the corresponding high hand, medium hand or low hand of the dealer.

High hand—The four-card hand that is formed from the seven cards dealt so as to rank higher than the medium hand and the low hand.

Low hand—The one-card hand that is formed from the seven cards dealt so as to rank lower than the high hand and the medium hand.

Medium hand—The two-card hand that is formed from the seven cards dealt so as to rank lower than the high hand and higher than the low hand.

Setting the hands—The process of forming a high hand, medium hand and low hand from the seven cards dealt.

§ 659a.2. Asia Poker table; Asia Poker shaker; physical characteristics.

(a) Asia Poker shall be played at a table having betting positions for no more than six players on one side of the table and a place for the dealer on the opposite side of the table.

(b) The layout for an Asia Poker table shall be submitted to the Bureau of Gaming Operations and approved in accordance with § 601a.10(a) (relating to approval of table game layouts, signage and equipment) and contain, at a minimum:

- (1) The name or logo of the certificate holder.
- (2) A separate betting area designated for the placement of the Asia Poker Wager for each player.
- (3) Three separate areas designated for the placement of the high hand, medium hand and low hand of each player.
- (4) Three separate areas designated for the placement of the high hand, medium hand and low hand of the dealer.
- (5) If the certificate holder offers the optional Bonus Wager authorized under § 659a.7(e) (relating to wagers), a separate area designated for the placement of the Bonus Wager for each player.

(6) Inscriptions that advise patrons of the payout odds or amounts for all permissible wagers offered by the certificate holder. If the payout odds or amounts are not

inscribed on the layout, a sign identifying the payout odds or amounts for all permissible wagers shall be posted at each Asia Poker table.

(7) An inscription indicating the payout limit per hand established by the certificate holder under § 659a.12(c) (relating to payout odds; payout limitation) or a generic inscription indicating the game is subject to the posted payout limit. If the payout limit is not inscribed on the layout, a sign which sets forth the required information shall be posted at each Asia Poker table.

(c) To determine the starting position for the dealing or delivery of the cards, Asia Poker may be played with:

(1) An Asia Poker shaker, approved in accordance with § 601a.10(a), which shall be designed and constructed to maintain the integrity of the game. The Asia Poker shaker shall be the responsibility of the dealer, may not be left unattended while at the table and must:

(i) Be capable of housing three dice that when not being shaken shall be maintained within the Asia Poker shaker. Dice that have been placed in an Asia Poker shaker for use in gaming may not remain on a table for more than 24 hours.

(ii) Be designed to prevent the dice from being seen while being shaken.

(iii) Have the name or logo of the certificate holder imprinted or impressed thereon.

(2) A computerized random number generator which must be approved by the Bureau of Gaming Laboratory Operations in accordance with § 461a.4 (relating to submission for testing and approval) prior to its use.

(3) A flat button which shall be approved by the Bureau of Gaming Operations prior to its use.

(d) Each Asia Poker table must have a drop box and a tip box attached on the same side of the gaming table as, but on opposite sides of, the dealer and in locations approved by the Bureau of Casino Compliance in accordance with § 601a.10(g). The Bureau of Casino Compliance may approve an alternative location for the tip box when a card shuffling device or other table game equipment prevents the placement of the drop box and tip box on the same side of the gaming table as, but on opposite sides of, the dealer.

(e) Each Asia Poker table must have a discard rack securely attached to the top of the dealer's side of the table.

§ 659a.3. Cards; number of decks.

(a) Except as provided in subsection (b), Asia Poker shall be played with one deck of cards that are identical in appearance and two cover cards. The deck of cards used to play Asia Poker must include one joker. A certificate holder may use decks that are manufactured with two jokers provided that only one joker is used for gaming.

(b) If an automated card shuffling device is utilized, Asia Poker may be played with two decks of cards in accordance with the following requirements:

(1) The cards in each deck must be of the same design. The backs of the cards in one deck must be of a different color than the cards included in the other deck.

(2) One deck of cards shall be shuffled and stored in the automated card shuffling device while the other deck is being used to play the game.

(3) Both decks of cards shall be continuously alternated in and out of play, with each deck being used for every other round of play.

(4) The cards from only one deck shall be placed in the discard rack at any given time.

(c) The decks of cards used in Asia Ride Poker shall be changed at least every:

(1) Four hours if the cards are dealt by hand.

(2) Eight hours if the cards are dealt from a manual or automated dealing shoe.

§ 659a.4. Opening of the table for gaming.

(a) After receiving one or more decks of cards at the table, the dealer shall inspect the cards for any defects. The floorperson assigned to the table shall verify the inspection.

(b) If the deck of cards used by the certificate holder contains two jokers, the dealer and a floorperson shall ensure that only one joker is utilized and that the other joker is torn in half and placed in the box, envelope or container that the deck came from. After the cards are inspected, the cards shall be spread out face up on the table for visual inspection by the first player to arrive at the table. The cards shall be spread in horizontal fan shaped columns by deck according to suit and in sequence and include the one joker.

(c) After the first player is afforded an opportunity to visually inspect the cards, the cards shall be turned face down on the table, mixed thoroughly by a washing of the cards and stacked. Once the cards have been stacked, they shall be shuffled in accordance with § 659a.5 (relating to shuffle and cut of the cards; procedures for determining the starting position for dealing cards).

(d) If an automated card shuffling device is utilized and two decks of cards are received at the table, each deck of cards shall be spread for inspection, mixed, stacked and shuffled in accordance with subsections (a)—(c).

(e) If the decks of cards received at the table are preinspected and reshuffled in accordance with § 603a.16(u) or (v) (relating to cards; receipt, storage, inspection and removal from use), subsections (a)—(d) do not apply.

§ 659a.5. Shuffle and cut of the cards; procedures for determining the starting position for dealing cards.

(a) Immediately prior to commencement of play, unless the cards were reshuffled in accordance with § 603a.16(u) or (v) (relating to cards; receipt, storage, inspection and removal from use), after each round of play has been completed or when directed by the floorperson or above, the dealer shall shuffle the cards, either manually or by use of an automated card shuffling device, so that the cards are randomly intermixed. Upon completion of the shuffle, the dealer or device shall place the deck of cards in a single stack provided, however, that the certificate holder may use an automated card shuffling device which, upon completion of the shuffling of the cards, inserts the stack of cards directly into a dealing shoe.

(b) After the cards have been shuffled and stacked, the dealer shall:

(1) If the cards were shuffled using an automated card shuffling device, determine the starting position in accordance with subsection (g), then deal the cards in

accordance with § 659a.8, § 659a.9 or § 659a.10 (relating to procedures for dealing the cards from a manual dealing shoe; procedures for dealing the cards from the hand; and procedures for dealing the cards from an automated dealing shoe).

(2) If the cards were shuffled manually or were reshuffled, cut the cards in accordance with subsection (c).

(c) If a cut of the cards is required, the dealer shall place the cover card in the stack at least ten cards in from the top of the stack. Once the cover card has been inserted, the dealer shall take all cards above the cover card and the cover card and place them on the bottom of the stack. The stack of cards shall then be inserted into the dealing shoe for commencement of play. The dealer shall then determine the starting position in accordance with subsection (g), and deal the cards in accordance with § 659a.8, § 659a.9 or § 659a.10.

(d) After the cards have been cut and before any cards have been dealt, a floorperson or above may require the cards to be recut if the floorperson determines that the cut was performed improperly or in any way that might affect the integrity or fairness of the game.

(e) If there is no gaming activity at an Asia Poker table which is open for gaming, the cards shall be removed from the dealing shoe and discard rack and spread out on the table face down unless a player requests that the cards be spread face up on the table. After the first player arriving at the table is afforded an opportunity to visually inspect the cards, the procedures in § 659a.4(c) (relating to opening of the table for gaming) and this section shall be completed.

(f) A certificate holder may utilize a dealing shoe or other device designed to automatically reshuffle the cards provided that the device is submitted and approved in accordance with § 461a.4 (relating to submission for testing and approval) prior to its use in the licensed facility. If a certificate holder is utilizing the approved device, subsections (c)—(e) do not apply.

(g) To determine the starting position for the dealing of cards, the certificate holder shall use one of the following:

(1) An Asia Poker shaker in accordance with the following procedures:

(i) The dealer shall shake the Asia Poker shaker at least three times to cause a random mixture of the dice.

(ii) The dealer shall then remove the lid covering the Asia Poker shaker and place the uncovered shaker on the designated area of the table layout. The dealer shall then total the dice and announce the total.

(iii) To determine the starting position, the dealer shall count each betting position in order, regardless of whether there is a wager at the betting position, beginning with the dealer as number one and continuing around the table in a counterclockwise manner, until the count matches the total of the three dice.

(iv) After the dealing procedures required under § 659a.8, § 659a.9 or § 659a.10 have been completed, the dealer shall place the cover on the Asia Poker shaker and shake the shaker once. The Asia Poker shaker shall then be placed to the right of the dealer.

(2) A computerized random number generator to select and display a number from 1 to 7. To determine the starting position, the dealer shall count each betting position in order, regardless of whether there is a wager at the betting position, beginning with the dealer as

number one and continuing around the table in a counterclockwise manner, until the count matches the number displayed by the random number generator.

(3) If an automated card shuffling device and dealing shoe are used under § 659a.10, a flat button to indicate the starting position. At the commencement of play, the button shall be placed in front of the dealer. Thereafter, the button shall rotate around the table in a clockwise manner after each round of play.

(h) After the starting position for a round of play has been determined, a certificate holder may mark that position with an additional cover card or similar object approved by the Bureau of Gaming Operations.

§ 659a.6. Asia Poker rankings.

(a) The rank of the cards used in Asia Poker, in order of highest to lowest, shall be: ace, king, queen, jack, 10, 9, 8, 7, 6, 5, 4, 3 and 2. Notwithstanding the foregoing, an ace may be used to complete a straight flush or a straight formed with a 2, 3 and 4 but may not be combined with any other sequence of cards (for example: queen, king, ace and 2). The joker shall be used and ranked as an ace or may be used as any card to complete a straight, a flush, a straight flush or a royal flush.

(b) The permissible Poker hands at the game of Asia Poker, in order of highest to lowest rank, shall be:

(1) Four aces, which is a high hand consisting of four aces.

(2) A royal flush, which is a high hand consisting of an ace, king, queen and jack of the same suit.

(3) A straight flush, which is a high hand consisting of four cards of the same suit in consecutive ranking, with ace, 2, 3 and 4 being the highest ranking straight flush; king, queen, jack and 10 being the second highest ranking straight flush; and 2, 3, 4 and 5 being the lowest ranking straight flush. The certificate holder may, if specified in its Rules Submission under § 601a.2 (relating to table games Rules Submissions), specify that a straight flush formed with an ace, 2, 3 and 4 of the same suit is the lowest ranking straight flush.

(4) A four-of-a-kind, which is a high hand consisting of four cards of the same rank, with four kings being the highest ranking four-of-a-kind and four 2s being the lowest ranking four-of-a-kind.

(5) A flush, which is a high hand consisting of four cards of the same suit. When comparing two flushes, the provisions in subsection (c) shall be applied.

(6) A straight, which is a high hand consisting of four cards of consecutive rank, regardless of suit, with an ace, king, queen and jack being the highest ranking straight; an ace, 2, 3 and 4 being the second highest ranking straight; and a 2, 3, 4 and 5 being the lowest ranking straight. The certificate holder may, if specified in its Rules Submission under § 601a.2, specify that a straight formed with an ace, 2, 3 and 4, regardless of suit, is the lowest ranking straight.

(7) A three-of-a-kind, which is a high hand containing three cards of the same rank, with three aces being the highest ranking three-of-a-kind and three 2s being the lowest ranking three-of-a-kind.

(8) Two pair, which is a high hand containing two pairs, with two aces and two kings being the highest ranking two pair hand and two 3s and two 2s being the lowest ranking two-pair hand.

(9) A pair, which is either a high hand or a low hand consisting of two cards of the same rank, with two aces being the highest ranking pair and two 2s being the lowest ranking pair.

(c) When comparing two high hands, two medium hands or two low hands that are of identical hand rank under subsection (b), or contain none of the hands in subsection (b), the hand that contains the highest ranking card under subsection (a), which is not in the other hand, shall be considered the higher ranking hand. If the two hands are of identical rank after the application of this section, the hands shall be considered a copy.

(d) If the certificate holder offers the optional Bonus Wager under § 659a.7(e) (relating to wagers), the following hands shall be used to determine the amount of the bonus payout to a winning player:

- (1) A three-of-a-kind and four 8s.
- (2) Five aces, which is a hand consisting of four aces and a joker.
- (3) A royal flush, which is a hand consisting of an ace, king, queen, jack and 10 of the same suit.
- (4) A natural straight flush, which is a hand consisting of five cards of the same suit in consecutive rank with no joker.
- (5) A straight flush with a joker, which is a hand consisting of five cards of the same suit in consecutive rank, one of which is a joker.
- (6) A four-of-a-kind, which is a hand consisting of four cards of the same rank regardless of suit.
- (7) A 9-high, which is a seven-card hand that contains a 9, 8, 7, 6, 4, 3 and 2 or a 9, 8, 7, 5, 4, 3 and 2.
- (8) A full house, which is a hand consisting of a three-of-a-kind and a pair.
- (9) A flush, which is a hand consisting of five cards of the same suit.
- (10) A three-of-a-kind, which is a hand containing three cards of the same rank regardless of suit.
- (11) A straight, which is a hand consisting of five cards of consecutive rank, regardless of suit.

§ 659a.7. Wagers.

(a) Wagers at Asia Poker shall be made by placing value chips or plaques on the appropriate areas of the Asia Poker layout. Verbal wagers accompanied by cash may not be accepted.

(b) Only players who are seated at an Asia Poker table may wager at the game. Once a player has placed a wager and received cards, that player shall remain seated until the completion of the round of play. If a player leaves the table during a round of play, any wagers made by the player may be considered abandoned and may be treated as losing wagers.

(c) All wagers at Asia Poker shall be placed prior to the dealer announcing “no more bets” in accordance with the dealing procedures in § 659a.8, § 659a.9 or § 659a.10 (relating to procedures for dealing the cards from a manual dealing shoe; procedures for dealing the cards from the hand; and procedures for dealing the cards from an automated dealing shoe). A wager may not be made, increased or withdrawn after the dealer has announced “no more bets.”

(d) To participate in a round of play and compete against the dealer’s high hand, medium hand and low hand, a player shall place an Asia Poker Wager.

(e) If specified in its Rules Submission under § 601a.2 (relating to table games Rules Submissions), a certificate holder may offer to each player who placed an Asia Poker Wager, the option of placing a Bonus Wager that the seven cards dealt to the player will form a hand with a rank of 9-high or better as described in § 659a.6(d) (relating to Asia Poker rankings).

(f) If specified in its Rules Submission under § 601a.2, a certificate holder may permit a player to wager on two adjacent betting areas at an Asia Poker table. If a certificate holder permits a player to wager on adjacent betting areas, the cards dealt to each betting area shall be played separately. If the two wagers are not equal, the player shall set the hand with the larger wager before ranking and setting the other hand. If the amounts wagered are equal, each hand shall be played separately in a counterclockwise rotation with the first hand being ranked and set before the player proceeds to rank and set the second hand. Once a hand has been ranked, set and placed face down on the layout, the hands may not be changed.

§ 659a.8. Procedures for dealing the cards from a manual dealing shoe.

(a) If a manual dealing shoe is used, the dealing shoe must be located on the table in a location approved by the Bureau of Casino Compliance. Once the procedures required under § 659a.5 (relating to shuffle and cut of the cards; procedures for determining the starting position for dealing cards) have been completed, the stacked deck of cards shall be placed in the dealing shoe either by the dealer or by an automated card shuffling device.

(b) Prior to dealing any cards, the dealer shall announce “no more bets” and use one of the procedures authorized under § 659a.5(g) to determine the starting position for dealing the cards.

(c) The dealer shall then deal the first card to the starting position as determined in subsection (b) and, continuing around the table in a clockwise manner, deal one card at a time to all other positions, regardless of whether there is a wager at the position, and the dealer, until each position and the dealer has seven cards. Each card dealt shall be removed from the dealing shoe with the hand of the dealer that is closest to the dealing shoe and placed face down on the appropriate area of the layout with the opposite hand.

(d) After seven cards have been dealt to each position and the dealer, the dealer shall remove the stub from the manual dealing shoe and determine whether four cards are left by spreading them face down on the layout. The four cards that remain may not be exposed to anyone and shall be placed in the discard rack.

(e) If more or less than four cards remain, the dealer shall determine if the cards were misdealt. If the cards were misdealt (a player position or the dealer has more or less than seven cards), all hands shall be void and all wagers shall be returned to the players. If the cards were not misdealt, all hands shall be void, all wagers shall be returned to the players and the entire deck of cards shall be removed from the table.

(f) If the dealer determines the cards were dealt properly, the dealer shall collect any stacks dealt to a position where there was no wager and place them in the discard rack without exposing the cards.

§ 659a.9. Procedures for dealing the cards from the hand.

(a) If the cards are dealt from the dealer's hand, the following requirements shall be observed:

(1) An automated shuffling device shall be used to shuffle the cards.

(2) After the procedures required under § 659a.5 (relating to shuffle and cut of the cards; procedures for determining the starting position for dealing cards) have been completed, the dealer shall place the deck of cards in either hand. After the dealer has chosen the hand in which to hold the cards, the dealer shall continue to use that hand when holding the cards during that round of play. The cards held by the dealer shall be kept over the table inventory container and in front of the dealer at all times.

(3) Prior to dealing any cards, the dealer shall announce "no more bets" and use one of the procedures authorized under § 659a.5(g) to determine the starting position for dealing the cards. The dealer shall deal each card by holding the deck of cards in the chosen hand and shall use the other hand to remove the top card of the deck and place it face down on the appropriate area of the layout.

(b) The dealer shall then deal the first card to the starting position as determined in subsection (a) and, continuing around the table in a clockwise manner, deal one card at a time to all other positions, regardless of whether there is a wager at the position, and the dealer, until each position and the dealer has seven cards.

(c) After seven cards have been dealt to each position and the dealer, the dealer shall determine whether four cards are left by spreading them face down on the layout. The four cards that remain may not be exposed to anyone and shall be placed in the discard rack.

(d) If more or less than four cards remain, the dealer shall determine if the cards were misdealt. If the cards were misdealt (a player position or the dealer has more or less than seven cards), all hands shall be void and all wagers shall be returned to the players. If the cards were not misdealt, all hands shall be void, all wagers shall be returned to the players and the entire deck of cards shall be removed from the table.

(e) If the dealer determines the cards were dealt properly, the dealer shall collect any stacks dealt to a position where there was no wager and place them in the discard rack without exposing the cards.

§ 659a.10. Procedures for dealing the cards from an automated dealing shoe.

(a) If the cards are dealt from an automated dealing shoe, after the procedures under § 659a.5 (relating to shuffle and cut of the cards; procedures for determining the starting position for dealing cards) have been completed, the cards shall be placed in the automated dealing shoe. Prior to the shoe dispensing any stacks of cards, the dealer shall announce "no more bets."

(b) After the starting position for delivering the cards has been determined, the dealer shall deliver the first stack of cards dispensed by the automated dealing shoe face down to that position. As the remaining stacks are dispensed to the dealer by the automated dealing shoe, the dealer shall, moving clockwise around the table, deliver a stack face down to each of the other positions, regardless of whether there is a wager at the position, and the dealer.

(c) After seven cards have been dispensed and delivered to each position and the dealer, the dealer shall remove the remaining cards from the shoe and determine whether four cards are left by spreading them face down on the layout. The four cards that remain may not be exposed to anyone and shall be placed in the discard rack.

(d) If more or less than four cards remain, the dealer shall determine if the cards were misdealt. If the cards were misdealt (a player position or the dealer has more or less than seven cards), all hands shall be void and all wagers shall be returned to the players. If the cards were not misdealt, all hands shall be void, all wagers shall be returned to the players and the entire deck of cards shall be removed from the table.

(e) If the dealer determines the cards were dealt properly, the dealer shall collect any stacks dealt to a position where there was no wager and place them in the discard rack without exposing the cards.

§ 659a.11. Procedures for completion of each round of play.

(a) After the dealing procedures required under § 659a.8, § 659a.9 or § 659a.10 (relating to procedures for dealing the cards from a manual dealing shoe; procedures for dealing the cards from the hand; and procedures for dealing the cards from an automated dealing shoe) have been completed, each player shall examine his cards subject to the following limitations:

(1) Each player who wagers at an Asia Poker table shall be responsible for setting his own hands and no person other than the dealer and the player to whom the cards were dealt may touch the cards of that player. If a player requests assistance in the setting of his hands, the dealer shall inform the player of the manner in which the certificate holder requires the hands of the dealer to be set in accordance with the certificate holder's Rules Submission under § 601a.2 (relating to table games Rules Submissions).

(2) Each player shall keep his seven cards in full view of the dealer at all times.

(3) Once each player has set his three hands and placed them face down on the appropriate area of the layout, the player may not touch the cards again.

(b) Each player shall set his hands by arranging the cards into a high hand, a medium hand and a low hand. When setting the three hands, the four-card high hand must be higher in rank than the two-card medium hand and the medium hand must be higher in rank than the one-card low hand. For example, if the two-card medium hand contains a pair of sevens, the four-card high hand must contain at least a pair of sevens and the two remaining cards.

(c) After all players have set their hands and placed the cards on the table, the seven cards of the dealer shall be turned over and the dealer shall set his hands by arranging the cards into a high hand, medium hand and low hand. The certificate holder shall specify in its Rules Submission under § 601a.2 the manner in which the hands of the dealer shall be set. The dealer shall then place the three hands face up on the appropriate area of the layout.

(d) Unless a player has placed an optional Bonus Wager in accordance with § 659a.7(e) (relating to wagers), a player may surrender his wager after the hands of the dealer have been set. The player shall announce his intention to surrender prior to the dealer exposing any of the three hands of that player as provided in

subsection (e). Once the player has announced his intention to surrender, the dealer shall immediately collect the Asia Poker Wager from that player and collect the seven cards dealt to that player without exposing the cards to anyone at the table. The dealer shall verify that seven cards were collected by counting them face down on the layout prior to placing them in the discard rack.

(e) After the dealer has set a high hand, medium hand and a low hand, the dealer shall reveal all three hands of each player, beginning with the player farthest to the dealer's right and continuing around the table in a counterclockwise direction. The dealer shall compare the high, medium and low hand of each player to the high, medium and low hand of the dealer and shall announce if the Asia Poker Wager of that player wins or loses.

(f) An Asia Poker Wager will:

(1) Lose and will immediately be collected if:

(i) Any two of the player's three hands are identical or lower in rank than the dealer's corresponding hands.

(ii) Any one of the player's three hands is identical in rank to the corresponding hand of the dealer and one of the player's remaining hands is lower in rank than the dealer's corresponding hand.

(iii) The high hand of the player was not set so as to rank higher than the medium hand of that player.

(iv) The medium hand of the player was not set so as to rank higher than the low hand of that player.

(v) The three hands of the player were not otherwise set correctly in accordance with this chapter.

(2) Win if any two of the player's three hands are higher in rank than the dealer's corresponding hands. The dealer shall pay the winning Asia Poker Wager in accordance with the payout odds in § 659a.12(a) (relating to payout odds; payout limitation).

(g) Except as provide in subsection (h), after settling the player's Asia Poker Wager, the dealer shall place the cards of the player in the discard rack.

(h) If a player placed a Bonus Wager, after settling the player's Asia Poker Wager, the dealer shall rearrange the seven cards of any player and form the highest ranking hand and shall be responsible for creating the hand for purposes of the Bonus Wager. If a player:

(1) Does not have a 9-high or better, as described in § 659a.6(d) (relating to Asia Poker rankings), the dealer shall collect the Bonus Wager and place the cards of the player in the discard rack.

(2) Has a 9-high or better, the dealer shall pay the winning Bonus Wager in accordance with § 659a.12(b) and place the cards of the player in the discard rack.

(i) All cards removed from the table shall be placed in the discard rack in a manner that permits the reconstruction of each hand in the event of a question or dispute.

§ 659a.12. Payout odds; payout limitation.

(a) A certificate holder shall pay each winning Asia Poker Wager at odds of 1 to 1.

(b) The certificate holder shall pay out winning Bonus Wagers at the odds in one of the following paytables selected by the certificate holder in its Rules Submission filed in accordance with § 601a.2 (relating to table games Rules Submissions):

<i>Hand</i>	<i>Paytable A</i>	<i>Paytable B</i>	<i>Paytable C</i>
Three-of-a-kind and four 8s	5,000 to 1	5,000 to 1	5,000 to 1
Five aces	800 to 1	800 to 1	800 to 1
Royal flush	200 to 1	200 to 1	200 to 1
Natural straight flush	80 to 1	50 to 1	50 to 1
Straight flush with a joker	40 to 1	40 to 1	40 to 1
Four-of-a-kind	30 to 1	30 to 1	25 to 1
9-high	10 to 1	10 to 1	10 to 1
Full house	5 to 1	5 to 1	5 to 1
Flush	4 to 1	4 to 1	4 to 1
Three-of-a-kind	3 to 1	3 to 1	3 to 1
Straight	2 to 1	2 to 1	2 to 1

(c) Notwithstanding the payout odds in subsections (a) and (b), a certificate holder may, in its Rules Submission under § 601a.2, establish a maximum amount that is payable to a player on a single hand. The maximum payout amount shall be at least \$50,000 or the maximum amount that one player could win per round when betting the minimum permissible wager, whichever is greater.

§ 659a.13. Irregularities; invalid roll of dice.

(a) If the dealer uncovers the Asia Poker shaker and all three dice do not land flat on the bottom of the shaker, the dealer shall call a "no roll" and reshake the dice.

(b) If the dealer uncovers the Asia Poker shaker and a die or dice fall out of the shaker, the dealer shall call a "no roll" and reshake the dice.

(c) If the dealer incorrectly totals the dice and deals the first card to the wrong position, all hands shall be void, all wagers shall be returned to the players and the cards shall be reshuffled.

(d) If the dealer exposes any of the cards dealt to a player, the player may void the hand. The player shall make the decision to either play out the hand or to void the hand without looking at the unexposed cards.

(e) If a card or cards in the dealer's hand are exposed, all hands shall be void, all wagers shall be returned to the players and the cards shall be reshuffled.

(f) A card that is found face up in the shoe or the deck while the cards are being dealt shall not be used in that round of play and shall be placed in the discard rack. If more than one card is found face up in the shoe or the deck during the dealing of the cards, all hands shall be void, all wagers shall be returned to the players and the cards shall be reshuffled.

(g) A card drawn in error without its face being exposed shall be used as though it were the next card from the shoe.

(h) If any player or the dealer is dealt an incorrect number of cards, all hands shall be void, all wagers shall be returned to the players and the cards shall be reshuffled.

(i) If the dealer does not set his hands in the manner in which the certificate holder requires the hands of the dealer to be set, the hands shall be reset in accordance with the certificate holder's Rules Submission and the round of play shall be completed.

(j) If any of the dealer's cards are inadvertently exposed while the dealer is dealing the cards, all wagers shall be returned to the players and the cards shall be reshuffled.

(k) If any player position or the dealer is dealt an incorrect number of cards, all hand shall be void, all wagers shall be returned to the players and the cards shall be reshuffled.

(l) If an automated card shuffling device is being used and the device jams, stops shuffling during a shuffle or fails to complete a shuffle cycle, the cards shall be reshuffled.

(m) If an automated dealing shoe is being used and the device jams, stops dealing cards or fails to deal all cards during a round of play, the round of play shall be void, all wagers shall be returned to the players and the cards shall be removed from the device and reshuffled with any cards already dealt.

(n) If an automated shuffling device or automated dealing shoe malfunctions and cannot be used, the automated card shuffling device or automated dealing shoe must be covered or have a sign indicating that the automated shuffling device or automated dealing shoe is out of order placed on the device before any other method of shuffling or dealing may be utilized at that table.

CHAPTER 663a. FIVE CARD HI-LO

Sec.	
663a.1.	Definitions.
663a.2.	Five Card Hi-Lo table; physical characteristics.
663a.3.	Cards; number of decks.
663a.4.	Opening of the table for gaming.
663a.5.	Shuffle and cut of the cards.
663a.6.	Five Card Hi-Lo rankings.
663a.7.	Wagers.
663a.8.	Procedures for dealing the cards from a manual dealing shoe.
663a.9.	Procedures for dealing the cards from the hand.
663a.10.	Procedures for dealing the cards from an automated dealing shoe.
663a.11.	Procedures for completion of each round of play.
663a.12.	Payout odds.
663a.13.	Irregularities.

§ 663a.1. Definitions.

The following words and terms, when used in this chapter, have the following meanings, unless the context clearly indicates otherwise:

High hand—The three-card hand that is formed from the five cards dealt so as to have a point value higher than the two-card low hand.

Low hand—The two-card hand that is formed from the five cards dealt so as to have a point value lower than the three-card high hand.

Setting the hands—The process of forming a high hand and low hand from the five cards dealt.

§ 663a.2. Five Card Hi-Lo table; physical characteristics.

(a) Five Card Hi-Lo shall be played at a table having betting positions for no more than six players on one side of the table and a place for the dealer on the opposite side of the table.

(b) The layout for a Five Card Hi-Lo table shall be submitted to the Bureau of Gaming Operations and approved in accordance with § 601a.10(a) (relating to approval of table game layouts, signage and equipment) and contain, at a minimum:

- (1) The name or logo of the certificate holder.
- (2) A separate betting area designated for the placement of the Ante Wager for each player.
- (3) A separate betting area designated for the placement of the Play Wager for each player.

(4) Two separate areas designated for the placement of the high and low hands of each player.

(5) If the certificate holder offers the optional Tie Wager authorized under § 663a.7(e)(1) (relating to wagers), a separate area designated for the placement of the Tie Wager for each player.

(6) If the certificate holder offers the optional Poker Bonus Wager authorized under § 663a.7(e)(2), a separate area designated for the placement of the Poker Bonus Wager for each player.

(7) Inscriptions that advise patrons of the payout odds or amounts for all permissible wagers offered by the certificate holder. If the payout odds or amounts are not inscribed on the layout, a sign identifying the payout odds or amounts for all permissible wagers shall be posted at each Five Card Hi-Lo table.

(c) Each Five Card Hi-Lo table must have a drop box and a tip box attached on the same side of the gaming table as, but on opposite sides of, the dealer, as approved by the Bureau of Casino Compliance in accordance with § 601a.10(g). The Bureau of Casino Compliance may approve an alternative location for the tip box when a card shuffling device or other table game equipment prevents the placement of the drop box and tip box on the same side of the gaming table as, but on opposite sides of, the dealer.

(d) Each Five Card Hi-Lo table must have a discard rack securely attached to the top of the dealer's side of the table.

§ 663a.3. Cards; number of decks.

(a) Except as provided in subsection (b), Five Card Hi-Lo shall be played with one deck of cards that are identical in appearance and one cover card.

(b) If an automated card shuffling device is utilized, Five Card Hi-Lo may be played with two decks of cards in accordance with the following requirements:

(1) The cards in each deck must be of the same design. The backs of the cards in one deck must be of a different color than the cards in the other deck.

(2) One deck of cards shall be shuffled and stored in the automated card shuffling device while the other deck is being used to play the game.

(3) Both decks of cards shall be continuously alternated in and out of play, with each deck being used for every other round of play.

(4) The cards from only one deck shall be placed in the discard rack at any given time.

(c) The decks of cards used in Five Card Hi-Lo shall be changed at least every:

(1) Four hours if the cards are dealt by hand.

(2) Eight hours if the cards are dealt from a manual or automated dealing shoe.

§ 663a.4. Opening of the table for gaming.

(a) After receiving one or more decks of cards at the table, the dealer shall inspect the cards for any defects. The floorperson assigned to the table shall verify the inspection.

(b) After the cards are inspected, the cards shall be spread out face up on the table for visual inspection by the first player to arrive at the table. The cards shall be spread in horizontal fan shaped columns by deck according to suit and in sequence.

(c) After the first player is afforded an opportunity to visually inspect the cards, the cards shall be turned face down on the table, mixed thoroughly by a washing of the cards and stacked. Once the cards have been stacked, the cards shall be shuffled in accordance with § 663a.5 (relating to shuffle and cut of the cards).

(d) If an automated card shuffling device is utilized and two decks of cards are received at the table, each deck of cards shall be spread for inspection, mixed, stacked and shuffled in accordance with subsections (a)—(c).

(e) If the decks of cards received at the table are preinspected and reshuffled in accordance with § 603a.16(u) or (v) (relating to cards; receipt, storage, inspection and removal from use), subsections (a)—(d) do not apply.

§ 663a.5. Shuffle and cut of the cards.

(a) Immediately prior to commencement of play, unless the cards were reshuffled in accordance with § 603a.16(u) or (v) (relating to cards; receipt, storage, inspection and removal from use), after each round of play has been completed or when directed by the floorperson or above, the dealer shall shuffle the cards, either manually or by use of an automated card shuffling device, so that the cards are randomly intermixed. Upon completion of the shuffle, the dealer or device shall place the deck of cards in a single stack. The certificate holder may use an automated card shuffling device which, upon completion of the shuffling of the cards, inserts the stack of cards directly into a dealing shoe.

(b) If an automated card shuffling device is being used, which counts the number of cards in the deck after the completion of each shuffle and indicates whether 52 cards are present, and the device reveals that an incorrect number of cards are present, the deck shall be removed from the table.

(c) After the cards have been shuffled and stacked, the dealer shall:

(1) If the cards were shuffled using an automated card shuffling device, deal the cards in accordance with § 663a.8, § 663a.9 or § 663a.10 (relating to procedures for dealing the cards from a manual dealing shoe; procedures for dealing the cards from the hand; and procedures for dealing the cards from an automated dealing shoe).

(2) If the cards were shuffled manually, cut the cards in accordance with the procedures in subsection (d).

(d) If a cut of the cards is required, the dealer shall place the cover card in the stack at least ten cards in from the top of the stack. Once the cover card has been inserted, the dealer shall take all cards above the cover card and the cover card and place them on the bottom of the stack. The stack of cards shall then be inserted into the dealing shoe for commencement of play.

(e) After the cards have been cut and before the cards have been dealt, a floorperson or above may require the cards to be recut if the floorperson determines that the cut was performed improperly or in any way that might affect the integrity or fairness of the game.

(f) If there is no gaming activity at a Five Card Hi-Lo table which is open for gaming, the cards shall be removed from the dealing shoe and discard rack and spread out on the table face down unless a player requests that the cards be spread face up on the table. After the first player arriving at the table is afforded an opportunity to visually inspect the cards, the procedures

in § 663a.4(c) (relating to opening of the table for gaming) and this section shall be completed.

(g) A certificate holder may utilize a dealing shoe or other device that automatically reshuffles and counts the cards, provided that the device is submitted to the Bureau of Gaming Laboratory Operations and approved in accordance with § 461a.4 (relating to submission for testing and approval), prior to its use in the licensed facility. If a certificate holder is utilizing the approved device, subsections (b)—(f) do not apply.

§ 663a.6. Five Card Hi-Lo rankings.

(a) Each card dealt must have a point value. The point value of all nonface cards is their denomination. Jacks, queens and kings have a point value of 10. Aces have a point value of 11 if played in the high hand and a point value of 1 if played in the low hand.

(b) If the certificate holder offers the Poker Bonus Wager, authorized under § 663a.7(e) (relating to wagers), the winning five-card Poker hands must be:

(1) A royal flush, which is a hand consisting of an ace, king, queen, jack and 10 of the same suit.

(2) A straight flush, which is a hand, other than a royal flush, consisting of five cards of the same suit in consecutive ranking. An ace may be used to complete a straight flush formed with a 2, 3, 4 and 5 but may not be combined with any other sequence of cards (for example: queen, king, ace, 2 and 3).

(3) A four-of-a-kind, which is a hand consisting of four cards of the same rank regardless of suit.

(4) A full house, which is a hand consisting of a three-of-a-kind and a pair.

(5) A flush, which is a hand consisting of five cards of the same suit, not in consecutive order.

(6) A straight, which is a hand consisting of five cards of consecutive rank, regardless of suit. An ace may be used to complete a straight formed with a king, queen, jack and 10 or a 2, 3, 4 and 5 but may not be combined with any other sequence of cards (for example: queen, king, ace, 2 and 3).

(7) A three-of-a-kind, which is a hand consisting of three cards of the same rank, regardless of suit.

(8) Two pairs, which is a hand consisting of two pairs.

(9) One pair of 6s, 7s or better, depending on the payable selected by the certificate holder in its Rules Submission filed in accordance with § 601a.2 (relating to table games Rules Submissions), which is a hand consisting of two cards of the same rank.

§ 663a.7. Wagers.

(a) Wagers at Five Card Hi-Lo shall be made by placing value chips, plaques or other Board-approved wagering instruments, as defined in § 603a.10 (relating to permissible wagering; exchange and redemption of gaming chips and plaques), on the appropriate areas of the Five Card Hi-Lo layout. Verbal wagers accompanied by cash may not be accepted.

(b) Only players who are seated at a Five Card Hi-Lo table may wager at the game. Once a player has placed a wager and received cards, that player shall remain seated until the completion of the round of play. If a player leaves the table during a round of play, any wagers made by the player may be considered abandoned and may be treated as losing wagers.

(c) All wagers at Five Card Hi-Lo shall be placed prior to the dealer announcing “no more bets” in accordance with the dealing procedures in § 663a.8, § 663a.9 or § 663a.10 (relating to procedures for dealing the cards from a manual dealing shoe; procedures for dealing the cards from the hand; and procedures for dealing the cards from an automated dealing shoe). A wager may not be made, increased or withdrawn after the dealer has announced “no more bets.”

(d) To participate in a round of play and compete against the dealer’s high and low hands, a player shall place an Ante Wager.

(e) A certificate holder may, if specified in its Rules Submission under § 601a.2 (relating to table games Rules Submissions), offer to each player who placed an Ante Wager, in accordance with subsection (d), the option of placing the following additional wagers:

(1) A Tie Wager that the total point value of either the high hand or the low hand of the player, or both, will tie the high or low hand of the dealer.

(2) A Poker Bonus Wager that the five cards dealt to the player will form a five-card Poker hand with a rank of a pair of 6s or better or a pair of 7s or better, as described in § 663a.6(b) (relating to Five Card Hi-Lo rankings), depending on the pay table selected by the certificate holder.

(f) A certificate holder may, if specified in its Rules Submission under § 601a.2, permit a player to wager on two adjacent betting areas at a Five Card Hi-Lo table. If a certificate holder permits a player to wager on adjacent betting areas, the cards dealt to each betting area shall be played separately. If the two wagers are not equal, the player shall rank and set the hand with the larger wager before ranking and setting the other hand. If the amounts wagered are equal, each hand shall be played separately in a counterclockwise rotation with the first hand being ranked and set before the player proceeds to rank and set the second hand. Once a hand has been ranked, set and placed face down on the layout, the hands may not be changed.

§ 663a.8. Procedures for dealing the cards from a manual dealing shoe.

(a) If a manual dealing shoe is used, the dealing shoe must be located on the table in a location approved by the Bureau of Casino Compliance in accordance with § 601a.10(g) (relating to approval of table game layouts, signage and equipment). Once the procedures required under § 663a.5 (relating to shuffle and cut of the cards) have been completed, the stacked deck of cards shall be placed in the dealing shoe either by the dealer or by an automated card shuffling device.

(b) Prior to dealing any cards, the dealer shall announce “no more bets.”

(c) Each card shall be removed from the dealing shoe with the hand of the dealer that is the closest to the dealing shoe and placed on the appropriate area of the layout with the opposite hand.

(d) The dealer shall, starting with the player farthest to the dealer’s left and continuing around the table in a clockwise manner, deal one card at a time to each player who placed an Ante Wager in accordance with § 663a.7(d) (relating to wagers) and to the dealer until each player and the dealer have five cards.

(e) After five cards have been dealt to each player and the dealer, the dealer shall remove the stub from the

manual dealing shoe and, except as provided in subsection (f), place the stub in the discard rack without exposing the cards.

(f) If an automated card shuffling device, which counts the number of cards in the deck after the completion of each shuffle and indicates whether 52 cards are present, is not being used, the dealer shall count the stub at least once every 5 rounds of play to determine if the correct number of cards are still present in the deck. The dealer shall determine the number of cards in the stub by counting the cards face down on the layout.

(g) If the count of the stub indicates that 52 cards are in the deck, the dealer shall place the stub in the discard rack without exposing the cards.

(h) If the count of the stub indicates that the number of cards in the deck is incorrect, the dealer shall determine if the cards were misdealt. If the cards were misdealt (a player or the dealer has more or less than 5 cards) but 52 cards remain in the deck, all hands shall be void and all wagers shall be returned to the players. If the cards were not misdealt, all hands shall be void, all wagers shall be returned to the players and the entire deck of cards shall be removed from the table.

§ 663a.9. Procedures for dealing the cards from the hand.

(a) If the cards are dealt from the dealer’s hand, the following requirements shall be observed:

(1) An automated shuffling device shall be used to shuffle the cards.

(2) After the procedures required under § 663a.5 (relating to shuffle and cut of the cards) have been completed, the dealer shall place the stacked deck of cards in either hand. After the dealer has chosen the hand in which to hold the cards, the dealer shall continue to use that hand whenever holding the cards during that round of play. The cards held by the dealer shall be kept over the table inventory container and in front of the dealer at all times.

(3) Prior to dealing any cards, the dealer shall announce “no more bets.”

(b) The dealer shall deal each card by holding the deck of cards in the chosen hand and use the other hand to remove the top card of the deck and place it face down on the appropriate area of the layout. The dealer shall, starting with the player farthest to the dealer’s left and continuing around the table in a clockwise manner, deal one card at a time to each player who placed an Ante Wager in accordance with § 663a.7(d) (relating to wagers) and to the dealer until each player and the dealer have five cards.

(c) After five cards have been dealt to each player and the dealer, the dealer shall remove the stub from the manual dealing shoe and, except as provided in subsection (d), place the stub in the discard rack without exposing the cards.

(d) If an automated card shuffling device, which counts the number of cards in the deck after the completion of each shuffle and indicates whether 52 cards are present, is not being used, the dealer shall count the stub at least once every 5 rounds of play to determine if the correct number of cards are still present in the deck. The dealer shall determine the number of cards in the stub by counting the cards face down on the layout.

(e) If the count of the stub indicates that 52 cards are in the deck, the dealer shall place the stub in the discard rack without exposing the cards.

(f) If the count of the stub indicates that the number of cards in the deck is incorrect, the dealer shall determine if the cards were misdealt. If the cards were misdealt (a player or the dealer has more or less than 5 cards), but 52 cards remain in the deck, all hands shall be void and all wagers shall be returned to the players. If the cards were not misdealt, all hands shall be void, all wagers shall be returned to the players and the entire deck of cards shall be removed from the table.

§ 663a.10. Procedures for dealing the cards from an automated dealing shoe.

(a) If the cards are dealt from an automated dealing shoe, the following requirements shall be observed:

(1) After the procedures required under § 663a.5 (relating to shuffle and cut of the cards) have been completed, the cards shall be placed in the automated dealing shoe.

(2) Prior to the shoe dispensing any stacks of cards, the dealer shall announce “no more bets.”

(b) The dealer shall deliver the first stack of cards dispensed by the automated dealing shoe face down to the player farthest to the dealer’s left who has placed an Ante Wager in accordance with § 663a.7(d) (relating to wagers). As the remaining stacks are dispensed to the dealer by the automated dealing shoe, the dealer shall, moving clockwise around the table, deliver a stack face down to each of the other players who has placed an Ante Wager. The dealer shall then deliver a stack of five cards face down to the area designated for the placement of the dealer’s cards.

(c) After each stack of five cards has been dispensed and delivered in accordance with subsection (b), the dealer shall remove the stub from the automated dealing shoe and, except as provided in subsection (d), place the cards in the discard rack without exposing the cards.

(d) If an automated card shuffling device, which counts the number of cards in the deck after the completion of each shuffle and indicates whether 52 cards are present, is not being used, the dealer shall count the stub at least once every 5 rounds of play to determine if the correct number of cards is still present in the deck. The dealer shall determine the number of cards in the stub by counting the cards face down on the layout.

(e) If the count of the stub indicates that 52 cards are in the deck, the dealer shall place the stub in the discard rack without exposing the cards.

(f) If the count of the stub indicates that the number of cards in the deck is incorrect, the dealer shall determine if the cards were misdealt. If the cards were misdealt (a player or the dealer has more or less than 5 cards), but 52 cards remain in the deck, all hands shall be void and all wagers shall be returned to the players. If the cards were not misdealt, all hands shall be void, all wagers shall be returned to the players and the entire deck of cards shall be removed from the table.

§ 663a.11. Procedures for completion of each round of play.

(a) After the dealing procedures required under § 663a.8, § 663a.9 or § 663a.10 (relating to procedures for dealing the cards from a manual dealing shoe; procedures for dealing the cards from the hand; and procedures for dealing the cards from an automated dealing shoe) have been completed, each player shall examine his cards subject to the following limitations:

(1) Each player who wagers at a Five Card Hi-Lo table shall be responsible for setting his own hands and a person other than the dealer and the player to whom the cards were dealt may not touch the cards of that player.

(2) Each player shall keep his five cards in full view of the dealer at all times.

(3) Once each player has set a high and low hand and placed the two hands face down on the appropriate area of the layout, the player may not touch the cards again.

(b) After each player has examined his cards, the dealer shall, beginning with the player farthest to the dealer’s left and moving clockwise around the table, ask each player who placed an Ante Wager if he wishes to forfeit the Ante Wager and end his participation in the round of play or make a Play Wager in an amount equal to the player’s Ante Wager. If a player:

(1) Has placed an Ante Wager and a Tie Wager but does not make a Play Wager, the player shall forfeit both wagers.

(2) Has placed an Ante Wager and a Poker Bonus Wager but does not make a Play Wager, the player shall forfeit the Ante Wager but does not forfeit the Poker Bonus Wager.

(c) After each player who has placed an Ante Wager has either placed a Play Wager on the designated area of the layout or forfeited his wagers and hand, the dealer shall collect all forfeited wagers and associated cards and place the cards in the discard rack. If a player has placed a Poker Bonus Wager but did not place a Play Wager, the dealer shall leave the player’s cards and the Poker Bonus Wager on the table until the wager is resolved in accordance with subsection (j).

(d) Each player who placed a Play Wager shall then set his hands by arranging the cards into a high hand and a low hand. When setting the two hands, the player shall add the point value of the cards placing the three higher value cards in the high hand and the two lower value cards in the low hand, provided that a player may place up to one ace in his low hand. For example, if a player is dealt an ace, jack, 10, 9 and 2, the high hand may contain the jack, 10 and 9 for a total point value of 29 and the two-card low hand would contain the ace and 2 for a total point value of 3.

(e) After all players have set their hands and placed the cards on the table, the five cards of the dealer shall be turned over and the dealer shall set his hands by arranging the cards into a high and low hand, provided that aces shall be placed in the dealer’s high hand unless the dealer was dealt four aces. The dealer shall then place the two hands face up on the appropriate area of the layout.

(f) After the dealer has set a high hand and a low hand, the dealer shall reveal both hands of each player, beginning with the player farthest to the dealer’s right and continuing around the table in a counterclockwise direction. The dealer shall compare the total point value of the high and low hand of each player to the high and low hand of the dealer and shall announce if the Ante and Play Wagers of that player win, lose or are a tie.

(g) Ante and Play Wagers must:

(1) Win if the high hand of the player is higher in point value than the high hand of the dealer and the low hand of the player is lower in point value than the low hand of the dealer. The dealer shall pay the winning Ante and

Play Wagers in accordance with the payout odds in § 663a.12(a) (relating to payout odds).

(2) Lose and will immediately be collected if the high hand of the player ties or is lower in point value than the high hand of the dealer and the low hand of the player ties or is higher in point value than the low hand of the dealer.

(3) Tie and will be returned to the player if:

(i) The high hand of the player is higher in point value than the high hand of the dealer, but the low hand of the player is identical in point value or higher in point value than the low hand of the dealer.

(ii) The high hand of the player is identical in total point value to the high hand of the dealer or lower in total point value than the high hand of the dealer, but the low hand of the player is lower in total point value than the low hand of the dealer.

(h) A player may also qualify for an additional Ante Bonus Payout, regardless of the outcome of the player's Ante and Play Wagers in subsection (g), if a player has three or more aces in the player's hand. Ante Bonus Payouts shall be paid in accordance with § 663a.12(b).

(i) Except as provided in subsection (j), after settling the player's Ante and Play Wagers, the dealer shall place the cards of the player in the discard rack.

(j) After settling the player's Ante and Play Wagers, the dealer shall settle the player's optional wagers as follows:

(1) If a player placed a Tie Wager in accordance with § 663a.7(e)(1) (relating to wagers), the dealer shall:

(i) Pay winning Tie Wagers in accordance with § 663a.12(c) if the high hand or low hand, or both, of the player is identical in point value with the high hand, low hand, or both, of the dealer.

(ii) Collect all losing Tie Wagers if neither the high hand nor the low hand of the player is identical in point value with the high hand or low hand of the dealer.

(2) If a player placed a Poker Bonus Wager in accordance with § 663a.7(e)(2), the dealer shall rearrange the five cards of the player to form the highest ranking Poker hand in accordance with § 663a.6(b) (relating to Five Card Hi-Lo rankings). After rearranging the player's five cards, the dealer shall settle the player's Poker Bonus Wager as follows:

(i) If a player has a pair of 6s or better or a pair of 7s or better, depending on the payable selected by the certificate holder, the dealer shall pay the winning Poker Bonus Wager in accordance with § 663a.12(d).

(ii) If a player does not have a pair of 6s or better or a pair of 7s or better, depending on the payable selected by the certificate holder, the dealer shall collect the Poker Bonus Wager.

(k) If a player has placed more than one optional wager, the dealer shall settle all of the player's optional wagers before placing the player's cards in the discard rack.

(l) All cards removed from the table shall be placed in the discard rack in a manner that permits the reconstruction of each hand in the event of a question or dispute.

§ 663a.12. Payout odds.

(a) A certificate holder shall pay each winning Ante and Play Wager at odds of 1 to 1.

(b) The certificate holder shall pay an Ante B onus Payout based on the amount of the player's Ante Wager at the odds in one of the following paytables selected by the certificate holder in its Rules Submission filed in accordance with § 601a.2 (relating to table games Rules Submissions):

<i>Hand</i>	<i>Paytable A</i>	<i>Paytable B</i>
Four aces and one 2	1,000 for 1	500 for 1
Four aces	100 for 1	50 for 1
Three aces	10 for 1	5 for 1

<i>Hand</i>	<i>Paytable C</i>	<i>Paytable D</i>
Four aces and one 2	200 for 1	100 for 1
Four aces	50 for 1	50 for 1
Three aces	5 for 1	5 for 1

(c) The certificate holder shall pay out winning Tie Wagers at the odds in the following payable:

<i>Hand</i>	<i>Payout</i>
Low hands tie	4 to 1
High hands tie	4 to 1
Both high and low hands tie	20 to 1

(d) The certificate holder shall pay out winning Poker Bonus Wagers at the odds in one of the following paytables selected by the certificate holder in its Rules Submission filed in accordance with § 601a.2:

<i>Hand</i>	<i>Paytable A</i>	<i>Paytable B</i>
Royal flush	250 to 1	500 to 1
Straight flush	50 to 1	100 to 1
Four-of-a-kind	25 to 1	40 to 1
Full house	15 to 1	15 to 1
Flush	10 to 1	8 to 1
Straight	8 to 1	6 to 1
Three-of-a-kind	5 to 1	4 to 1
Two pair	3 to 1	3 to 1
Pair of 7s or better	1 to 1	
Pair of 6s or better		1 to 1

§ 663a.13. Irregularities.

(a) A card that is found face up in the shoe or the deck while the cards are being dealt may not be used in that round of play and shall be placed in the discard rack. If more than one card is found face up in the shoe or the deck during the dealing of the cards, all hands shall be void, all wagers shall be returned to the players and the cards shall be reshuffled.

(b) A card drawn in error without its face being exposed shall be used as though it were the next card from the shoe or the deck.

(c) If any player or the dealer is dealt an incorrect number of cards, all hands shall be void, all wagers shall be returned to the players and the cards shall be reshuffled.

(d) If an automated card shuffling device is being used and the device jams, stops shuffling during a shuffle or fails to complete a shuffle cycle, the cards shall be reshuffled.

(e) If an automated dealing shoe is being used and the device jams, stops dealing cards or fails to deal cards during a round of play, the round of play shall be void, all wagers shall be returned to the players and the cards shall be removed from the device and reshuffled with any cards already dealt.

(f) If an automated card shuffling device or automated dealing shoe malfunctions and cannot be used, the automated card shuffling device or automated dealing shoe

shall be covered or have a sign indicating that the automated card shuffling device or automated dealing shoe is out of order placed on the device before any other method of shuffling or dealing may be utilized at that table.

CHAPTER 665a. DOUBLE ATTACK BLACKJACK

- Sec.
- 665a.1. Definitions.
- 665a.2. Double Attack Blackjack table; card reader device; physical characteristics; inspections.
- 665a.3. Cards; number of decks; value of cards.
- 665a.4. Opening of the table for gaming.
- 665a.5. Shuffle and cut of the cards.
- 665a.6. Wagers.
- 665a.7. Procedure for dealing the cards; completion of each round of play.
- 665a.8. Insurance Wager.
- 665a.9. Surrender.
- 665a.10. Double Down Wager.
- 665a.11. Splitting pairs.
- 665a.12. Payout odds.
- 665a.13. Irregularities.

§ 665a.1. Definitions.

The following words and terms, when used in this chapter, have the following meanings, unless the context clearly indicates otherwise:

Blackjack—An ace and any card having a value of 10 dealt as the initial two cards to a player or the dealer.

Card reader device—A device which permits the dealer to determine if the hole card will give the dealer a Blackjack.

Hard total—The total point count of a hand which does not contain aces or which contains aces that are each counted as 1 in value.

Hole card—The second card dealt face down to the dealer.

Soft total—The total point count of a hand containing an ace when the ace is counted as 11 in value.

§ 665a.2. Double Attack Blackjack table; card reader device; physical characteristics; inspections.

(a) Double Attack Blackjack shall be played at a table having betting positions for no more than six players on one side of the table and a place for the dealer on the opposite side of the table.

(b) The layout for a Double Attack Blackjack table shall be submitted to the Bureau of Gaming Operations and approved in accordance with § 601a.10(a) (relating to approval of table game layouts, signage and equipment) and contain, at a minimum:

- (1) The name or logo of the certificate holder.
- (2) A separate betting area designated for the placement of the Bet Wager and the Double Attack Wager for each player.
- (3) The following inscriptions:
 - (i) Blackjack pays even money.
 - (ii) Insurance pays 5 to 2.
 - (iii) Dealer shall draw to 16 and stand on all 17s or other similar language approved by the Executive Director in accordance with § 601a.10(a).
- (4) If the certificate holder offers the optional Bust It Wager authorized under § 665a.6(e) (relating to wagers), a separate area designated for the placement of the Bust It Wager for each player.

(5) Inscriptions that advise patrons of the payout odds or amounts for all permissible wagers offered by the certificate holder. If the payout odds or amounts are not inscribed on the layout, a sign identifying the payout odds or amounts for all permissible wagers shall be posted at each Blackjack table.

(c) Each Double Attack Blackjack table must have a drop box and a tip box attached on the same side of the table as, but on opposite sides of, the dealer, as approved by the Bureau of Casino Compliance in accordance with § 601a.10(g). The Bureau of Casino Compliance may approve an alternative location for the tip box when a card shuffling device or other table game equipment prevents the placement of the drop box and tip box on the same side of the gaming table as, but on opposite sides of, the dealer.

(d) Each Double Attack Blackjack table must have a card reader device attached to the top of the dealer's side of the table. The floorperson assigned to the Double Attack Blackjack table shall inspect the card reader device at the beginning of each gaming day to ensure that there has been no tampering with the device and that it is in proper working order.

(e) Each Double Attack Blackjack table must have a discard rack securely attached to the top of the dealer's side of the table. The height of each discard rack must either:

(1) Equal the height of the cards, stacked one on top of the other, in the total number of decks that are to be used in the dealing shoe at that table.

(2) Be taller than the height of the total number of decks being used if the discard rack has a distinct and clearly visible mark on its side to show the exact height for a stack of cards equal to the total number of cards in the number of decks to be used in the dealing shoe at that table.

§ 665a.3. Cards; number of decks; value of cards.

(a) Except as provided in subsection (b), Double Attack Blackjack shall be played with an eight-deck batch of cards that are identical in appearance and at least one cover card. The decks shall consist of 48 cards, with the 10 of each suit removed from each deck during the inspection required under § 665a.4 (relating to opening of the table for gaming) or as provided in § 603a.16(u) or (v) (relating to cards; receipt, storage, inspection and removal from use).

(b) If an automated card shuffling device is utilized, other than a continuous shuffler, Double Attack Blackjack shall be played with two batches of cards in accordance with the following requirements:

(1) The cards shall be separated into two batches with eight decks included in each batch.

(2) The cards in each batch must be of the same design but the backs of the cards in one batch must be of a different color than the cards in the other batch.

(3) One batch of cards shall be shuffled and stored in the automated card shuffling device while the other batch is being used to play the game.

(4) Both batches of cards shall be continuously alternated in and out of play, with each batch being used for every other dealing shoe.

(5) The cards from only one batch shall be placed in the discard rack at any given time.

(c) The decks of cards opened for use at a Double Attack Blackjack table shall be changed at least once every 24 hours.

(d) The value of the cards shall be as follows:

(1) Any card from 2 to 9 shall have its face value.

(2) Any jack, queen or king shall have a value of 10.

(3) An ace shall have a value of 11 unless that value would give a player or the dealer a score in excess of 21, in which case the ace shall have a value of 1.

§ 665a.4. Opening of the table for gaming.

(a) After receiving the decks of cards at the table, the dealer shall inspect the cards for any defects. The floorperson assigned to the table shall verify the inspection.

(b) If the decks contain the 10 of any suit, the dealer and a floorperson shall ensure that these cards are removed from the decks, torn in half and placed in the box, envelope or container that the decks came from.

(c) After the cards are inspected, the cards shall be spread out face up on the table for visual inspection by the first player to arrive at the table. The cards shall be spread in horizontal fan shaped columns by deck according to suit and in sequence.

(d) After the first player arriving at the table has been afforded an opportunity to visually inspect the cards, the cards shall be turned face down on the table, mixed thoroughly by a washing of the cards and stacked. Once the cards have been stacked, the cards shall be shuffled in accordance with § 665a.5 (relating to shuffle and cut of the cards).

(e) If an automated shuffling device is utilized, other than a continuous shuffler, all the decks in one batch of cards shall be spread for inspection, mixed, stacked and shuffled in accordance with subsections (a)—(c) separate from the decks in the other batch of cards.

(f) If the decks of cards received at the table are preinspected and reshuffled in accordance with § 603a.16(u) or (v) (relating to cards; receipt, storage, inspection and removal from use), subsections (a) and (c)—(e) do not apply.

§ 665a.5. Shuffle and cut of the cards.

(a) Immediately prior to commencement of play, unless the cards were reshuffled in accordance with § 603a.16(u) or (v) (relating to cards; receipt, storage, inspection and removal from use), after each shoe of cards is dealt or when directed by a floorperson or above, the dealer shall shuffle the cards, either manually or by use of an automated card shuffling device, so that the cards are randomly intermixed. Upon completion of the shuffle, the dealer or device shall place the decks of cards in a single stack. The certificate holder may use an automated card shuffling device which, upon completion of the shuffling of the cards, inserts the stack of cards directly into a dealing shoe.

(b) After the cards have been shuffled and stacked, the dealer shall offer the stack of cards to be cut, with the backs facing away from the dealer, to the player determined under subsection (c). If no player accepts the cut, the dealer shall cut the cards.

(c) The cut of the cards shall be offered to players in the following order:

(1) The first player arriving at the table, if the game is just beginning.

(2) The player on whose betting area the cover card appeared during the last round of play.

(3) If the cover card appeared on the dealer's hand during the last round of play, the player at the farthest position to the right of the dealer. If this player refuses, the offer to cut the cards shall rotate to each player in a counterclockwise manner.

(4) If the reshuffle was initiated at the direction of the floorperson or above, the player at the farthest position to the right of the dealer. If this player refuses, the offer to cut the cards shall rotate to each player in a counterclockwise manner.

(d) The player or dealer making the cut shall place the cover card in the stack at least ten cards from the top or bottom of the stack. Once the cover card has been inserted, the dealer shall take all cards on top of the cover card and place them on the bottom of the stack. The dealer shall then insert the cover card in the stack at a position at least 1/4 of the way in from the bottom of the stack. The stack of cards shall then be inserted into the dealing shoe for commencement of play.

(e) After the cards have been cut and before the cards have been placed in the dealing shoe, a floorperson or above may require the cards to be recut if the floorperson determines that the cut was performed improperly or in any way that might affect the integrity or fairness of the game. If a recut is required, the cards shall be recut either by the player who last cut the cards or by the next person entitled to cut the cards, as determined under subsection (c). The stack of cards shall then be inserted into the dealing shoe for commencement of play.

(f) A reshuffle of the cards in the shoe shall take place after the cover card is reached in the shoe, as provided in § 665a.7(d) (relating to procedure for dealing the cards; completion of each round of play), except that a floorperson may determine that the cards should be reshuffled after any round of play.

(g) If there is no gaming activity at a Double Attack Blackjack table which is open for gaming, the cards shall be removed from the dealing shoe and the discard rack and spread out on the table face down unless a player requests that the cards be spread face up on the table. After the first player arriving at the table is afforded an opportunity to visually inspect the cards, the procedures in § 665a.4(d) (relating to opening of the table for gaming) and this section shall be completed.

(h) A certificate holder may utilize a dealing shoe or other device that automatically reshuffles and counts the cards provided that the device is submitted to the Bureau of Gaming Laboratory Operations and approved in accordance with § 461a.4 (relating to submission for testing and approval) prior to its use in the licensed facility. If a certificate holder is utilizing the approved device, subsections (b)—(g) do not apply.

§ 665a.6. Wagers.

(a) Wagers at Double Attack Blackjack shall be made by placing value chips, plaques or other Board-approved table game wagering instruments on the appropriate areas of the Double Attack Blackjack layout. Verbal wagers accompanied by cash may be accepted provided that they are confirmed by the dealer and the cash is expeditiously converted into value chips or plaques.

(b) After the cards have been shuffled as required under § 665a.5 (relating to shuffle and cut of the cards), a certificate holder may prohibit any patron, whether seated at the gaming table or not, who does not make a

wager on a given round of play from placing a wager on the next round of play and any subsequent round of play at that gaming table until either:

- (1) The certificate holder chooses to permit the player to begin wagering again.
- (2) A reshuffle of the cards has occurred.
- (c) A player may not handle, remove or alter any wagers that have been made until a decision has been rendered and implemented with respect to that wager.
- (d) To participate in a round of play, a player shall place a Bet Wager.
- (e) A player who has placed a Bet Wager may then place a Double Attack Wager as provided in § 665a.7(e) (relating to procedure for dealing the cards; completion of each round of play), in an amount equal to or less than the player's Bet Wager.
- (f) If specified in its Rules Submission under § 601a.2 (relating to table games Rules Submissions), a certificate holder may offer to each player who placed a Bet Wager in accordance with subsection (d) the option of placing an additional Bust It Wager, in an amount equal to or less than the player's Bet Wager.

(g) The certificate holder shall specify in its Rules Submission under § 601a.2 the number of adjacent boxes on which a player may place a Bet Wager in one round of play.

§ 665a.7. Procedure for dealing the cards; completion of each round of play.

- (a) All cards shall be dealt from a dealing shoe which must be located on the table in a location approved by the Bureau of Casino Compliance in accordance with § 601a.10(g) (relating to approval of table game layouts, signage and equipment). Once the procedures under § 665a.5 (relating to shuffle and cut of the cards) have been completed, the dealer or automated card shuffling device shall place the stacked cards in the dealing shoe.
- (b) Each card shall be removed from the dealing shoe with the hand of the dealer that is closest to the dealing shoe and placed on the appropriate area of the layout with the opposite hand. The dealer may deal cards to the two betting positions closest to the dealing shoe with the same hand.
- (c) After each full batch of cards is placed in the shoe, the dealer shall remove the first card and place it in the discard rack. Each new dealer who comes to the table shall also remove one card and place it in the discard rack before dealing any cards to the players.
- (d) If the cover card appears as the first card in the dealing shoe at the beginning of a round of play or appears during play, the cover card shall be removed and placed to the side and the hand will be completed. The dealer shall then collect and reshuffle the cards in accordance with § 665a.5.
- (e) At the commencement of each round of play and after all players have been afforded the opportunity to make a Bet and Bust It Wager, one card shall be dealt face up to the dealer. After examining the dealer's up card, a player who placed a Bet Wager may place an optional Double Attack Wager in accordance with § 665a.6(e) (relating to wagers).
- (f) After all players have been afforded an opportunity to place a Double Attack Wager, starting with the player

farthest to the dealer's left and continuing around the table in a clockwise manner, the dealer shall deal the cards as follows:

- (1) One card face up to each box on the layout in which a Bet Wager is contained.
- (2) A second card face up to each box on the layout in which a Bet Wager is contained.
- (3) A second card face down to the dealer.
- (g) Immediately after the second card is dealt to each player and the dealer, if the dealer's first card is an ace, the dealer shall offer the Insurance Wager in accordance with § 665a.8 (relating to Insurance Wager). If the dealer's first card is an ace, king, queen or jack, the dealer shall then determine whether the hole card will give the dealer a Blackjack. The dealer shall insert the hole card into the card reader device by moving the card face down on the layout without exposing it to anyone at the table, including the dealer. If the dealer has a Blackjack, additional cards may not be dealt and each player's Bet, Double Attack, Bust It and Insurance Wagers, if applicable, shall be settled in accordance with this section and § 665a.8.
- (h) After the procedures in subsection (g) have been completed, if necessary, the dealer shall start with the player farthest to the dealer's left and continue around the table in a clockwise direction and if the player:
 - (1) Has Blackjack, the dealer shall announce and pay the Bet and Double Attack Wagers in accordance with subsection (o) and remove the player's cards. If a player also placed a Bust It Wager, the wager shall remain on the layout until subsection (m) is completed.
 - (2) Does not have Blackjack, the player shall indicate whether he wishes to surrender, as permitted under § 665a.9 (relating to surrender), double down as permitted under § 665a.10 (relating to Double Down Wager), split pairs as permitted under § 665a.11 (relating to splitting pairs), stand or draw additional cards.
 - (i) As each player indicates his decision, the dealer shall deal face upwards whatever additional cards are necessary to effectuate the player's decision.
 - (j) A player may elect to draw additional cards whenever his point count total is less than 21, except that:
 - (1) A player having Blackjack or a hard or soft total of 21 may not draw additional cards.
 - (2) A player electing to make a Double Down Wager may draw only one additional card.
 - (k) Prior to the dealer exposing his hole card, if player has less than 21 after drawing additional cards, the player may surrender in accordance with § 665a.9.
 - (l) After the decisions of each player have been implemented and all additional cards have been dealt, the dealer shall turn the hole card face up.
 - (m) If the first two cards of the dealer's hand:
 - (1) Equal a total point count of 17 or higher, the dealer shall collect all losing Bust It Wagers before settling the player's Bet or Double Attack Wagers in accordance with subsection (o).
 - (2) Equal a total point count of less than 17, the dealer shall draw an additional card. If the dealer's three card hand has a total point count:
 - (i) In excess of 21, the dealer shall pay the winning Bust It Wager in accordance with § 665a.12(c) (relating to payout odds). The payout shall be based on the value of

the third card drawn, except that if all three of the dealer's cards are an 8 of the same color or suit, a player shall receive an increased payout based on the three 8s instead of the payout based on the value of the third card drawn.

(ii) Of 21 or less, the dealer shall collect all losing Bust It Wagers.

(n) After settling the player's Bust It Wager, if applicable, if the dealer's first three cards equal a total point count of less than 17, the dealer shall draw additional cards until he has a hard or soft total of 17, 18, 19, 20 or 21.

(o) After all additional cards have been dealt to the players and the dealer, the dealer shall, starting with the player farthest to the dealer's right and continuing around the table in a counterclockwise direction, settle the remaining wagers by collecting all losing wagers and paying all winning wagers as follows:

(1) A Bet Wager shall:

(i) Win and be paid in accordance with § 665a.12(a) if:

(A) The total point count of the player's hand is 21 or less and the total point count of the dealer's hand is in excess of 21.

(B) The total point count of the player's hand exceeds the total point count of the dealer's hand without exceeding 21.

(C) The player has a Blackjack and the dealer's hand has a total point count of 21 in more than two cards.

(ii) Lose and be collected if:

(A) The dealer has a Blackjack and the player does not have a Blackjack.

(B) The total point count of the dealer's hand is 21 or less and the total point count of the player's hand is in excess of 21.

(C) The total point count of the dealer's hand exceeds the total point count of the player's hand without exceeding 21.

(iii) Tie and be returned to the player if the total point count of the player's hand is the same as the dealer's or if both the player and dealer have Blackjack.

(2) A Double Attack Wager shall win, lose or tie in accordance with subsection (o)(1) except that the Double Attack Wager shall be returned to the player if the dealer has a Blackjack and the player does not have a Blackjack.

(p) The dealer shall pay all winning wagers and collect all losing wagers beginning with the player farthest to the dealer's right and continuing around the table in a counterclockwise direction. The dealer shall place any losing wagers directly into the table inventory and may not pay off any winning wagers by using value chips collected from a losing wager.

(q) After all wagers have been settled, the dealer shall remove all remaining cards from the table and place them in the discard rack in a manner that permits the reconstruction of each hand in the event of a question or dispute.

(r) Players and spectators may not handle, remove or alter any cards used to play Double Attack Blackjack.

§ 665a.8. Insurance Wager.

(a) If the first card dealt to the dealer is an ace, each player may make an Insurance Wager which shall win if the dealer's hole card is a king, queen or jack.

(b) An Insurance Wager may be made by placing a value chip on the insurance line of the layout in an amount not more than 1/2 of the player's Bet Wager. A player may wager an amount in excess of 1/2 of the initial Bet Wager to the next unit that can be wagered in chips, when, because of the limitation of the value of chip denominations, half the initial wager cannot be bet. Insurance Wagers shall be placed prior to the dealer inserting his hole card into the card reader device.

(c) Winning Insurance Wagers shall be paid in accordance with the payout odds in § 665a.12(b) (relating to payout odds).

(d) Losing Insurance Wagers shall be collected by the dealer immediately after the dealer inserts his hole card into the card reader device and determines that he does not have a Blackjack and before he draws any additional cards.

§ 665a.9. Surrender.

(a) After the first two cards are dealt to the player, the player may elect to discontinue play on his hand for that round by surrendering. A player may also elect to surrender after additional cards are dealt to the player, after a hand is split as permitted under § 665a.11 (relating to splitting pairs) and after doubling down as permitted under § 665a.10 (relating to Double Down Wager). A player may not elect to surrender after deciding to stand.

(b) If the player elects to surrender and the first card dealt to the dealer:

(1) Is not an ace, king, queen or jack, the dealer shall immediately collect the cards of the player and 1/2 of the Bet Wager and Double Attack Wager, if applicable, and return the other 1/2 to the player.

(2) Is an ace, king, queen or jack, the dealer shall determine whether the hole card will give the dealer a Blackjack. The dealer shall insert the hole card into the card reader device in accordance with § 665a.7(g) (relating to procedure for dealing the cards; completion of each round of play). If the dealer:

(i) Has a Blackjack, the dealer shall collect the entire Bet Wager and the Bust It Wager, if applicable, and return the Double Attack Wager, if applicable, to the player.

(ii) Does not have a Blackjack, the dealer shall immediately collect the cards of the player and 1/2 of the Bet Wager and Double Attack Wager, if applicable, and return the other 1/2 to the player.

(c) If the player has made a Bust It Wager and then elects to surrender, the Bust It Wager must remain on the layout until settled in accordance with § 665a.7(m).

(d) If the player has made an Insurance Wager and then elects to surrender, each wager will be settled separately in accordance with subsection (b) and § 665a.8 (relating to Insurance Wager).

§ 665a.10. Double Down Wager.

(a) Except when a player has a Blackjack, a player may elect to make a Double Down Wager, which may not exceed the amount of his original Bet and Double Attack Wagers, on two or more cards dealt to that player, including any hands resulting from a split pair, provided that only one additional card shall be dealt to the hand on which the player has elected to double down.

(b) If a dealer obtains Blackjack after a player makes a Double Down Wager, the dealer shall collect only the

amount of the original Bet Wager of the player and shall return the Double Down and Double Attack Wagers.

(c) Upon a player's election to make a Double Down Wager, the dealer shall deal the one additional card face up and place it sideways on the layout.

§ 665a.11. Splitting pairs.

(a) If the initial two cards dealt to a player are identical in value, the player may elect to split the hand into two separate hands provided that he makes a wager on the second hand formed in an amount equal to his original Bet and Double Attack Wagers. For example, if a player has two 7s or a king and a queen, the player may elect to split the hand.

(b) When a player splits pairs, the dealer shall deal a card to and complete the player's decisions with respect to the first incomplete hand on the dealer's left before proceeding to deal any cards to the second hand.

(c) After a second card is dealt to each split pair hand, the player shall indicate his decision to stand, draw or double down with respect that hand. A player may split pairs again if the second card dealt to an incomplete hand is identical in value to the split pair. A player may split pairs a maximum of three times for a total of four hands.

(d) If the dealer obtains Blackjack after a player splits pairs, the dealer shall collect only the amount of the original Bet Wager of the player and return the Double Attack Wager and the additional amount wagered in splitting pairs.

(e) If a player elects to split a pair of aces, each ace shall receive only one card. Aces may not be split more than once and may not be resplit.

§ 665a.12. Payout odds.

(a) The certificate holder shall pay out each winning Bet and Double Attack Wager at odds of 1 to 1.

(b) The certificate holder shall pay out winning Insurance Wagers at odds of 5 to 2.

(c) The certificate holder shall pay out winning Bust It Wagers at the odds in the following payable:

<i>Hand</i>	<i>Payout</i>
8, 8, 8 of the same suit	200 to 1
8, 8, 8 of the same color	50 to 1
Third card drawn:	
Is a 6	15 to 1
Is a 7	10 to 1
Is an 8	8 to 1
Is a 9	6 to 1
Is a king, queen or jack	3 to 1

§ 665a.13. Irregularities.

(a) A card found face up in the shoe may not be used in that round of play and shall be placed in the discard rack.

(b) A card drawn in error without its face being exposed shall be used as though it were the next card from the shoe.

(c) After the initial two cards have been dealt to each player and the dealer and a card is drawn in error and exposed to the players, the card shall be dealt to the players or dealer as though it were the next card from the shoe. Any player refusing to accept the card may not have any additional cards dealt to him during the round. If the card is refused by the players and the dealer cannot use the card, the card shall be placed in the discard rack.

(d) If the dealer has 17 and accidentally draws a card for himself, the card shall be placed in the discard rack.

(e) If there are insufficient cards remaining in the shoe to complete a round of play, all of the cards in the discard rack shall be shuffled and cut according to the procedures in § 665a.5 (relating to shuffle and cut of the cards). The first card shall be drawn face down and placed in the discard rack and the dealer shall complete the round of play.

(f) If no cards are dealt to a player's hand, the hand is dead and the player shall be included in the next deal. If only one card is dealt to a player's hand, at the player's option, the dealer shall deal the second card to the player after all other players have received a second card.

(g) If after receiving the first two cards, the dealer fails to deal an additional card to a player who has requested a card, then, at the player's option, the dealer shall either deal the additional card after all other players have received their additional cards but prior to the dealer revealing his hole card or call the player's hand dead and return the player's Bet and Double Attack Blackjack Wagers.

(h) If the dealer inserts his hole card into a card reader device when the value of his first card is not an ace, king, queen or jack, the dealer, after notification to a floorperson or above, shall:

(1) If the particular card reader device in use provides any player with the opportunity to determine the value of the hole card, call all hands dead, collect the cards and return each player's wager.

(2) If the particular card reader device in use does not provide any player with the opportunity to determine the value of the hole card, continue play.

(i) If a card reader device malfunctions, the dealer may not continue dealing the game of Double Attack Blackjack at that table until the card reader device is repaired or replaced.

(j) If an automated card shuffling device is being used and the device jams, stops shuffling during a shuffle or fails to complete a shuffle cycle, the cards shall be reshuffled.

(k) If an automated shuffling device malfunctions and cannot be used, the device must be covered or have a sign indicating that it is out of order placed on the device before any other method of shuffling may be utilized at that table.

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