

RULES AND REGULATIONS

Title 7—AGRICULTURE

DEPARTMENT OF AGRICULTURE

[7 PA. CODE CH. 28a]

Commercial Kennel Canine Health Regulations

The Department of Agriculture (Department) amends § 28a.8 (relating to flooring).

Effective Date

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

Statutory Authority

This final-form rulemaking is authorized under the Dog Law (act) (3 P.S. §§ 459-101—459-1205). Section 902 of the act (3 P.S. § 459-902) authorizes the Department to promulgate regulations as necessary to carry out the provisions and intent of the act.

Background and Summary

This final-form rulemaking deletes former § 28a.8(5), as Commonwealth Court determined this paragraph contradicted the express statutory provisions of the act and violates the legislative intent of the act.

Section 28a.8(5), regarding nursing mothers, effectively allowed for up to 50% of the floor area in certain primary enclosures used to house dogs at commercial kennels to be of a type that did not comply with section 207(i)(3) of the act (3 P.S. § 459-207(i)(3)). In effect, § 28a.8(5) allowed a portion of the floor of a primary enclosure in which nursing mothers and puppies were housed to be more permeable than otherwise allowed under section 207(i)(3) of the act.

After § 28a.8(5) became effective, a lawsuit was brought in Commonwealth Court against the Department seeking a determination that § 28a.8(5) conflicted with the act. See *Keith et al. v. Department of Agriculture*, 116 A.3d 756 (2015). On September 9, 2016, Commonwealth Court granted summary judgment for the petitioners, and specifically determined that § 28a.8(5) directly contradicted express provisions of the act and violated the legislative intent of the act.

Response to Comments

Notice of proposed rulemaking was published at 47 Pa.B. 5951 (September 23, 2017), with a 30-day public comment period. No comments were received from the public, the Independent Regulatory Review Commission (IRRC) or the House and Senate Committees on Agriculture and Rural Affairs.

Fiscal Impact

Commonwealth

This final-form rulemaking will not have appreciable fiscal impact upon the Commonwealth.

Political subdivisions

This final-form rulemaking will not have appreciable fiscal impact on political subdivisions.

Private sector

This final-form rulemaking will apply to operators of Department-licensed commercial kennels. There are currently approximately 78 licensees. The Department is aware, through onsite inspections, that these kennels are

in compliance with the flooring requirements and additional changes or expenses will not result from the deletion of § 28a.8(5).

General public

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

Paperwork Requirements

This final-form rulemaking will not have impact on the paperwork handled by the Department or the impacted kennels.

Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P.S. § 745.5(a)), on September 11, 2017, the Department submitted a copy of the notice of proposed rulemaking, published at 47 Pa.B. 5951, to IRRC and the Chairpersons of the House and Senate Agriculture and Rural Affairs Committees for review and comment.

Under section 5(c) of the Regulatory Review Act, the Department is required submit to IRRC and the House and Senate Committees copies of comments received during the public comment period, as well as other documents when requested.

Under section 5.1(j.2) of the Regulatory Review Act (71 P.S. § 745.5a(j.2)), on March 21, 2018, the final-form rulemaking was deemed approved by the House and Senate Committees. Under section 5(g) of the Regulatory Review Act, the final-form rulemaking was deemed approved by IRRC effective March 21, 2018.

Additional Information

Additional information may be obtained from Kristen Donmoyer, Director, Bureau of Dog Law Enforcement, Department of Agriculture, 2301 North Cameron Street, Harrisburg, PA 17110-9408, (717) 705-8896.

Findings

The Department 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) and regulations promulgated thereunder, 1 Pa. Code §§ 7.1 and 7.2.

(2) A public comment period was provided as required by law and no comments were received.

(4) The amendments to the regulations of the Department are necessary and appropriate for the administration of the authorizing statute.

Order

The Department, acting under the authorizing statute, orders that:

(a) The regulations of the Department, 7 Pa. Code Chapter 28a, are amended by amending § 28a.8 to read as set forth at 47 Pa.B. 5951.

(b) The Department shall submit a copy of this order and 47 Pa.B. 5951 to the Office of the Attorney General and the Office of General Counsel for approval as required by law.

(c) The Department shall submit this order and 47 Pa.B. 5951 to IRRC as required by law.

(d) The Department shall certify this order and 47 Pa.B. 5951 and deposit them with the Legislative Reference Bureau as required by law.

(e) The regulations shall take effect immediately upon publication in the *Pennsylvania Bulletin*.

RUSSELL C. REDDING,
Secretary

(Editor's Note: For the text of the order of the Independent Regulatory Review Commission relating to this document, see 48 Pa.B. 2029 (April 7, 2018).)

Fiscal Note: Fiscal Note 2-190 remains valid for the final adoption of the subject regulation.

[Pa.B. Doc. No. 18-683. Filed for public inspection May 4, 2018, 9:00 a.m.]

Title 49—PROFESSIONAL AND VOCATIONAL STANDARDS

STATE BOARD OF OCCUPATIONAL THERAPY EDUCATION AND LICENSURE

[49 PA. CODE CH. 42]

General Revisions

The State Board of Occupational Therapy Education and Licensure (Board) amends §§ 42.13—42.16 and 42.51—42.58 and adds §§ 42.61—42.63 (relating to professional liability insurance requirement; notifications; and automatic suspension) 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

Section 5(b) of the Occupational Therapy Practice Act (act) (63 P.S. § 1505(b)) authorizes the Board to promulgate and adopt rules and regulations not inconsistent with the act as it deems necessary for the performance of its duties and the proper administration of the act. Section 8(5)(vi) of the act (63 P.S. § 1508(5)(vi)) requires the Board to promulgate regulations governing self-insurance. Section 15(a) of the act (63 P.S. § 1515(a)) further provides that “[t]he board may establish additional requirements for license renewal designed to assure continued competency of the applying occupational therapist or occupational therapy assistant.”

Background and Purpose

The act of July 5, 2012 (P.L. 1132, No. 138) (Act 138) amended the act to, among other things, require the maintenance of professional liability insurance by occupational therapists, provide for the imposition of civil penalties in accordance with the act of July 2, 1993 (P.L. 345, No. 48), permit the Board to participate in the Bureau of Professional and Occupational Affairs’ impaired professionals program and authorize the Board to establish additional requirements for licensure renewal designed to assure continued competency for occupational therapy assistants. The Board established continued competency requirements for occupational therapists at 43 Pa.B. 3350 (June 22, 2013). This final-form rulemaking implements the professional liability insurance and continued competency provisions of Act 138.

Comments to Proposed Rulemaking

The Board published notice of proposed rulemaking at 46 Pa.B. 888 (February 20, 2016), with a 30-day public comment period. During the public comment period, the Board received a comment from Cathy Dolhi, OTD, OTR/L, FAOTA. In addition, the House Professional Licensure Committee (HPLC) and the Independent Regulatory Review Commission (IRRC) submitted comments. Following is a summary of the comments received and the Board’s response.

Public Comment

The commentator submitted a comment regarding § 42.15(d)(3) (relating to application for temporary license), which permits a temporary license applicant to submit a certification indicating that the applicant will be covered by an employer against professional liability, effective upon the beginning of employment. The commentator requested clarification regarding § 42.15(d)(3) and asked if this provision allows temporary license applicants to submit this certification instead of providing proof of existing professional liability insurance.

Section 8(5)(iv) of the act and § 42.15(d)(1)—(3) require submission of one of the following: proof that the applicant has professional liability insurance; a letter from the applicant’s insurance carrier indicating that the applicant will be covered against professional liability in the required amount upon the issuance of the applicant’s temporary license; or a certification, as previously described. Therefore, consistent with the act, the Board’s regulations allow a temporary license applicant to submit a certification instead of proof of existing professional liability insurance. However, as indicated in § 42.62(b), a temporary licensee whose license was issued in reliance on a letter or certification permitted under § 42.15(d)(2) or (3) shall provide the Board with proof of professional liability insurance coverage within 30 days after the beginning of employment (for example, certificate of insurance issued by the insurer, a copy of the declarations page of the professional liability insurance policy or evidence of a plan of self-insurance). The commentator suggested that the Board include instructions regarding the certification on the Board’s application and that the Board provide a standard certificate for applicants. The Board incorporated instructions regarding the certification into its application forms. Applicants who wish to submit a certification instead of proof of professional liability insurance shall submit a written statement indicating that the applicant will be covered by an employer against professional liability, effective upon the beginning of employment. The Board is currently transitioning its application process to the Pennsylvania Licensing System (PALS), a new online database system. The online application in PALS will contain a selection box that will operate as the standard certification.

Comments from the HPLC

On April 4, 2016, the HPLC submitted one comment to the Board regarding the proposed continued competency requirement for occupational therapy assistants. The HPLC asked the Board to provide the rationale for requiring occupational therapy assistants to complete the same number of hours of continuing education as is required for occupational therapists. An occupational therapy assistant is licensed to assist in the practice of occupational therapy under the supervision of an occupational therapist. Although occupational therapy assistants practice under the supervision of an occupational therapist, under § 42.22(d) (relating to supervision of occupa-

tional therapy assistants) an occupational therapy assistant may work without direct supervision up to 90% of the time. An occupational therapy assistant's primary role is treatment administration, including direct patient therapy and implementation of therapeutic interventions; therefore, contemporary practice knowledge is necessary. Given the occupational therapy assistant's ability to practice without direct supervision for up to 90% of the time, continued competency at the same level of an occupational therapist is necessary and appropriate.

Requiring equivalent hours is consistent with National certification requirements (National Board for Certification in Occupational Therapy), which require occupational therapy assistants to devote the same number of hours to professional development activities as occupational therapists to maintain certification. Equivalent hours are also consistent with the vast majority of regulations in other states, which require equivalent or greater continuing competence requirements for occupational therapy assistants. Further, requiring equivalent hours is consistent with Commonwealth law regarding physical therapists and physical therapy assistants, which requires 30 contact hours for both licensee classifications. See sections 7.2 and 9.1(j) of the Physical Therapy Practice Act (63 P.S. §§ 1307.2 and 1309.1(j)) and §§ 40.67(a)(1) and 40.192(a)(1) (relating to continuing education for licensed physical therapist; and continuing education for certified physical therapist assistant).

Comments from IRRC

IRRC submitted comments on the proposed rulemaking to the Board on April 20, 2016.

IRRC suggested that the Board clarify §§ 42.13(b)(3) and 42.14(c)(3) (relating to application for licensure; and foreign-educated applicants) and § 42.15(d)(3) by adding the following statutory language to each section: "provided that the applicant does not practice occupational therapy prior to the commencement of such employment." The Board agrees that adding the statutory language clarifies licensees' obligation to obtain and maintain professional liability insurance; therefore, the Board incorporated the statutory language in these sections.

IRRC asked the Board to explain its rationale to issue "regular" licenses (that is, temporary and permanent licenses) to applicants who have not secured employment and do not have professional liability insurance instead of "provisional" licenses that are conditioned upon submission of appropriate proof of insurance. The act does not contain a provisional license classification for an otherwise qualified applicant who has not yet secured employment and corresponding professional liability insurance. Instead, section 8(5)(iv)(B) of the act authorizes the Board to issue "regular" licenses to qualified applicants, and provides that it is sufficient that the applicants certify that they will be covered by an employer against professional liability once employed, provided they do not practice occupational therapy prior to beginning of employment. Given this prohibition against practice, a provisional status does not appear to be necessary. Moreover, the Board suggests that requiring a provisional license for applicants who qualify for temporary and permanent licenses, but who have not yet secured employment and corresponding professional liability insurance, would exceed the statutory authority of the act.

IRRC suggested that the Board require some basic information in the renewal application such as the insurance company name and policy number given the statutory requirement to obtain a certificate of insurance or a

copy of the policy declaration page for initial licensure. To address IRRC's concern, the Board revised § 42.16 (relating to biennial renewal; inactive status; failure to renew) to require applicants to certify maintenance of the required professional liability insurance, including the insurance company name and policy number, as applicable.

IRRC asked the Board to explain why it is reasonable to apply the same standards for continued competency to occupational therapists and occupational therapy assistants. The HPLC expressed the same concern and, as previously explained more fully, the Board believes that equivalent continued competence requirements are necessary and appropriate because of the occupational therapy assistants' ability to practice without direct supervision. Additionally, requiring equivalent continued competency requirements is consistent with National certification requirements as well as the majority of other states.

Proposed amendments to § 42.53(a) (relating to continued competency requirements) required occupational therapy assistants to complete a minimum of 24 contact hours in each biennial period beginning with the July 1, 2015—June 30, 2017, biennium. IRRC questioned how the Board intended to implement this given the timing of the proposed rulemaking and the lack of notice to occupational therapy assistants. The Board revised § 42.53(a) to require completion of the required 24 contact hours for occupational therapy assistants beginning with the July 1, 2019—June 30, 2021, biennium. While the act provides the Board with statutory authority to require continued competency for occupational therapy assistants, the act does not mandate continued competency requirements. Thus, in balancing the importance of continued competency requirements with the importance of providing sufficient notice to occupational therapy assistants, the Board determined that postponing the effective date to the 2019—2021 biennium is appropriate as it will provide reasonable notice to occupational therapy assistants. The Board has taken steps to notify licensees regarding the upcoming continued competency requirements for occupational therapy assistants by posting a notice on its web site. Additionally, following publication of this final-form rulemaking, the Board will notify occupational therapy assistants of the new continued competency requirements by e-mail and announcing it in a newsletter.

IRRC asked the Board to provide a detailed response explaining what issues led to the delay in promulgating this final-form rulemaking and what alternative were considered to resolve those issues. Act 138 was enacted on July 5, 2012, effective in 60 days. In accordance with Executive Order 1996-1, less than 2 weeks later, on July 16, 2012, the Board sent a draft proposal to interested parties and stakeholders. At the Board's next public meeting on September 27, 2012, the Board reviewed the stakeholder comments and adopted the proposed annex. The Board generally meets quarterly. On February 21, 2013, the Board reviewed the preamble and amendments to the annex. At the June 6, 2013, Board meeting, the Board adopted additional amendments and voted to promulgate the regulation as proposed. Thereafter, it proceeded through department-level review and ultimately was forwarded to the Governor's Office of Policy and Planning, the Office of General Counsel and the Governor's Budget Office for review and approval in accordance with Executive Order 1996-1 on August 29, 2013. The Board responded to questions from the Governor's Office of Policy and Planning regarding the proposed regulation in April 2014. The Governor's Budget Office completed the fiscal note on the proposed regulation in August 2014.

However, due in part to the change in administration, the Board did not receive the required approvals from the Governor's Office of Policy and Planning or the Office of General Counsel until December 2015. After receiving the required approvals, the Board expeditiously prepared the proposed rulemaking for delivery and publication, which occurred in February 2016. Much of the delay was beyond the Board's control. The Board respectfully requests that the delay not be considered in evaluating the Board's final regulations.

Amendments to this Final-form Rulemaking

Based on the comments received from the public, the HPLC and IRRC, the following amendments have been made to this final-form rulemaking.

Sections 42.13(b)(3), 42.14(c)(3) and 42.15(d)(3) have been revised to include the statutory provision permitting an applicant to provide a certification statement that the applicant will be covered by an employer against professional liability upon beginning employment, "provided that the applicant does not practice occupational therapy prior to the commencement of such employment." In this final-form rulemaking, the Board substituted "beginning" for "commencement" as used in the act because the Legislative Reference Bureau's *Pennsylvania Code & Bulletin Style Manual* prefers the use of "beginning." The Board also revised § 42.14(b) by replacing "he" with "the applicant."

The Board revised § 42.16(c)(1) to require that an applicant for renewal provide the applicant's professional liability insurance company name and policy number, as applicable, on the biennial renewal application, as suggested by IRRC. The Board further revised § 42.16(b) to add "other official documents" to the list of forms and documents that will be forwarded to the last mailing address of record. Additionally, the Board revised § 42.16(b) to include forms and documents distributed by the Department of State. The Board revised § 42.16(b) for clarification and to ensure that licensees understand that the Board and the Department of State may send documents other than forms and literature to the last mailing address of record.

In addition, at the suggestion of the Legislative Reference Bureau, the Board reconsidered the proposed amendment to the first sentence of § 42.52 (relating to definitions). The Board determined that the proposed amendment was unnecessary because the definitions in § 42.52 apply to terms used in §§ 42.51 and 42.53—42.58, not throughout the entire chapter.

The Board further revised § 42.53 to clarify that the continued competency requirements for occupational therapy assistants will begin with the July 1, 2019—June 30, 2021, biennium to allow time to provide adequate notice to licensees.

The Board made minor revisions to correct typographical errors in the proposed rulemaking as published in the *Pennsylvania Bulletin*.

Fiscal Impact and Paperwork Requirements

To implement the statutory requirements of Act 138 and this final-form rulemaking, the Board will amend its applications for initial licensure, biennial renewal and reactivation. There may be other costs associated with increased prosecutions if occupational therapists fail to obtain and maintain professional liability insurance or occupational therapy assistants fail to complete the continued competency requirements. The Board determined

that it has sufficient funds to absorb these costs without a fee increase at this time. Occupational therapists who wish to become licensed or maintain their licenses shall either obtain professional liability insurance, self-insure or have their employers provide coverage. It is estimated that the annual premium for the required professional liability insurance ranges from \$85 to \$230 annually. They will also be subject to increased paperwork requirements because occupational therapists will be required to provide documentary proof that they have obtained the required insurance upon initial licensure and upon reactivation of an inactive license. Occupational therapy assistants will incur costs associated with completing the required continued competency contact hours, which the Board estimates a cost of approximately \$300 annually. However, the Board's regulations provide for low and no cost ways to obtain continued competency contact hours. Therefore, the costs of continued competency may be less or even negated if occupational therapy assistants choose the lower cost or free continued competency options. Occupational therapy assistants will also be subject to additional paperwork requirements because they will be required to maintain a professional continued competency portfolio and make it available to the Board.

Sunset Date

The Board continuously monitors the effectiveness of 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 February 5, 2016, the Board submitted a copy of the notice of proposed rulemaking, published at 46 Pa.B. 888, 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, the Board shall submit to IRRC, the HPLC and the SCP/PLC copies of 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 and the public.

Under section 5.1(j.2) of the Regulatory Review Act (71 P.S. § 745.5a(j.2)), on March 21, 2018, the final-form rulemaking was deemed approved by the HPLC and the SCP/PLC. Under section 5.1(e) of the Regulatory Review Act, IRRC met on March 22, 2018, 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) and regulations promulgated thereunder, 1 Pa. Code §§ 7.1 and 7.2.

(2) A public comment period was provided as required by law.

(3) This final-form rulemaking does not include amendments that enlarge the scope of the proposed rulemaking published at 46 Pa.B. 888.

(4) This final-form rulemaking adopted by this order is necessary and appropriate for the administration of the act.

Order

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

(a) The regulations of the Board, 49 Pa. Code Chapter 42, are amended by adding §§ 42.61—42.63 and amending §§ 42.13—42.16 and 42.51—42.58 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 Attorney General and the Office of General Counsel for approval as required by law.

(c) The Board shall submit this order and Annex A to IIRC, the HPLC and the SCP/PLC as required by law.

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

(e) This final-form rulemaking shall take effect upon publication in the *Pennsylvania Bulletin*.

KERRI L. HAMPLE, OTC, OTR/L,
Chairperson

(*Editor's Note:* See 48 Pa.B. 2029 (April 7, 2018) for IIRC's approval order.)

Fiscal Note: Fiscal Note 16A-6711 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 42. STATE BOARD OF OCCUPATIONAL THERAPY EDUCATION AND LICENSURE

LICENSURE

§ 42.13. Application for licensure.

(a) To apply for licensure, an applicant shall pay the required fee and submit evidence satisfactory to the Board, on forms provided by the Board, that the applicant meets all of the following criteria:

- (1) Is of good moral character.
- (2) Has met the academic requirements of an educational program in occupational therapy approved by the Board, or an equivalent program as defined in § 42.1 (relating to definitions).
- (3) Has successfully completed a period of supervised fieldwork experience at a recognized educational institute or a training program approved by the educational institution where the academic requirements were met as follows:

(i) For an occupational therapist, a minimum of 6 months of supervised fieldwork.

(ii) For an occupational therapy assistant, a minimum of 2 months of supervised fieldwork.

(4) Has passed the licensure examination or has qualified for a waiver of the licensure examination under § 42.12 (relating to waiver of licensure examination).

(b) In addition to the requirements in subsection (a), an applicant for an occupational therapist license shall submit one of the following:

(1) Proof that the applicant has professional liability insurance as set forth in § 42.61 (relating to professional liability insurance requirement).

(2) A letter from the applicant's insurance carrier indicating that the applicant will be covered against professional liability in the amount specified in § 42.61(a) upon the issuance of the applicant's license to practice occupational therapy in this Commonwealth.

(3) A certification from the applicant indicating that the applicant will be covered by an employer against professional liability in the amount specified in § 42.61(a) effective upon the beginning of employment as an occupational therapist, provided that the applicant does not practice occupational therapy prior to the beginning of employment.

§ 42.14. Foreign-educated applicants.

(a) To apply for licensure, the foreign-educated applicant shall, before examination, submit evidence satisfactory to the Board, on forms provided by the Board, that the applicant meets all of the following requirements:

(1) Is of good moral character.

(2) Has completed educational requirements substantially equal to § 42.13(2) (relating to application for licensure). The Board will accept a credentials evaluation done by the NBCOT as proof that the foreign-educated applicant has completed the educational requirements.

(b) The foreign-educated applicant may be licensed by the Board if the applicant has complied with subsection (a) and has met one of the following criteria:

(1) Passed the licensure examination.

(2) Qualified for a waiver of the licensure examination under § 42.12 (relating to waiver of licensure examination).

(c) In addition to the requirements in subsections (a) and (b), a foreign-educated applicant for an occupational therapist license shall submit one of the following:

(1) Proof that the foreign-educated applicant has professional liability insurance as set forth in § 42.61 (relating to professional liability insurance requirement).

(2) A letter from the foreign-educated applicant's insurance carrier indicating that the applicant will be covered against professional liability in the amount specified in § 42.61(a) upon the issuance of the applicant's license to practice occupational therapy in this Commonwealth.

(3) A certification from the foreign-educated applicant indicating that the applicant will be covered by an employer against professional liability in the amount specified in § 42.61(a) effective upon the beginning of employment as an occupational therapist, provided that the applicant does not practice occupational therapy prior to the beginning of employment.

§ 42.15. Application for temporary license.

(a) The Board may issue a temporary license to an applicant who pays the required fee and submits evidence satisfactory to the Board, on forms provided by the Board, that the applicant:

(1) Has met requirements for licensure under § 42.13 (relating to application for licensure).

(2) Is eligible and has applied to take the licensure examination or has failed the licensure examination but applied to retake the examination on the next scheduled date if the following applies:

(i) The temporary license shall expire automatically upon the failure of the applicant to take the licensure examination, except for an appropriate excuse approved by the Board.

(ii) The temporary license shall expire automatically upon receipt by the applicant of notice of failure of re-examination, and the applicant may not be eligible for another temporary license for a period of 1 year from the date of the notice.

(iii) Even after 1 year from the date of notice of failure of re-examination, the applicant may not be issued another temporary license, except at the discretion of the Board.

(b) A temporary license issued under subsection (a) authorizes the practice of occupational therapy only as an assistant under the direct supervision of an occupational therapist licensed under the act and this chapter.

(c) The Board may also issue a temporary license to an applicant who:

(1) Pays the required fee.

(2) Submits evidence satisfactory to the Board, on forms provided by the Board, that the applicant is not a resident and is not licensed in this Commonwealth.

(3) Submits evidence to the Board that the applicant is either licensed under the laws of the District of Columbia or of a state or territory of the United States which has licensure requirements substantially equal to the requirements of the act or has met the requirements for certification as an occupational therapist registered or a certified occupational therapy assistant established by NBCOT.

(4) Certifies that the applicant will perform services for not longer than a 6 consecutive month period in a calendar year, in association with an occupational therapist licensed under the act.

(d) In addition to the requirements in subsection (a) or (c), an applicant for a temporary license as an occupational therapist shall submit one of the following:

(1) Proof that the applicant has professional liability insurance as set forth in § 42.61 (relating to professional liability insurance requirement).

(2) A letter from the applicant's insurance carrier indicating that the applicant will be covered against professional liability in the amount specified in § 42.61(a) upon the issuance of the applicant's temporary license.

(3) A certification from the applicant indicating that the applicant will be covered by an employer against professional liability in the amount specified in § 42.61(a) effective upon the beginning of employment, provided that the applicant does not practice occupational therapy prior to the beginning of employment.

§ 42.16. Biennial renewal; inactive status; failure to renew.

(a) A license granted under the act expires on June 30 of every odd numbered year unless renewed for the next biennium.

(b) Biennial renewal forms, other forms and literature, and other official documents to be distributed by the

Board or the Department of State will be sent to the last mailing address of record. The licensee has the responsibility to notify the Board of changes to the mailing address of record in writing within 10 days after making the address change.

(c) To retain the right to engage in practice, the licensee shall renew the licensee's license biennially as follows:

(1) An occupational therapist shall complete the biennial renewal application, pay the required fee, certify completion of the continued competence requirement as specified in § 42.53 (relating to continued competency requirements) and certify maintenance of the required professional liability insurance coverage as specified in § 42.61 (relating to professional liability insurance requirement) which must include the insurance company name and policy number, as applicable.

(2) An occupational therapy assistant shall complete the biennial renewal application, pay the required fee and certify completion of the continued competence requirement as specified in § 42.53.

(d) As set forth in section 225 of the Bureau of Professional and Occupational Affairs Fee Act (63 P.S. § 1401-225), a licensee who has engaged in practice beyond the renewal date without renewing the license will be charged a fee of \$5 for each month or partial month of practice during which the license was not renewed, in addition to the biennial renewal fee.

(e) A licensee who does not intend to practice in this Commonwealth and who does not desire to renew his license shall inform the Board in writing. Written confirmation of the Board's receipt of his letter and notice that his license has been classified as inactive will be forwarded to the licensee.

(f) The licensee who either fails to pay the biennial renewal fee or who notifies the Board that he does not desire to renew his license will not be sent biennial renewal forms for following biennial renewal periods unless the licensee notifies the Board, in writing, of his desire to reactivate the license.

(g) A licensee who is applying to return to active status is required to pay fees which are due and submit all of the following:

(1) A sworn statement stating the period of time during which the licensee was not engaged in practice in this Commonwealth.

(2) A resume of professional activities since the most recent licensure.

(3) A letter of good standing from another state or territory where the licensee is currently licensed or registered to practice, if applicable.

(4) Proof of professional liability insurance coverage as set forth in § 42.61 if applying to reactivate an occupational therapist license.

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

(i) An applicant who has failed to renew a license and has not practiced for longer than 4 years shall pass the licensure examination or qualify for a waiver of examination under § 42.12 (relating to waiver of licensure examination) before the license is renewed. In addition, the

Board may require the applicant to do one or more of the following:

- (1) Be personally interviewed by a designated Board member or representative.
- (2) Pass an oral practical examination.
- (3) Prove physical and mental fitness to practice in this Commonwealth.
- (j) If other conditions of the act and this chapter have been met, active status will be restored upon payment of fees and penalties which have accrued.
- (k) A licensee who has engaged in practice during a period in which the licensee's license was not active may be subject to criminal prosecution under section 16(c) of the act (63 P.S. § 1516(c)).

CONTINUED COMPETENCY

§ 42.51. Purpose.

The purpose of §§ 42.52—42.58 is to implement section 15(a) of the act (63 P.S. § 1515(a)), which authorizes the Board to establish additional requirements for licensure renewal to ensure continued competency to achieve the legislative purpose in section 2 of the act (63 P.S. § 1502) to ensure the highest degree of professional care and conduct on the part of licensees.

§ 42.52. Definitions.

The following words and terms, when used in §§ 42.51 and 42.53—42.58, have the following meanings, unless the context clearly indicates otherwise:

Contact hour—A unit of measure for a continued competency activity that equals 50—60 minutes of participation.

Continued competency—The multidimensional process by which a licensee demonstrates the development and maintenance of the knowledge, skills, attitudes, judgment, abilities and ethics necessary to practice occupational therapy in a variety of roles and settings.

Educational courses—Academic and continuing education courses delivered onsite or by distance education.

Level I fieldwork—Introductory fieldwork experiences that are a component of an educational program in occupational therapy in which students develop a basic understanding of the needs of clients through directed observation and supervised participation in the occupational therapy process.

Level II fieldwork—In-depth fieldwork experiences that are a component of an educational program in occupational therapy that provide multiple occupational therapy services to a variety of clients in multiple settings.

Mentor—A person who holds a current license, certificate or registration in a health-related or education field, or who is otherwise exempt by statute from the requirement to hold a license, certificate or registration, who is engaged in a one-on-one or group teaching/coaching relationship with a licensee for the stated purpose of imparting specific knowledge and skills that will advance the licensee's competency in occupational therapy.

Mentorship—Participation in a formalized, one-on-one or group teaching/learning relationship for the purposes of building a licensee's competency in occupational therapy.

Mentorship agreement—A written agreement between the mentor and the protege or proteges that outlines

specific goals and objectives and designates a plan of activities.

Professional continued competence portfolio—A document that evidences the licensee's completion of the continued competency requirement in § 42.53 (relating to continued competency requirements).

Protege—A licensee who is engaged in a one-on-one or group relationship with a mentor for the stated purpose of acquiring specific skills and knowledge related to the practice of occupational therapy.

Unpaid service—Volunteering in an organization when the unpaid service directly relates to occupational therapy.

§ 42.53. Continued competency requirements.

(a) Beginning with the July 1, 2013—June 30, 2015, biennium, an occupational therapist shall complete a minimum of 24 contact hours in each biennial period in acceptable continued competency activities listed in § 42.55 (relating to acceptable continued competency activities) as a condition of licensure renewal. Beginning with the July 1, 2019—June 30, 2021, biennium, an occupational therapy assistant shall complete a minimum of 24 contact hours in each biennial period in acceptable continued competency activities listed in § 42.55 as a condition of licensure renewal.

(b) A licensee is exempt from complying with subsection (a) for the first biennial renewal period following initial licensure.

(c) A licensee seeking to reactivate a lapsed or inactive license shall show compliance with the continued competency contact hour requirement during the 2-year period immediately preceding application for reactivation.

(d) As a condition of reinstatement, a licensee whose license has been suspended or revoked shall complete the required continued competency contact hours for each licensure biennium in which the license was suspended or revoked.

§ 42.54. Education program providers.

(a) *General.* Educational courses offered by preapproved and Board-approved providers will be accepted as satisfying the continued competency requirement. It is the responsibility of the licensee to ascertain the approval status of the provider before undertaking a course.

* * * * *

(e) *Individual course approval.*

(1) A licensee may request approval of contact hours for educational courses not otherwise approved by submitting an application for approval to the Board no later than 90 days before the end of the biennial renewal period that includes all of the following:

* * * * *

§ 42.55. Acceptable continued competency activities.

* * * * *

(b) The following activities are acceptable so long as the specific activity complies with subsection (a):

* * * * *

(3) Fieldwork supervision.

(i) A licensee may earn:

* * * * *

(4) Professional writing.

(i) A licensee may earn the following contact hours, up to a maximum aggregate of 15 per biennium, for professional writing:

* * * * *

(5) Editing.

(i) A licensee may earn the following contact hours, up to a maximum aggregate of 15 per biennium, for editing:

* * * * *

(6) Presentation and instruction.

(i) A licensee may earn 2 contact hours, up to a maximum aggregate of 12 per biennium, for each 60-minute oral or poster presentation or instruction related to occupational therapy.

* * * * *

(7) Unpaid service.

(i) A licensee may earn:

* * * * *

§ 42.56. Waivers of continued competency requirements; extension of time to complete.

(a) The Board may waive all or part of the continued competency activity requirements, or grant an extension of time to complete the requirements, in the case of a serious illness, injury or emergency which prevents a licensee from completing the continued competency requirements.

(b) A licensee seeking a waiver or extension of time shall submit a written request and provide documentary evidence to the satisfaction of the Board of the serious illness, injury or emergency which would preclude the completion of the continued competency requirements.

(c) The request for a waiver or extension of time shall be filed with the Board 60 days before the end of the biennium in which the contact hours are being accrued unless the licensee proves to the satisfaction of the Board that it was impracticable to do so.

§ 42.57. Documentation and reporting of continued competency activities.

(a) A provider of a continued competency activity shall furnish to each participant documentation, signed by the provider, which includes all of the following, unless otherwise directed in § 42.55(b)(1)(iii), (2)(iv), (3)(ii), (4)(iii), (5)(ii) and (6)(iv) (relating to acceptable continued competency activities):

(1) The name of the participant, provider and instructor.

(2) The title, date and location of the activity.

(3) The number of contact hours awarded.

(b) A licensee shall:

(1) Prepare a professional continued competence portfolio as defined in § 42.52 (relating to definitions) for each biennial period and retain it for 4 years following the last day of the biennial period during which the continued competency activities were completed.

(2) Verify completion of the required contact hours of continued competency activities when the license is re-

newed. A licensee who has not completed the required hours of continued competency activities will not be eligible for renewal until the hours are completed, unless a waiver or extension has been granted.

(3) Provide a copy of the professional continued competence portfolio to the Board within 30 days of notification of an audit.

§ 42.58. Disciplinary action.

A licensee who fails to comply with the continued competency activity requirements or the audit requirements or submits false documents in connection with the continued competency requirement will be subject to disciplinary action under section 16 of the act (63 P.S. § 1516).

PROFESSIONAL LIABILITY INSURANCE

§ 42.61. Professional liability insurance requirement.

(a) Effective July 1, 2013, an occupational therapist shall obtain and maintain professional liability insurance coverage in the minimum amount of \$1 million per occurrence or claims made.

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

(1) A certificate of insurance or copy of the declaration page from the 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) An occupational therapist who does not maintain the professional liability insurance required under subsection (a) may not practice occupational therapy in this Commonwealth.

§ 42.62. Notifications.

(a) An occupational therapist shall notify the Board within 30 days of a failure to maintain the required professional liability insurance.

(b) An occupational therapist whose license was issued in reliance on a letter or certificate as permitted under section 8(5)(iv)(A) and (B) of the act (63 P.S. § 1508(5)(iv)(A) and (B)) and in accordance with §§ 42.13(b) (2) or (3), 42.14(c)(2) or (3), or 42.15(d)(2) or (3) (relating to application for licensure; foreign-educated applicants; and application for temporary license) shall provide the Board with proof of professional liability insurance coverage as set forth in § 42.61 (relating to professional liability insurance requirement) within 30 days after the date of issuance of the license or beginning of employment, as applicable.

(c) Failure to notify the Board within 30 days as required in subsection (a) or (b) constitutes unprofessional conduct and subjects the occupational therapist to disciplinary action under section 16(a)(2) of the act (63 P.S. § 1516(a)(2)).

§ 42.63. Automatic suspension.

(a) An occupational therapist's license will be automatically suspended during any period in which the occupational therapist fails to maintain professional liability insurance.

(b) A license that has been automatically suspended under subsection (a) will be reinstated only upon receipt

of a copy of documentation demonstrating that the occupational therapist has the required professional liability insurance as set forth in § 42.61 (relating to professional liability insurance requirement).

[Pa.B. Doc. No. 18-684. Filed for public inspection May 4, 2018, 9:00 a.m.]

Title 58—RECREATION

PENNSYLVANIA GAMING CONTROL BOARD

[58 PA. CODE CHS. 804, 811, 812, 814, 815 AND 818]

Interactive Gaming Qualified Gaming Entities; Accounting and Internal Controls; Player Accounts; Compulsive and Problem Gambling Requirements; Self-Excluded Persons; Commencement of Operations; Temporary Regulations

The Pennsylvania Gaming Control Board (Board), under its specific authority in 4 Pa.C.S. § 13B03(b) (relating to regulations) and the general authority in 4 Pa.C.S. § 1202(b)(30) (relating to general and specific powers), adds rules regarding: eligibility and petition requirements for qualified gaming entities (the specific process by which these entities may be selected for licensure by the Board will be determined at a later date and posted on the Board’s web site); requirements for interactive gaming certificate holder’s and interactive gaming operator licensee’s internal controls; requirements and prohibitions regarding establishing, maintaining and suspending player accounts; rules regarding compulsive and problem gambling; rules regarding the process for an individual to self-exclude from interactive gaming activities in this Commonwealth; and the minimum requirements an interactive gaming certificate holder or interactive gaming operator shall satisfy to begin operations including clarification on the source of gaming skins as well as the appearance of gaming skins.

Purpose of this Temporary Rulemaking

This temporary rulemaking includes rules to ensure the integrity and security of interactive gaming in this Commonwealth.

Explanation of Chapters 804, 811, 812, 814, 815 and 818

Chapter 804 (relating to qualified gaming entity—temporary regulations) addresses what entities qualify as eligible qualified gaming entities and the information these entities shall provide to the Board to obtain interactive gaming certificates not sought by current slot machine licensees.

Chapter 811 (relating to interactive gaming accounting and internal controls—temporary regulations) addresses internal controls that include required reporting, data retention and system logging rules that, along with internal operation structures and player terms and conditions, shall be submitted to and approved by the Bureau of Gaming Operations.

Chapter 812 (relating to interactive gaming player accounts—temporary regulations) addresses specific guidelines relative to how players can establish, fund, limit and close interactive gaming accounts, and rules regarding certificate holder and licensee requirements relative to confirming player identities and maintaining player privacy.

Chapter 814 (relating to compulsive and problem gambling requirements—temporary regulations) addresses requirements for interactive gaming certificate holder and interactive gaming operator compulsive and problem gaming plans, including self-exclusion guidelines.

Chapter 815 (relating to interactive gaming self-excluded persons—temporary regulations) addresses the requirements for interactive gaming certificate holder and interactive gaming operator compulsive and problem gaming plans, including self-exclusion guidelines.

Chapter 818 (relating to interactive gaming commencement of operations—temporary regulations) provides clarification that the Board may authorize interactive gaming certificate holders or interactive gaming operator licensees operating an interactive gaming system on behalf of an interactive gaming certificate holder to deploy interactive gaming skins or interactive gaming web sites, that clearly identify the interactive gaming certificate holder or an entity within the interactive gaming certificate holder’s organizational structure, on the display screen visible to players. Furthermore, interactive gaming certificate holders or interactive gaming operator licensees operating an interactive gaming system on behalf of an interactive gaming certificate holder may conduct interactive gaming utilizing players registered in other jurisdictions with which the Commonwealth has entered into a reciprocal agreement permitting interstate interactive gaming.

Affected Parties

An entity that operates interactive gaming in this Commonwealth, and an entity or individual that will interact with or participate in interactive gaming operations in this Commonwealth, will be affected by this temporary rulemaking. This temporary rulemaking provides: eligibility and petition requirements for qualified gaming entities (the specific process by which these entities may be selected for licensure by the Board will be determined at a later date and posted on the Board’s web site); requirements for interactive gaming certificate holder’s and interactive gaming operator licensee’s internal controls; requirements and prohibitions relative to establishing, maintaining and suspending player accounts; rules regarding compulsive and problem gambling; rules regarding the process for an individual to self-exclude from interactive gaming activities in this Commonwealth; and the minimum requirements an interactive gaming certificate holder or interactive gaming operator shall satisfy to begin operations, including clarification on the source of gaming skins as well as the appearance of gaming skins.

Fiscal Impact

Commonwealth

The Board expects that this temporary rulemaking will have minimal fiscal impact on the Board and other Commonwealth agencies. Impact should be confined to the additional personnel and expenses related to implementing these temporary regulations as well as continued oversight of expanded gaming with portions of these costs absorbed by existing Board staff.

Political subdivisions

This temporary rulemaking will not have direct fiscal impact on political subdivisions of this Commonwealth. Host municipalities and counties benefit from the local share funding mandated by the act of January 7, 2010 (P.L. 1, No. 1).

Private sector

This temporary rulemaking includes rules regarding: eligibility and petition requirements for qualified gaming entities (the specific process by which these entities may be selected for licensure by the Board will be determined at a later date and posted on the Board's web site); requirements for interactive gaming certificate holder's and interactive gaming operator licensee's internal controls; requirements and prohibitions relative to establishing, maintaining and suspending player accounts; rules regarding compulsive and problem gambling; rules regarding the process for an individual to self-exclude from interactive gaming activities in this Commonwealth; and the minimum requirements an interactive gaming certificate holder or interactive gaming operator shall satisfy to begin operations including clarification on the source of gaming skins as well as the appearance of gaming skins. It is anticipated that this temporary rulemaking will have an impact on those individuals seeking to operate interactive gaming in this Commonwealth as well as those individuals and entities affiliated with the operation of interactive gaming in this Commonwealth. The fiscal impact to these parties will be offset by revenues collected through the play of interactive games.

General public

This temporary rulemaking will not have direct fiscal impact on the general public.

Paperwork Requirements

Interactive gaming certificate holders, interactive gaming operators, and individuals and entities providing services to those entities in connection with interactive gaming operations will be required to generate and maintain various types of information relative to their interactive gaming operations, including records on player accounts, wagers placed and problem gambling compliance efforts. Interactive gaming certificate holders, interactive gaming operators, and individuals and entities providing services to those entities in connection with interactive gaming operations will also be required to draft, maintain and submit documents related to internal controls and accounting associated with interactive gaming in this Commonwealth.

Effective Date

This temporary rulemaking will become effective upon publication in the *Pennsylvania Bulletin* and expires 2 years after publication.

Public Comments

While this temporary rulemaking will be effective upon publication, the Board is seeking comments from the public and affected parties as to how these temporary regulations might be improved.

Interested persons are invited to submit written comments, suggestions or objections regarding this temporary rulemaking within 30 days after the date of publication in the *Pennsylvania Bulletin* to Laura R. Burd, Senior Counsel, Pennsylvania Gaming Control Board, P.O. Box 69060, Harrisburg, PA 17106-9060, Attention: Public Comment on Regulation # 125-215.

Contact Person

The contact person for questions about this temporary rulemaking is Laura R. Burd, Senior Counsel, (717) 346-8300, lburd@pa.gov.

Regulatory Review

Under 4 Pa.C.S. § 13B03, the Board has the authority to promulgate temporary regulations to facilitate the

prompt implementation of interactive gaming in this Commonwealth. The temporary regulations adopted by the Board are not subject to sections 201—205 of the act of July 31, 1968 (P.L. 769, No. 240) (45 P.S. §§ 1201—1205), known as the Commonwealth Documents Law, the Regulatory Review Act (71 P.S. §§ 745.1—745.14) and section 204(b) of the Commonwealth Attorneys Act (71 P.S. § 732-204(b)). Under 4 Pa.C.S. § 13B03(c), these temporary regulations expire 2 years after publication in the *Pennsylvania Bulletin*.

Findings

The Board finds that:

(1) Under 4 Pa.C.S. § 13B03, the temporary regulations are exempt from the requirements of the Regulatory Review Act, sections 201—205 of the Commonwealth Documents Law and section 204(b) of the Commonwealth Attorneys Act.

(2) The adoption of the temporary regulations is necessary and appropriate for the administration and enforcement of 4 Pa.C.S. Part II (relating to the Pennsylvania Race Horse Development and Gaming Act).

Order

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

(1) The regulations of the Board, 58 Pa. Code, are amended by adding temporary §§ 804.1—804.4, 811.1—811.9, 812.1—812.14, 814.1—814.6, 815.1—815.8 and 818.1—818.3 to read as set forth in Annex A.

(2) The temporary regulations will be posted on the Board's web site.

(3) The temporary regulations are subject to amendment as deemed necessary by the Board.

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

(5) These temporary regulations are effective upon publication in the *Pennsylvania Bulletin* and expire on May 5, 2020.

DAVID M. BARASCH,
Chairperson

Fiscal Note: 125-215. No fiscal impact; (8) recommends adoption.

Annex A**TITLE 58. RECREATION****PART VII. GAMING CONTROL BOARD****Subpart L. INTERACTIVE GAMING****CHAPTER 804. QUALIFIED GAMING ENTITY—TEMPORARY REGULATIONS**

Sec.	
804.1.	Qualified gaming entity license requirements.
804.2.	Qualified gaming entity petition requirements.
804.3.	Qualified gaming entity application requirements.
804.4.	Qualified gaming entity license term and renewal.

§ 804.1. Qualified gaming entity license requirements.

(a) A qualified gaming entity seeking to offer interactive gaming in this Commonwealth may petition the Board for an interactive gaming certificate if all of the following apply:

(1) At least 120 days after the Board begins accepting petitions to offer interactive gaming in this Commonwealth under the act has passed.

(2) Any category of interactive game, as detailed in § 802.1(b) (relating to interactive gaming certificate requirements), remains available after eligible slot machine licensees failed to petition for authorization to offer that category of interactive game directly or through an interactive gaming operator.

(3) The entity holds a license, in good standing, in any gaming jurisdiction which entitles the entity to conduct casino, table or poker-style games in a physical land-based casino or by means of the Internet, or both.

(b) The Board will approve and post the process for selecting eligible qualified gaming entities, in the event more eligible qualified gaming entities petition for an interactive gaming certificate than there are interactive gaming certificates available, prior to the deadline for entities to petition the Board for any available interactive gaming certificates.

§ 804.2. Qualified gaming entity petition requirements.

(a) A qualified gaming entity petitioner for an interactive gaming certificate shall submit to the Board a petition containing the information required by slot machine licensees seeking an interactive gaming certificate under § 802.2 (relating to interactive gaming certificate petition and standards).

(b) The qualified gaming entity petitioner shall also show, by clear and convincing evidence, all of the following:

(1) It is licensed in good standing in another gaming jurisdiction.

(2) The licensing standards of that other gaming jurisdiction are comprehensive and thorough and provide similar safeguards as those required by the Commonwealth.

(3) The petitioner has the business experience and expertise to operate an interactive gaming system.

(c) In addition to the materials required under subsections (a) and (b), the qualified gaming entity petitioner for an interactive gaming certificate shall show, by clear and convincing evidence, that it has implemented or will implement all of the following:

(1) Interactive gaming that complies in all respects with the requirements of this subpart and regulations promulgated by the Board.

(2) A system of age, identity and location verification protocols designed to block access to individuals under 21 years of age and persons otherwise excluded or prohibited from engaging in interactive gaming in accordance with this subpart, as approved by the Board, has been implemented by the petitioner.

(3) Appropriate data security standards to prevent unauthorized access by any person whose age, identity and location has not been verified or cannot be verified in accordance with the regulations promulgated by the Board.

(4) Appropriate standards to protect the privacy and security of registered players with a reasonable degree of certainty.

(5) A system of internal and accounting controls applicable to interactive gaming, and the security and integrity of all financial transactions in connection with the system, that complies with this chapter and regulations promulgated by the Board.

§ 804.3. Qualified gaming entity application requirements.

(a) If selected under the Board process in § 804.1(b) (relating to qualified gaming entity license requirements), the eligible qualified gaming entity petitioner shall submit all applicable applications for licensure as required by the Bureau of Licensing.

(b) In determining whether an eligible qualified gaming entity petitioner is suitable to be issued a qualified gaming entity interactive gaming certificate under this subpart, the Board will consider all of the following:

(1) The financial fitness, good character, honesty, integrity and responsibility of the petitioner.

(2) If all principals of the petitioner are eligible and suitable under the standards of section 1311.1 of the act (relating to licensing of principals).

(3) The integrity of all financial backers.

(4) The suitability of the petitioner and the principals of the petitioner based on the satisfactory results of all of the following:

(i) The background investigation of the principals.

(ii) A current tax clearance review performed by the Department.

(iii) A current Unemployment Compensation Tax clearance review and a Workers Compensation Tax clearance review performed by the Department of Labor and Industry.

§ 804.4. Qualified gaming entity license term and renewal.

(a) A qualified gaming entity interactive gaming certificate and the renewal thereof is valid for 5 years from the date of approval of the application by the Board.

(b) A renewal application for a qualified gaming entity interactive gaming certificate shall be filed at least 6 months prior to the expiration of the current certificate.

(c) A qualified gaming entity interactive gaming certificate for which a completed renewal application and fee has been received by the Board will continue in effect until acted upon by the Board.

CHAPTER 811. INTERACTIVE GAMING ACCOUNTING AND INTERNAL CONTROLS—TEMPORARY REGULATIONS

Sec.	
811.1.	Scope.
811.2.	Internal controls.
811.3.	Terms and conditions.
811.4.	Information to be displayed on web site.
811.5.	Segregation of bank accounts and reserve requirements.
811.6.	Interactive gaming certificate holder's or interactive gaming operator licensee's organization.
811.7.	Mandatory interactive gaming system logging.
811.8.	Records/data retention requirements.
811.9.	Required reports; reconciliation.

§ 811.1. Scope.

To ensure the integrity and security of interactive gaming operations in this Commonwealth, this chapter applies to all interactive gaming certificate holders or interactive gaming operator licensees seeking to offer interactive gaming to patrons in this Commonwealth.

§ 811.2. Internal controls.

(a) At least 90 days prior to commencing interactive gaming under this part, an interactive gaming certificate holder or interactive gaming operator licensee shall submit to the Board for approval internal controls for all

aspects of interactive gaming prior to implementation and any time a change is made thereafter. The internal controls must include detailed procedures for system security, operations, accounting, and reporting of compulsive and problem gamblers.

(b) Notwithstanding subsection (a), the procedures and controls may be implemented by an interactive gaming certificate holder or interactive gaming operator licensee upon the filing of the procedures and controls with the Board. Each procedure or control submission must contain narrative and diagrammatic representations of the system to be utilized and must include all of the following:

(1) Procedures for reliable accounting controls, including the standardization of forms and definition of terms to be utilized in the interactive gaming operations.

(2) Procedures, forms and, when appropriate, formulas to govern all of the following:

- (i) Calculation of hold percentages.
- (ii) Revenue drops.
- (iii) Expense and overhead schedules.
- (iv) Complimentary services.
- (v) Cash-equivalent transactions.

(3) Job descriptions and the system of personnel and chain of command establishing a diversity of responsibility among employees engaged in interactive gaming operations, including employees of an interactive gaming operator, and identifying primary and secondary management and supervisory positions for areas of responsibility, salary structure and personnel practices.

(4) Procedures for the registration of players and establishment of interactive gaming accounts, including a procedure for authenticating the age, identity and physical address of an applicant for an interactive gaming account and whether the applicant is a person prohibited from establishing or maintaining an account under section 13B22 of the act (relating to establishment of interactive gaming accounts).

(5) Procedures for terminating a registered player's interactive gaming account and the return of any funds remaining in the interactive gaming account to the registered player.

(6) Procedures for suspending or terminating a dormant interactive gaming account and the return of any funds remaining in the dormant interactive gaming account to the registered player.

(7) Procedures for the logging in and authentication of a registered player to enable the player to commence interactive gaming and the logging off of the registered player when the player has completed play, including a procedure to automatically log a registered player out of the player's interactive gaming account after a specified period of inactivity.

(8) Procedures for the crediting and debiting of a registered player's interactive gaming account.

(9) Procedures for cashing checks, receiving electronic negotiable instruments, and redeeming chips, tokens or other cash equivalents.

(10) Procedures for withdrawing funds from an interactive gaming account by the registered player.

(11) Procedures for the protection of a registered player's funds, including the segregation of a registered player's funds from operating funds of the interactive gaming certificate holder.

(12) Procedures for recording transactions pertaining to interactive gaming.

(13) Procedures for the security and sharing of personal identifiable information of a registered player, funds in an interactive gaming account and other information as required by the Board. The procedures must include the means by which an interactive gaming certificate holder or interactive gaming operator will provide notice to a registered player related to the sharing of personal identifiable information. For the purpose of this paragraph, "personal identifiable information" means any data or information that can be used, on its own or with other data or information, to identify, contact or otherwise locate a registered player, including a registered player's name, address, date of birth and Social Security number.

(14) Procedures and security for the calculation and recordation of revenue.

(15) Procedures for the security of interactive gaming devices and associated equipment.

(16) Procedures and security standards as to receipt, handling, and storage of interactive gaming devices and associated equipment.

(17) Procedures and security standards to protect the interactive gaming certificate holder's interactive gaming skin or interactive gaming web site and interactive gaming devices and associated equipment from hacking or tampering by any person.

(18) Procedures for responding to suspected or actual hacking or tampering with an interactive gaming certificate holder's interactive gaming skin or interactive gaming web site and interactive gaming devices and associated equipment, including partial or complete suspension of interactive gaming or the suspension of any or all interactive gaming accounts when warranted.

(19) Procedures to verify each registered player's physical location each time a registered player logs into his interactive gaming account and at appropriate intervals thereafter as determined by the Board.

(20) Procedures to ensure that the interactive games are fair and honest and that appropriate measures are in place to deter, detect and, to the extent possible, prevent cheating, including collusion, and use of cheating devices, including the use of software programs that make wagers according to algorithms.

(21) Procedures to assist problem and compulsive gamblers, including procedures intended to prevent a person from participating in authorized interactive gaming who is otherwise prohibited from participating in interactive gaming.

(22) Procedures to govern emergencies, including suspected or actual cyber-attacks, hacking or tampering with the interactive gaming certificate holder's interactive gaming skin, interactive gaming platform or interactive gaming web site. The procedures must include the process for the reconciliation or repayment of a registered player's interactive gaming account.

(c) The submission required under subsections (a) and (b) must include a detailed description of the interactive gaming certificate holder's or interactive gaming operator licensee's administrative and accounting procedures related to interactive gaming, including its written system of internal controls. Each written system of internal controls must include all of the following:

(1) An organizational chart depicting appropriate duties and responsibilities of employees involved in interactive gaming.

(2) A description of the duties and responsibilities of each position shown on the organizational chart.

(3) The record retention policy of the interactive gaming certificate holder or interactive gaming operator licensee.

(4) The procedure to be utilized to ensure that money generated from the conduct of interactive gaming is safeguarded and accounted for.

(5) Procedures to ensure that recorded accountability for assets is compared with actual assets at intervals required by the Board and appropriate action is taken with respect to discrepancies.

(6) Procedures to be utilized by an employee of an interactive gaming certificate holder or interactive gaming operator licensee in the event of a malfunction of an interactive gaming system or other equipment used in the conduct of interactive gaming.

(7) Procedures to be utilized by the interactive gaming certificate holder or interactive gaming operator licensee to prevent persons under 21 years of age, self-excluded or involuntary excluded individuals, and players outside this Commonwealth, unless otherwise authorized by an interactive gaming reciprocal agreement, from engaging in interactive gaming.

(8) Other items the Board may request in writing to be included in the internal controls.

(d) Prior to authorizing an interactive gaming certificate holder or interactive gaming operator licensee to commence the conduct of interactive gaming, the Board will review the system of internal controls, security protocols and audit protocols submitted under this chapter to determine whether they conform to the requirements of this chapter and whether they provide adequate and effective controls for the conduct of interactive gaming.

(e) If an interactive gaming certificate holder or interactive gaming operator 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 in a manner prescribed by the Bureau of Gaming Operations. The interactive gaming certificate holder or interactive gaming operator licensee may implement the change or amendment on the 30th calendar day following the filing of a complete submission unless the interactive gaming certificate holder or interactive gaming operator licensee receives written notice tolling the change or amendment in accordance with this chapter or written notice from the Board's Executive Director rejecting the change or amendment.

(f) If during the 30-day review period in in this chapter, the Bureau of Gaming Operations preliminarily determines that a procedure in a submission contains an insufficiency likely to negatively affect the integrity of interactive gaming or the control of revenue generated from interactive gaming, the Bureau of Gaming Operations, by written notice to the interactive gaming certificate holder or interactive gaming operator licensee, will:

(1) Specify the nature of the insufficiency and, when possible, an acceptable alternative procedure.

(2) Direct that the 30-calendar day review period in this chapter to be tolled and that any internal controls at issue not be implemented until approved under this chapter.

(g) Examples of submissions that may contain an insufficiency likely to negatively affect the integrity of interactive gaming may include the following:

(1) Submissions that fail to provide information sufficient to permit the review of interactive gaming activities by the Board, the Bureau, the Department or law enforcement.

(2) Submissions that fail to provide for the segregation of incompatible functions so that an employee is not in a position to commit an error and perpetrate a fraud and to conceal the error or fraud in the normal course of the employee's duties.

(3) Submissions that do not include forms or other materials referenced in the submission or required under the act or this part.

(4) Submissions that would implement operations or accounting procedures not authorized by the act or this part.

(h) Whenever a change or amendment has been tolled under this chapter, the interactive gaming certificate holder or interactive gaming operator licensee may submit a revised change or amendment within 30 days of receipt of the written notice from the Bureau of Gaming Operations. The interactive gaming certificate holder or interactive gaming operator licensee may implement the revised change or amendment upon receipt of written notice of approval from the Board's Executive Director or on the 30th calendar day following the filing of the revision unless the interactive gaming certificate holder or interactive gaming operator licensee receives written notice tolling the change or amendment in accordance with this chapter or written notice from the Board's Executive Director rejecting the change or amendment.

§ 811.3. Terms and conditions.

(a) An interactive gaming certificate holder or interactive gaming operator licensee shall develop terms and conditions for interactive gaming which must be included in the internal controls. The terms and conditions and any changes thereto shall be acknowledged by the player and the acknowledgment must be date and time-stamped by the interactive gaming system.

(b) The terms and conditions must address all aspects of the interactive gaming operation, including all of the following:

(1) The name of the party with whom the player is entering into a contractual relationship, including any interactive gaming certificate holder or interactive gaming operator licensee.

(2) The player's consent to have the interactive gaming certificate holder or interactive gaming operator licensee confirm the player's age and identity.

(3) Rules and obligations applicable to the player other than rules of the game including all of the following:

(i) Prohibition from allowing any other person to access or use his interactive gaming account.

(ii) Prohibition from engaging in interactive gaming activity, unless the player is physically located in this Commonwealth.

(iii) Consent to the monitoring and recording by the interactive gaming certificate holder or the Board, or both, of any wagering communications and geographic location information.

(iv) Consent to the jurisdiction of this Commonwealth to resolve any disputes arising out of interactive gaming.

(v) Prohibition against utilizing automated computerized software or other equivalent mechanism, such as a bot, to engage in play.

(4) Full explanation of all fees and charges imposed upon a player related to interactive gaming transactions.

(5) Availability of account statements detailing player account activity.

(6) Privacy policies, including information access and use of customer data.

(7) Legal age policy, including a statement that it is a criminal offense to allow a person who is under 21 years of age to participate in interactive gaming and a player who does so must be prohibited from interactive gaming.

(8) Notification that if the player's interactive gaming account remains dormant for 1 year any funds remaining on deposit and any pending wagers shall be forfeited.

(9) The player's right to set responsible gaming limits and self-exclude.

(10) The player's right to suspend his account for no less than 72 hours.

(11) Actions that will be taken in the event a player becomes disconnected from the interactive gaming system during game play.

(12) Notice that a malfunction voids all pays.

(13) Estimated time-period for withdrawal of funds from the interactive gaming account.

(14) Detailed information to be displayed on a player protection page.

(15) Method for changing or retrieving a password or other approved access security feature and the ability to choose strong authentication login protection.

(16) Method for filing a complaint with the interactive gaming certificate holder and method for filing with the Board an unresolved complaint after all reasonable means to resolve the complaint with the interactive gaming certificate holder or interactive gaming operator licensee have been exhausted.

(17) Method for obtaining a copy of the terms and conditions agreed to when establishing an interactive gaming account.

(18) Method for the player to obtain account and game history from the interactive gaming certificate holder or interactive gaming operator licensee.

(19) Notification of Federal prohibitions and restrictions regarding interactive gaming, specifically, any limitations upon interactive gaming in 18 U.S.C.A. § 1084 and the Unlawful Internet Gambling Enforcement Act of 2006 (31 U.S.C.A. §§ 5361—5367). The notice must explicitly state that it is a Federal offense for persons physically located outside of this Commonwealth to engage in interactive wagering through an interactive gaming certificate holder or interactive gaming operator licensee unless explicitly authorized by the Board or an interactive gaming reciprocal agreement.

(20) Any other information required by the Board.

§ 811.4. Information to be displayed on web site.

Interactive gaming certificate holders and interactive gaming operator licensees shall provide for the prominent display of all of the following information on a page which, by virtue of the construction of the web site, authorized players must access before beginning a gambling session:

(1) The full name of the interactive gaming certificate holder or interactive gaming operator licensee and address from which it carries on business.

(2) A logo, to be provided by the Board, indicating that the interactive gaming certificate holder or interactive gaming operator licensee on behalf of the interactive gaming certificate holder is authorized to operate interactive gaming in this Commonwealth.

(3) The interactive gaming certificate holders and interactive gaming operator licensee's license number.

(4) A statement that persons under 21 years of age are not permitted to engage in interactive gaming.

(5) A statement that persons located in a jurisdiction where interactive gaming is not legal are not permitted to engage in interactive gaming.

(6) Active links to all of the following:

(i) Information explaining how disputes are resolved.

(ii) A problem gambling web site that is designed to offer information pertaining to responsible gaming.

(iii) The Board's web site.

(iv) A web site that allows for an authorized player to choose to be excluded from engaging in interactive gaming.

(v) A link to the house rules adopted by the interactive gaming certificate holder or interactive gaming operator licensee.

§ 811.5. Segregation of bank accounts and reserve requirements.

(a) An interactive gaming certificate holder or interactive gaming operator licensee shall maintain a Pennsylvania bank account for player's funds separate from all other operating accounts to ensure the security of funds held in the player's interactive gaming accounts.

(b) The balance maintained in this account must be greater than or equal to the sum of the daily ending cashable balance of all player interactive gaming accounts, funds on game and pending withdrawals.

(c) An interactive gaming certificate holder or interactive gaming operator licensee shall have unfettered access to all player interactive gaming account and transaction data to ensure the amount held in its independent account is sufficient. An interactive gaming certificate holder's or interactive gaming operator licensee's chief financial officer shall file a monthly attestation with the Board, unless otherwise directed by the Board, that the funds have been safeguarded under this section.

§ 811.6. Interactive gaming certificate holder's or interactive gaming operator licensee's organization.

(a) An interactive gaming certificate holder's or interactive gaming operator licensee's systems of internal controls must include organization charts depicting segregation of functions and responsibilities and descriptions of the duties and responsibilities for each position shown on each organization chart. Interactive gaming certificate holders and interactive gaming operator licensees are permitted, except as otherwise provided in this section, to tailor organizational structures to meet the needs or policies of a particular management philosophy. An interactive gaming certificate holder's and interactive gaming operator licensee's organization charts must provide for all of the following:

(1) A system of personnel and chain of command which permits management and supervisory personnel to be held accountable for actions or omissions within their areas of responsibility.

(2) The segregation of incompatible functions, duties and responsibilities so that an employee is not in a position to commit an error and perpetrate a fraud and to conceal the error or fraud in the normal course of the employee's duties.

(3) The performance of all functions, duties and responsibilities in accordance with sound financial practices by qualified personnel.

(4) The areas of responsibility which are not so extensive as to be impractical for an individual to monitor.

(b) In addition to other positions required as part of an interactive gaming certificate holder's or interactive gaming operator licensee's internal controls, an interactive gaming certificate holder or interactive gaming operator licensee shall maintain an information technology department supervised by an individual licensed as a key employee who functions, for regulatory purposes, as the information technology director. An interactive gaming certificate holder or interactive gaming operator shall employ an information technology security officer and an interactive gaming manager, both of whom shall be licensed as a key employee.

(c) The information technology director shall be responsible for the integrity of all data, and the quality, reliability and accuracy of all computer systems and software used by the interactive gaming certificate holder in the conduct of interactive gaming, whether the data and software are located within or outside the certificate holder's or interactive gaming operator licensee's facility, including, without limitation, specification of appropriate computer software, hardware and procedures for security, physical integrity, audit and maintenance of all of the following:

(1) Access codes and other computer security controls used to insure appropriately limited access to computer software and data.

(2) Monitoring logs of user access, security incidents and unusual transactions.

(3) Logs used to document and maintain the details of any hardware and software modifications.

(4) Computer tapes, disks or other electronic storage media containing data relevant to interactive gaming operations.

(5) Computer hardware, communications equipment and software used in the conduct of interactive gaming.

(d) The information technology security officer shall report to the information technology director and be responsible for all of the following:

(1) Maintaining access codes and other computer security controls used to insure appropriately limited access to computer software and data.

(2) Reviewing logs of user access, security incidents and unusual transactions.

(3) Coordinating the development of the interactive gaming certificate holder's information security policies, standards and procedures.

(4) Coordinating the development of an education and training program on information security and privacy matters for employees and other authorized users.

(5) Ensuring compliance with all State and Federal information security policies and rules.

(6) Preparing and maintaining security-related reports and data.

(7) Working with internal and external audit personnel to ensure all findings are addressed in a timely and effective manner.

(8) Developing and implementing an Incident Reporting and Response System to address security breaches, policy violations and complaints from external parties.

(9) Serving as the official contact for information security and data privacy issues, including reporting to law enforcement.

(10) Developing and implementing an ongoing risk assessment program that targets information security and privacy matters by identifying methods for vulnerability detection and remediation and overseeing the testing of those methods.

(11) Remaining current with the latest information technology security and privacy legislation, rules, advisories, alerts and vulnerabilities to ensure the interactive gaming certificate holder's security program and security software is effective.

(e) The interactive gaming manager shall report to the information technology director, or other department manager as approved by the Board, and be responsible for ensuring the proper operation and integrity of interactive gaming and reviewing all reports of suspicious behavior. The interactive gaming manager shall immediately notify the Bureau upon detecting any person participating in interactive wagering who is:

(1) Engaging in or attempting to engage in, or who is reasonably suspected of cheating, theft, embezzlement, collusion, money laundering or any other illegal activities.

(2) A self-excluded person under the act and Board regulations.

(3) Prohibited by the interactive gaming certificate holder or interactive gaming operator licensee from interactive gaming.

§ 811.7. Mandatory interactive gaming system logging.

(a) An interactive gaming system must employ a mechanism capable of maintaining a separate copy of the information required to be logged under this chapter on a separate and independent logging device capable of being administered by an employee with no incompatible function. If the interactive gaming system can be configured so that any logged data is in a secure transaction file, a separate logging device is not required.

(b) An interactive gaming system must provide a mechanism for the Board to query and export, in a format required by the Board, all gaming system data.

(c) An interactive gaming system must electronically log the date and time any interactive gaming account is created or terminated (Account Creation Log).

(d) An interactive gaming system must maintain all information necessary to recreate player game play and account activity during each player session, including any identity or location verifications, for no less than 10 years.

(e) Unless otherwise authorized by the Board, when software is installed on or removed from an interactive gaming system, the action must be recorded in a secure electronic log (Software Installation/Removal Log), which must include all of the following:

(1) The date and time of the action.

(2) The identification of the software.

(3) The identity of the person performing the action.

(f) Unless otherwise authorized by the Board, when a change in the availability of game software is made on a gaming system, the change must be recorded in a secure electronic log (Game Availability Log), which must include all of the following:

- (1) The date and time of the change.
- (2) The identification of the software.
- (3) The identity of the person performing the change.

(g) Unless otherwise exempted by the Board, an interactive gaming system must record all promotional offers (Promotions Log) issued through the system. The Promotions Log must provide the information necessary to audit compliance with the terms and conditions of current and previous offers.

(h) Results of all authentication attempts must be retained in an electronic log (Authentication Log) and accessible for 90 days.

(i) All adjustments to gaming system data made using stored procedures must be recorded in an electronic log (Adjustments Log), which lists all of the following:

- (1) The date and time.
- (2) The identification and user ID of user performing the action.
- (3) A description of the event or action taken.
- (4) The initial and ending values of any data altered as a part of the event or action performed.

§ 811.8. Records/data retention requirements.

(a) For the purposes of this section, "books, records and documents" means any book, record or document pertaining to, prepared in or generated by the operation of the interactive gaming certificate holder or interactive gaming operator licensee including all forms, reports, accounting records, ledgers, subsidiary records, computer generated data, internal audit records, correspondence and personnel records required to be generated and maintained under this part. This definition applies without regard to the medium through which the record is generated or maintained (for example, paper, magnetic media or encoded disk).

(b) Original books, records and documents pertaining to the operation of interactive gaming must be:

(1) Prepared and maintained in a complete, accurate and legible form. Electronic data must be stored in a format that ensures readability, regardless of whether the technology or software that created or maintained it has become obsolete.

(2) Retained in a secure location by the interactive gaming certificate holder or interactive gaming operator licensee that is equipped with a fire suppression system or at another location approved under subsection (d).

(3) Made available for inspection by agents of the Board, the Department and the Pennsylvania State Police during all hours of operation.

(4) Organized and indexed in a manner to provide immediate accessibility to agents of the Board, the Department and the Pennsylvania State Police.

(5) Destroyed only after expiration of the minimum retention period specified in subsection (c), except that the Board may, upon the written request of an interactive

gaming certificate holder or interactive gaming operator licensee and for good cause shown, permit the destruction at an earlier date.

(c) Original books, records and documents shall be retained by an interactive gaming certificate holder or interactive gaming operator licensee for a minimum of 5 years.

(d) An interactive gaming certificate holder or interactive gaming operator licensee may request, in writing, that the Board's Executive Director approve an alternative location outside of this Commonwealth to store original books, records and documents. The request must include all of the following:

(1) A detailed description of the proposed location, including security and fire suppression systems.

(2) The procedures under which the Board, the Department and the Pennsylvania State Police will be able to gain access to the original books, records and documents retained at the location outside of this Commonwealth.

(e) An interactive gaming certificate holder or interactive gaming operator licensee may request, in writing, that the Board's Executive Director approve a microfilm, microfiche or other suitable media system for the copying and storage of original books, records and documents. The request must include representations regarding all of the following:

(1) The processing, preservation and maintenance methods which will be employed to ensure that the books, records and documents are available in a format which makes them readily available for review and copying.

(2) The inspection and quality control methods which will be employed to ensure that microfilm, microfiche or other media when displayed on a reader/viewer or reproduced on paper exhibits a high degree of legibility and readability.

(3) The availability of a reader/printer for use by the Board, the Department and the Pennsylvania State Police at the location approved by the Board and the readiness with which the books, records or documents being stored on microfilm, microfiche or other media can be located, read and reproduced.

(4) The availability of a detailed index of all microfilm, microfiche or other stored data maintained and arranged in a manner to permit the immediate location of any particular book, record or document.

(f) Nothing herein shall be construed as relieving an interactive gaming certificate holder or interactive gaming operator licensee from meeting any obligation to prepare or maintain any book, record or document required by any other Federal, State or local governmental body, authority or agency.

§ 811.9. Required reports; reconciliation.

(a) An interactive gaming system shall be designed to generate reports as specified by the Board that must include, at a minimum, all of the following:

- (1) The report title.
- (2) The version number of the current system software and report definition.
- (3) The date or time period of activity, or description as of a point in time.
- (4) The date and time the report was generated.
- (5) Page numbering, indicating the current page and total number of pages.

(6) Subtotals and grand totals as required by the Department.

(7) A description of any filters applied to the data presented in the document.

(8) Column and row titles, if applicable.

(9) The name of the interactive gaming certificate holder.

(b) All required reports must be generated by the interactive gaming system, even if the period specified contains no data to be presented. The report generated must indicate all required information and contain an indication of "No Activity" or similar message if no data appears for the period specified.

(c) An interactive gaming system must provide a mechanism to export the data generated for any report to a format approved by the Board.

(d) An interactive gaming system must generate all of the following daily reports, at a minimum, for each gaming day to calculate the taxable revenue:

(1) A Player Account Summary Report, which must include transaction information for each player on account for all of the following categories:

- (i) Beginning balance.
- (ii) Total amount of deposits.
- (iii) Total amount of noncashable bonuses deposited.
- (iv) Total amount of noncashable bonuses wagered.
- (v) Total amount of noncashable bonuses expired.
- (vi) Total amount of transfers to games.
- (vii) Total amount of transfers from games.
- (viii) Total amount of withdrawals.
- (ix) Total amount of funds on game at the beginning of the gaming day (the amount of pending wagers at the end of the prior gaming day).
- (x) Total amount of funds on game at the end of the gaming day (the amount of pending wagers plus funds transferred to a game but not yet wagered).
- (xi) Win or loss, calculated as the amount of transfers from games and beginning funds on game less the amount of transfers to games and ending funds on game.
- (xii) Ending balance.

(2) A Wagering Summary Report, which must include all of the following by authorized game and poker variation, as applicable:

- (i) Total amounts wagered.
- (ii) Total amounts won.
- (iii) Total tournament entry or participation fees.
- (iv) Rake or vigorish.
- (v) Total amounts of guaranteed funds paid to players.
- (vi) Total amounts due to or from an interactive gaming network.
- (vii) Win or loss calculated as the net of the total amounts wagered and total amounts won plus tournament entry fees, rake or vigorish, guaranteed funds, and amounts due to or from an interactive gaming system.

(3) A noncashable Promotional Account Balance Report, which must include the ending noncashable promotional balance in each player account.

(e) An interactive gaming system must generate the following daily reports for each participating interactive gaming certificate holder, at a minimum, for each gaming day to reconcile the daily gross interactive gaming revenue:

(1) A System Player Account Summary Report, which must include all of the following transaction information for each player account:

- (i) Player identification number.
- (ii) Total amount of transfers to games.
- (iii) Total amount of transfers from games.
- (iv) Win or loss statistics.
- (v) Total amount of rake.
- (vi) Total amount of entry fees.

(2) A System Wagering Summary Report, which must include all of the following game activity by authorized game or poker variation:

- (i) Total amounts wagered.
- (ii) Total amounts won.
- (iii) Total tournament entry or participation fees.
- (iv) Rake or vigorish.
- (v) Total amounts of guaranteed funds paid to players.
- (vi) Win or loss statistics, calculated as the net of the total amounts wagered and total amounts won plus tournament entry fees, rake or vigorish, and guaranteed funds.

(f) An interactive gaming certificate holder must utilize the Wagering Summary Report to calculate interactive gross gaming revenue on a daily basis for reporting purposes. In addition, the certificate holder shall do all of the following:

- (1) Prepare a Variance Report documenting the win/loss amounts from the Player Account Report and Wagering Summary Report.
- (2) Calculate the variance between the two amounts.
- (3) Document the reason for the variance.
- (4) Report a manual adjustment to increase revenue by the amount of the variance whenever the total of the Player Account Summary Report is greater than the total of the Wagering Summary Report, unless the reason for the variance as documented above is sufficient to support a determination that revenue was properly reported.

(g) Instead of subsection (f), an interactive gaming certificate holder or interactive gaming operator licensee may accumulate the daily Variance Report information on a monthly Variance Report in a manner described in the interactive gaming certificate holder's internal controls.

(h) An interactive gaming system must generate, on a daily basis commencing 1 year after the creation of the first interactive gaming account, a Dormant Account Report, which must list all player accounts including the Pending Wager Account Report that have not had activity for 1 year. The report must include all of the following:

- (1) The player name and account number.
- (2) The date of the last transaction.

(3) The account balance.

(i) Voids of completed wagering transactions may not occur without Board approval.

(j) An interactive gaming system must generate a Performance Report, which compares the theoretical return to player (RTP) to the actual RTP of each game offered by a gaming system. The report must also provide the total number of rounds of play for each game and shall be generated and reviewed monthly by the interactive gaming certificate holder to evaluate the performance of all games offered to the public. The Performance Report must include the data required by this subsection from the first day interactive gaming was offered to the date of the report.

(k) An interactive gaming system must generate a Player Account Adjustments Report, which shall be reviewed on a daily basis by either the interactive gaming certificate holder or interactive gaming operator licensee to evaluate the legitimacy of player account adjustments. If the daily review is performed by the interactive gaming operator, the interactive gaming certificate holder or interactive gaming operator licensee shall conduct a weekly review of the Player Account Adjustment Reports. Unless otherwise authorized by the Board, the report must, at a minimum, include all of the following:

- (1) The player's name.
- (2) An account number.
- (3) The date and time of the adjustment.
- (4) The person who performed the adjustment.
- (5) The reason for the adjustment.
- (6) The amount of the adjustment.

(l) An interactive gaming system must generate a report on a weekly basis identifying potential compulsive and problem gamblers, including those players who self-report. The interactive gaming certificate holder shall review the report and document any action taken.

(m) An interactive gaming system must be capable of generating a Pending Transaction Account Report, which must include and separately itemize all pending transactions for each player account, including funds on game and deposits and withdrawals not yet cleared.

(n) In accordance with internal controls, an interactive gaming certificate holder or interactive gaming operator licensee shall periodically submit to the Board a copy of the bank statement that reflects the balance of the restricted account maintained to protect player funds required under this part.

CHAPTER 812. INTERACTIVE GAMING PLAYER ACCOUNTS—TEMPORARY REGULATIONS

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812.1.	Definitions.
812.2.	Player account registration.
812.3.	Account security.
812.4.	Single account requirement.
812.5.	Account terms and conditions disclosures.
812.6.	Self-exclusion list.
812.7.	Player funding of accounts.
812.8.	Player loyalty programs.
812.9.	Player account controls.
812.10.	Player withdrawals.
812.11.	Player account statements.
812.12.	Suspended accounts.
812.13.	Dormant accounts.
812.14.	Use of player data.

§ 812.1. Definitions.

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

Electronic identifier—A unique identifier, other than personal identifying information (for example, a Social Security number), used to identify a player.

Player session—A player session consists of all activities and communications performed by an authorized registered player and the interactive gaming system between the time the registered player logs in to the interactive gaming system and the time the registered player logs out or is logged out of the interactive gaming system.

Strong authentication—A method that is intrinsically stringent enough to ensure the security of the system it protects by withstanding any attacks it is likely to encounter by combining at least two mutually-independent factors so that the compromise of one method should not lead to the compromise of the second and includes one nonreusable element, which cannot easily be reproduced or stolen from the Internet, to verify the identity of a registered player.

§ 812.2. Player account registration.

(a) Prior to engaging in interactive gaming, a player shall establish an interactive gaming account.

(b) To establish an interactive gaming account, the player shall provide all of the following information:

- (1) The player's legal name.
- (2) The player's date of birth.
- (3) The entire or last four digits of the player's Social Security number, if voluntarily provided, or equivalent for a foreign player such as a passport or taxpayer identification number.
- (4) The player's address.
- (5) The player's e-mail address.
- (6) The player's telephone number.

(7) Any other information collected from the player to verify his identity.

(c) An interactive gaming certificate holder or interactive gaming operator licensee shall create and maintain an electronic player file containing the information the player submitted to establish the player account.

(d) The electronic player file created by an interactive gaming certificate holder or interactive gaming operator licensee must encrypt the information in an electronic player file.

(e) The interactive gaming certificate holder or interactive gaming operator licensee shall verify the player's identity and record the document number of the government-issued credential examined, or other methodology for remote, multisourced authentication, which may include third-party and governmental databases, as approved by the Board.

(f) The interactive gaming certificate holder or interactive gaming operator licensee shall verify that the player is of the legal age of 21 years of age, not self-excluded or otherwise prohibited from participation in interactive gaming.

(g) The interactive gaming certificate holder or interactive gaming operator licensee shall require the player to affirm that the information provided to the interactive gaming certificate holder is accurate.

(h) The interactive gaming certificate holder or interactive gaming operator licensee shall record the player's acceptance of the interactive gaming certificate holder's terms and conditions to participate in interactive gaming.

(i) The interactive gaming certificate holder or interactive gaming operator licensee shall record the player's acknowledgement that the legal age for interactive gaming is 21 years of age and that he is prohibited from allowing any other person to access or use his interactive gaming account.

(j) The interactive gaming certificate holder or interactive gaming operator licensee shall record the player's acknowledgement that any violations of the interactive gaming regulations are subject to the penalties provided in the act and may result in criminal prosecution under 18 Pa.C.S. (relating to Crimes Code).

(k) The interactive gaming certificate holder or interactive gaming operator licensee shall require the player to establish a password or other access security feature as approved by the Board and advise the player of the ability to utilize strong authentication login protection.

(l) The interactive gaming certificate holder or interactive gaming operator licensee shall notify the player of the establishment of the account by e-mail or first class mail.

§ 812.3. Account security.

(a) An interactive gaming system must utilize sufficient security to ensure player access is appropriately limited to the registered account holder. Unless otherwise authorized by the Board, security measures must include, at a minimum, all of the following:

- (1) A username.
- (2) A password of sufficient length and complexity to ensure its effectiveness.
- (3) Upon account creation, the option for users to choose strong authentication login protection.
- (4) When a player logs into his registered interactive gaming account, the system must display the date and time of the player's previous log on.
- (5) An option to permit a player to elect to receive an electronic notification to the player's registered e-mail address, cellular phone or other device each time an interactive gaming account is accessed.

(6) The interactive gaming system must require a player to re-enter his username and password after 15 minutes of user inactivity.

(b) An interactive gaming certificate holder or interactive gaming operator licensee may not permit the creation of anonymous interactive gaming accounts or accounts using fictitious names. A registered player may, while engaged in interactive gaming, represent himself using a screen name other than his actual name.

(c) An interactive gaming system must provide an account statement with account details to a player, on demand, which must include information as required under this chapter.

(d) An interactive gaming system must utilize sufficient security to ensure third-party access to player accounts is limited as follows:

(1) Network shared drives containing application files and data for interactive gaming system must be secured so that only authorized personnel may gain access.

(2) Login accounts and passwords required to administer network and other equipment are secured so that only authorized IT personnel from the interactive gaming certificate holder or interactive gaming operator licensee may gain access to these devices.

(3) Remote access by vendor personnel to any component of the interactive gaming system is allowed for purposes of support or updates and is enabled only when approved by authorized IT personnel employed by the technology provider.

(e) Interactive gaming certificate holders and interactive gaming operator licensees may utilize third-party vendors to verify player information so long as those vendors are licensed by the Board when required and the agreements related to the provided services is submitted to the Board.

§ 812.4. Single account requirement.

(a) A player shall have only one interactive gaming account for each interactive gaming certificate holder or interactive gaming operator licensee. Each interactive gaming account must be nontransferable, unique to the player who establishes the account, and distinct from any other account number that the player may have established with the interactive gaming certificate holder or interactive gaming operator licensee for noninteractive gaming activity.

(b) Each registered player account shall be treated independently and players may not be permitted to transfer funds between accounts held with different interactive gaming certificate holders or interactive gaming operator licensees. Registered players are prohibited from transferring funds to an account held by another player.

(c) To ensure compliance with this subpart, interactive gaming certificate holders and interactive gaming operators shall:

- (1) Record and maintain the physical location of the registered player while logged in to the interactive gaming account.
- (2) Ensure that a registered player does not occupy more than one position at a game at any given time.

§ 812.5. Account terms and conditions disclosures.

(a) During the registration process the player shall agree to the terms and conditions which govern the relationship between the interactive gaming certificate holder or interactive gaming operator licensee and the player. The terms and conditions must include a privacy policy which governs the protection and use of the player's data.

(b) The terms and conditions provided to players by interactive gaming certificate holders and interactive gaming operator licensees shall be submitted to the Bureau of Gaming Operations for review. The terms and conditions must contain, at minimum, all of the following:

- (1) The name and address of the interactive gaming certificate holder or interactive gaming operator licensee.
- (2) A statement that the interactive gaming certificate holder or interactive gaming operator licensee is licensed and regulated by the Board for the purposes of operating and offering interactive gaming services in this Commonwealth.

(3) A requirement that the player acknowledges that he has read the terms and conditions and agrees to be bound by them.

(4) A requirement that the player will comply with all applicable laws, statutes and regulations.

(5) A statement that no individual under 21 years of age may participate in interactive gaming and that it is a criminal offense to allow a person who is not legally of age to participate in interactive gaming in this Commonwealth.

(6) A statement that the player consents to verification of registration information including name, address, date of birth, Social Security number, passport identification (for non-United States residents) and any other identification information required to confirm age and identity.

(7) A statement that the player consents to verification of his location for the duration of play of interactive games.

(8) A statement that players have the right to set responsible gaming limits and to self-exclude from interactive gaming.

(9) A dispute resolution policy including notifying players of their right to file a complaint with the Board.

(10) A player disconnection policy.

(11) Any other information that may be required by the Board.

§ 812.6. Self-exclusion list.

(a) All interactive gaming certificate holders and interactive gaming operator licensees shall have a link to the self-exclusion page of the Board web site.

(b) Any person seeking to place his name on the self-exclusion list shall follow the procedures in the Board's regulations.

§ 812.7. Player funding of accounts.

(a) A player's interactive gaming account may be funded through the use of all of the following:

(1) Cash deposits made directly with the interactive gaming certificate holder or interactive gaming operator licensee.

(2) Personal checks, cashier's checks, wire transfer and money order deposits made directly or mailed to the interactive gaming certificate holder or interactive gaming operator licensee.

(3) A player's credit card or debit card, including prepaid cards.

(4) A player's deposit of cash, gaming vouchers or gaming chips at a cashiering location approved by the Board.

(5) A player's reloadable prepaid card, which has been verified as being issued to the player and is nontransferable.

(6) Cash complimentarys, promotional credits or bonus credits.

(7) Winnings.

(8) Automated clearing house (ACH) transfer, provided that the interactive gaming certificate holder or interactive gaming operator licensee has security measures and controls to prevent ACH fraud. A failed ACH deposit attempt may not be considered fraudulent if the player has successfully deposited funds through an ACH transfer on a previous occasion with no outstanding chargebacks.

If the interactive gaming certificate holder or interactive gaming operator licensee suspects fraud after multiple failed ACH deposit attempts, the interactive gaming certificate holder or interactive gaming operator licensee may temporarily freeze or suspend the player's account to investigate and, if the interactive gaming certificate holder or interactive gaming operator licensee determines that fraud has occurred, suspend the player's account.

(9) Adjustments made by the interactive gaming certificate holder or interactive gaming operator licensee following the resolution of disputes provided there is documented notification to the player.

(10) Any other means as approved by the Board.

(b) An interactive gaming certificate holder or interactive gaming operator licensee shall neither extend credit to a player nor allow the deposit of funds into an interactive gaming account that are derived from the extension of credit by affiliates or agents of the interactive gaming certificate holder or interactive gaming operator licensee.

(c) A player's interactive gaming account may not have a negative account balance.

(d) Player account balances must be updated after each game cycle to ensure that sufficient funds are available for any future real money games the player may choose to play.

(e) Interactive gaming certificate holders or interactive gaming operator licensees may not accept or facilitate a wager:

(1) On any interactive game not approved by the Board for play in this Commonwealth.

(2) On any interactive game which the operator knows or reasonably should know is not between individuals.

(3) On any interactive game which the operator knows or reasonably should know is made by a person on the self-exclusion or the Board's exclusion lists.

(4) From a person who the interactive gaming certificate holder or interactive gaming operator licensee knows or reasonably should know is placing the wager in violation of State or Federal law.

(5) From any licensed individual who is not permitted to participate in interactive gaming by virtue of his position with an interactive gaming certificate holder, interactive gaming operator licensee or other affiliated entity.

(f) All adjustments to interactive gaming accounts for amounts of \$500 or under shall be periodically reviewed by supervisory personnel as set forth in the interactive gaming certificate holder's or interactive gaming operator licensee's internal controls. All other adjustments shall be authorized by supervisory personnel prior to being entered.

§ 812.8. Player loyalty programs.

If player loyalty programs are supported by an interactive gaming system, all of the following must apply:

(1) Redemption of registered player loyalty points earned must be by a secure transaction that automatically debits the points balance for the value of the prize redeemed.

(2) All registered player loyalty database transactions are to be recorded by the interactive gaming system. If the player loyalty program is provided by an external

service provider, the interactive gaming system must be capable of securely communicating with that service.

(3) The interactive gaming system must make readily accessible to the registered player all terms and conditions governing each available promotional or bonus feature.

(4) The terms and conditions must be clear and unambiguous, especially when bonuses or promotions are limited to certain tables or nontournament play, or when other specific conditions apply.

§ 812.9. Player account controls.

(a) A player session is started when a player logs in to the interactive gaming system.

(1) A player must be provided with the electronic identifier created by the interactive gaming certificate holder or interactive gaming operator, if applicable, and a password to start a session.

(2) The interactive gaming system must allow players to change their passwords.

(3) When a player has forgotten his password/PIN, the interactive gaming system must provide a secure process for the reauthentication of the player and the retrieval or resetting, or both, of the password/PIN. Processes for dealing with lost player user IDs or passwords must be clearly described to the player.

(4) When a player logs in to the interactive gaming system, the date and time of his prior player session must be displayed.

(5) Each player session must have a unique identifier assigned by the interactive gaming system which distinguishes the current session from previous and future sessions.

(b) During a peer-to-peer game, the software must permit a player to set an away from computer status (that is, self-imposed session inactivity). This functionality must be fully described in the help screens or applicable terms and conditions.

(1) The away from computer status must disallow all play and also cause the player's turn to be automatically skipped during any round of play which takes place while this status is active.

(2) If a player sets an away from computer status during the middle of a round of play, he automatically forfeits play for that round (for example, for a round of poker, the software must automatically fold the player's hand during the next round of betting).

(3) If a player performs any game action within the game window while in an away from computer status, the status must be removed and the player will be enrolled into the next round of play. Nongame sensitive actions, such as accessing the help menu from the game window do not require this status to be removed.

(4) If action has not been taken by the player within the time period specified in the help screens or the terms and conditions, or both, the player must be automatically placed into the away from computer status.

(5) If a player has been in the away from computer status for over 30 minutes, the player must be automatically logged out of the game or player account, or both.

(c) Interactive gaming systems must employ a mechanism that detects session inactivity and terminates a player session when applicable.

(1) If the interactive gaming system fails to receive a response from the interactive gaming device within 30 minutes, whether the player has been in away from computer mode or not, the interactive gaming system must implement a user inactivity timeout and terminate the player session.

(2) If a player session is terminated due to player inactivity timeout, the interactive gaming device must display to the player the player session termination (that is, the user inactivity timeout) upon the player's next attempted action on the interactive gaming system.

(3) Further game play is not permitted until the interactive gaming system and the interactive gaming device establish a new session.

(d) A player session ends when:

(1) The player notifies the interactive gaming system that the session is finished (for example, logs out).

(2) A session inactivity timeout is reached.

(3) The interactive gaming system terminates the session.

(i) When the interactive gaming system terminates a player session, a record must be written to an audit file that includes the termination reason.

(ii) The interactive gaming system must attempt to send a session finished message to the interactive gaming device each time a session is terminated by the interactive gaming system.

(e) A responsible gaming page must be readily accessible from any screen where game play may occur. The responsible gaming page must contain, at a minimum, all of the following:

(1) Information about potential risks associated with gambling and where to get help for a gambling problem.

(2) A list of the responsible gaming measures that can be invoked by the player, such as player session time limits and bet limits, and an option to enable the player to invoke those measures.

(3) Mechanisms which detect unauthorized use of the player's account, such as observing the Last Log in Time Display, the IP address of the last login and reviewing financial account information.

(4) A link to the terms and conditions that the player agreed to be bound to by entering and playing on the site.

(5) A link to the applicable privacy policy.

(6) A link to Board's web site.

(f) All links to player protection services (for example, self-exclusion and other player imposed limits) provided by third parties are to be tested by the interactive gaming certificate holder or interactive gaming operator licensee periodically as required by the Board. Game play may not occur when links used to supply information on player protection services are not displayed or are not operational. When the link to player protection services is no longer available, the interactive gaming certificate holder or interactive gaming operator licensee shall provide an alternative support service.

(g) Players must be provided with a clear mechanism to impose self-limitations for gaming parameters including deposits, wagers, losses and player session durations as required by the Board. The self-limitation mechanism must provide all of the following functionality:

(1) Any decrease to self-limitations for gaming must be effective no later than the player's next login. Any increase to these limits must become effective only after the time-period of the previous limit has expired and the player reaffirms the requested increase.

(2) A deposit limit as determined by the player must be offered on a daily, weekly and monthly basis, and must specify the maximum amount of money a player may deposit into his interactive gaming account during the designated period of time.

(3) A spend limit as determined by the player must be offered on a daily, weekly and monthly basis, and must specify the maximum amount of player deposits that may be put at risk during a designated period of time.

(4) A time-based limit as determined by the interactive gaming account holder must be offered on a daily basis and must specify the maximum amount of time that a player may spend playing on an interactive gaming system, provided that if the time-based limit is reached a player will be permitted to complete any round of play, or active or prepaid tournament.

(i) The self-limitations set by a player may not override any system imposed limitations or contradict information within the game rules.

(ii) Once established by a player and implemented by the interactive gaming system, it must only be possible to reduce the self-limitations upon 24-hour notice.

(h) The interactive gaming system must be capable of applying system-imposed limits as required by the terms and conditions agreed to by the player upon registration and as required by the Board. System-imposed limits must adhere to all of the following:

(1) Players must be notified in advance of any system-imposed limits and their effective dates.

(2) Once updated, system-imposed limits must be consistent with what is disclosed to the player.

(3) Upon receiving any system-limitation request, the interactive gaming system must ensure that all specified limits are correctly implemented immediately or at a specified time (that is, next login, next day, and the like) that was clearly indicated to the player.

(4) In cases when system-imposed limitation values (for example, deposit, wager, loss and player session duration) are greater than self-imposed player limit values, the system-imposed limitations must take priority.

(i) Players must be provided with an easy and obvious mechanism to self-exclude from game play. The self-exclusion mechanism must provide all of the following functionality:

(1) The player must be provided with the option to self-exclude temporarily for a specified period of time as defined in the terms and conditions, or indefinitely.

(2) In the case of temporary self-exclusion, the interactive gaming system must ensure that:

(i) Immediately upon receiving the self-exclusion order, new bets or deposits are not accepted from that player until the temporary self-exclusion has expired.

(ii) During the temporary self-exclusion period, the player is not prevented from withdrawing any or all of his account balance, provided that the interactive gaming system acknowledges that the funds have cleared.

(iii) In the case of indefinite self-exclusion, the interactive gaming system must ensure that:

(A) The player is paid in full for his account balance, provided that the interactive gaming system acknowledges that the funds have cleared.

(B) All player accounts must be closed or deactivated.

(j) The interactive gaming system must provide a clear mechanism to advise the player of the right to make a complaint against the interactive gaming certificate holder, interactive gaming operator licensee or another player (that is, when collusion is suspected or when a player is disruptive or abusive).

§ 812.10. Player withdrawals.

(a) An interactive gaming certificate holder or interactive gaming operator licensee shall establish protocols for players to withdraw funds, whether an interactive gaming account is open or closed.

(b) An interactive gaming certificate holder or interactive gaming operator licensee shall prevent unauthorized withdrawals from an interactive gaming account.

(c) Funds may be withdrawn from a player's interactive gaming account for all of the following:

(1) The funding of game play.

(2) A cash-out at the cashier's cage immediately upon player's request.

(3) A cash-out through the issuance of a check from the interactive gaming certificate holder or interactive gaming operator licensee.

(4) A cash-out transfer to a player's reloadable prepaid cash card, which has been verified as being issued to the player and is nontransferable.

(5) Adjustments made by the interactive gaming certificate holder or interactive gaming operator licensee following the resolution of disputes provided there is documented notification to the player.

(6) Cash-out transfers directly to the player's individual account with a bank or other financial institution (banking account) provided that the interactive gaming certificate holder or interactive gaming operator licensee verifies the validity of the account with the financial institution.

(7) Any other means approved by the Board.

(d) An interactive gaming certificate holder or interactive gaming operator licensee may not permit a player to transfer funds to another player.

§ 812.11. Player account statements.

(a) At the request of a player, interactive gaming systems must provide an interactive gaming account statement which must include detailed account activity for at least the 6 months preceding the request. In addition, an interactive gaming system must, upon request, be capable of providing a summary statement of all player activity during the past year. Information to be provided on the summary statement must include, at a minimum, all of the following:

(1) Deposits to the interactive gaming account.

(2) Withdrawals from the interactive gaming account.

(3) Win or loss statistics.

(4) Beginning and ending account balances.

(5) Self-imposed responsible gaming limit history, if applicable.

(b) Account statements must be sent to the registered address (e-mail or first class) of the player upon request for the time period specified.

§ 812.12. Suspended accounts.

(a) Interactive gaming systems must employ a mechanism to place an interactive gaming account in a suspended mode:

(1) When requested by the player for a specified period of time, which may not be less than 72 hours.

(2) When required by the Board.

(3) When initiated by an interactive gaming certificate holder or interactive gaming operator licensee that has evidence to indicate all of the following:

(i) Illegal activity.

(ii) A negative player account balance.

(iii) A violation of the terms of service has taken place on an authorized registered player's interactive gaming account.

(b) When an interactive gaming account is in a suspended mode, the interactive gaming certificate holder or interactive gaming operator licensee may not remove funds from the account without prior approval from the Board. In addition, the interactive gaming system must do all of the following:

(1) Prevent the player from engaging in interactive gaming.

(2) Prevent the player from depositing funds.

(3) Prevent the player from withdrawing funds from his interactive gaming account, unless the suspended mode was initiated by the player.

(4) Prevent the player from making changes to his interactive gaming account.

(5) Prevent the removal of the interactive gaming account from the interactive gaming system.

(6) Prominently display to the authorized player that the account is in a suspended mode, the restrictions placed on the account and any further course of action needed to remove the suspended mode.

(c) An interactive gaming certificate holder or interactive gaming operator licensee shall notify the player by mail (first class or e-mail) whenever his interactive gaming account has been closed or placed in a suspended mode. The notification must include the restrictions placed on the account and any further course of action needed to remove the restriction.

(d) A suspended account may be restored:

(1) Upon expiration of the time period established by the player.

(2) When permission is granted by the Board.

(3) When the interactive gaming certificate holder or interactive gaming operator licensee has lifted the suspended status.

§ 812.13. Dormant accounts.

(a) An interactive gaming account will be deemed dormant if there is no activity (login, game play, withdrawal, and the like) for 1 year.

(b) Interactive gaming certificate holders and interactive gaming operator licensees shall provide notification

to the player at the player's registered address (physical or electronic) if the player's interactive gaming account remains dormant for 1 year.

(c) Funds remaining on deposit in an interactive gaming account which is dormant and for which the player has not requested payment must be abandoned 60 days after the notice in subsection (b) is provided. Interactive gaming certificate holders and interactive gaming operator licensees shall report abandoned funds from dormant accounts in accordance with rules and regulations on abandoned and unclaimed property set forth by the Pennsylvania Treasury, Bureau of Abandoned and Unclaimed Property.

§ 812.14. Use of player data.

(a) An interactive gaming certificate holder, interactive gaming operator licensee, or an employee or other person engaged in duties related to the conduct of interactive gaming may not disclose information about the name of a player, or other identifying information.

(b) Interactive gaming certificate holders or interactive gaming operator licensees with employees who have direct contact with players by phone, e-mail, electronic chat or other means shall implement training for those employees, at the start of their employment and at regular intervals thereafter, addressing recognition of the nature and symptoms of problem gambling behavior and how to assist players in obtaining information regarding help for a gambling problem and self-exclusion program.

CHAPTER 814. COMPULSIVE AND PROBLEM GAMBLING REQUIREMENTS—TEMPORARY REGULATIONS

Sec.	
814.1.	General requirements.
814.2.	Responsible gaming self-limits.
814.3.	Compulsive and problem gambling plan.
814.4.	Employee training program.
814.5.	Reports.
814.6.	Website requirements.

§ 814.1. General requirements.

(a) Interactive gaming shall only be engaged in by registered players who have established an interactive gaming account for interactive gaming.

(b) The message "IF YOU OR SOMEONE YOU KNOW HAS A GAMBLING PROBLEM, HELP IS AVAILABLE, CALL 1-800-GAMBLER," or comparable language approved the Board, must be prominently displayed to a person visiting or logging onto and logging off of the interactive gaming certificate holder or interactive gaming operator licensee's interactive gaming skin.

(c) When a registered player logs on to an interactive gaming system, the system must display the date and time of the registered player's previous log on.

(d) If a registered player has suspended his account, an interactive gaming certificate holder or interactive gaming operator licensee may not send gaming-related electronic or direct postal mail to that player while the account is suspended.

(e) Software utilized for interactive gaming must display the all of following information, in addition to the minimum display standards in this subpart:

(1) The current time in the time zone where the registered player is physically located and the time elapsed while in the current registered player session.

(2) Cause a pop-up notification, at least every hour, to be prominently displayed on the interactive gaming de-

vice advising the registered player of the amount of time elapsed since his log on, and the amount of money wagered since his log on.

(3) Offer the registered player the option to select a pop-notification, in 15-minute and 30-minute increments, advising the registered player of the amount of money wagered since his log on.

(4) Offer the option to activate self-imposed limits during the player account registration process.

(f) An interactive gaming certificate holder or interactive gaming operator licensee offering interactive gaming shall have a dedicated employee responsible for notifying the Board upon detecting a person participating in interactive gaming who is required to be excluded under Board regulations or any person who is otherwise prohibited from engaging in interactive gaming. This employee shall be licensed as a key employee.

(g) All terms and conditions for interactive gaming must be included as an appendix to the internal controls or, when specified, as part of the interactive gaming compulsive and problem gambling plan of the interactive gaming certificate holder or interactive gaming operator licensee addressing all aspects of the operation, including all of the following:

(1) Registered player's right to set responsible gaming limits and to self-exclude.

(2) Registered player's right to suspend his account for any selected period of time.

(3) Information to be displayed on a registered player protection page, which shall be accessible to a registered player during a registered player session. The registered player protection page must contain, at a minimum, all of the following:

(i) A prominent message, which states "If you or someone you know has a gambling problem, help is available. Call 1-800-Gambler" in a size and font as approved the Director of the Office of Compulsive and Problem Gaming (OCPG).

(ii) A direct link to all of the following:

(A) The Council on Compulsive Gambling of Pennsylvania's web site.

(B) The Department of Drug and Alcohol Programs' (or successor agency) gambling addiction participating provider list webpage.

(C) The OCPG webpage.

(iii) All of the following responsible gaming information that shall be approved by the Board's Director of the OCPG:

(A) A clear statement of the interactive gaming certificate holder or interactive gaming operator licensee's policy and commitment to responsible gaming.

(B) Informational documents, which shall be reviewed and updated annually by the interactive gaming certificate holder or interactive gaming operator licensee, regarding all of the following subjects, or a direct link to information regarding all of the following subjects, if available, from an organization based in this Commonwealth or the United States dedicated to helping people with potential gambling disorders and labeled as:

(I) Rules of responsible gambling.

(II) Myths about gambling.

(III) Risks associated with gambling.

(IV) Signs and symptoms of gambling disorders.

(V) The Board's self-exclusion brochure.

(C) Rules governing self-imposed responsible gaming limits, including all of the following:

(I) List of each type of self-imposed limit.

(II) How to enroll in each type of self-imposed limit.

(iv) The following statement: "A person who has enrolled in interactive gaming self-exclusion or has otherwise been excluded from interactive gaming activities, and individuals who are under the age of 21, shall not participate in interactive gaming or interactive gaming activities and will have their winnings forfeited and interactive gaming accounts suspended upon violation." The text and font size of the notices shall be submitted for approval to the Director of the OCPG.

(h) An interactive gaming system must comport with all requirements regarding player accounts in Chapter 812 (relating to interactive gaming player accounts—temporary regulations).

§ 814.2. Responsible gaming self-limits.

An interactive gaming system must be capable of allowing a registered player to establish the following responsible gaming limits. Any decrease to these limits may not be effective later than the registered player's next login. Any increase to these limits must become effective only after the time period of the previous limit has expired and the registered player reaffirms the requested increase:

(1) A deposit limit must be offered on a daily, weekly and monthly basis and must specify the maximum amount of money a registered player may deposit into his interactive gaming account during a particular period of time.

(2) A limit on the amount of money lost within a daily, weekly and monthly basis must be offered. The registered player shall be unable to participate in gaming for the remainder of the time selected if the registered player reaches the loss limit.

(3) A limit on the maximum amount of any single wager on any interactive game.

(4) A time-based limit must be offered on a daily basis and must specify the maximum amount of time, measured hourly from the registered player's login to log off, a registered player may spend engaging in interactive gaming, provided that if the time-based limit is reached a registered player is permitted to complete any round of play, or active or prepaid tournament.

(5) A temporary suspension of interactive gaming through the interactive gaming account must be offered for any number of hours or days, as selected by the registered player.

(6) The interactive gaming certificate holder or interactive gaming operator licensee shall provide a mechanism by which a registered player may change the controls of paragraphs (1)—(5). Notwithstanding any other provision in this section, the registered player may not change gaming controls while an interactive gaming account is suspended. The registered player shall continue to have access to the interactive gaming account and shall be permitted to withdraw funds from the account upon proper application for the funds to the interactive gaming certificate holder or interactive gaming operator licensee.

§ 814.3. Compulsive and problem gambling plan.

(a) An interactive gaming certificate or interactive gaming operator applicant shall submit a compulsive and problem gambling plan for review at the time of submission of the application that conforms with § 501a.2 (relating to compulsive and problem gambling plan).

(b) In addition to the requirements in § 501a.2, an interactive gaming certificate holder's or interactive gaming operator applicant's compulsive and problem gambling plan must include all of the following:

- (1) The goals of the plan.
- (2) The identification of the individual who will be responsible for the implementation and maintenance of the plan.
- (3) Policies and procedures including all of the following:
 - (i) The commitment of the interactive gaming certificate holder or interactive gaming operator licensee to train appropriate employees.
 - (ii) The duties and responsibilities of the employees designated to implement or participate in the plan, including the dedicated employee who is responsible for ensuring the operation and integrity of interactive gaming and reviewing all reports of suspicious behavior.
 - (iii) The responsibility of registered players with respect to responsible gambling.
 - (iv) Procedures to identify registered players and employees with suspected or known compulsive and problem gambling behavior.
 - (v) Procedures for prominently posting the message "IF YOU OR SOMEONE YOU KNOW HAS A GAMBLING PROBLEM, HELP IS AVAILABLE, CALL 1-800-GAMBLER," or comparable language approved by the Board, on all interactive gaming sites and displaying the message to a person visiting or logging onto and logging off the interactive gaming certificate holder or interactive gaming operator licensee's interactive gaming skin or interactive gaming web site.
 - (vi) Procedures on displaying the date and time of the registered player's previous log on each time that registered player logs on to his interactive gaming account.
 - (vii) Procedures for preventing an underage person or a person on the interactive gaming self-exclusion list from being mailed any advertisement, promotion or other target mailing, including those sent electronically, no later than 5 business days after receiving notice from the Board that the person has been placed on the interactive gaming self-exclusion list.
 - (viii) A policy and procedures for the display of the time in the time zone where the registered player is physically located and the time elapsed while in the current registered player session and the cause of a pop-up notification, at least every hour, to be prominently displayed on the interactive gaming device advising the registered player of the amount of money wagered since his log on.
 - (ix) Procedures for offering registered players the option to select a pop-up notification in 15-minute and 30-minute increments advising the registered player of the amount of money wagered since his log on.
 - (x) Procedures for reviewing, updating and posting information on the interactive gaming certificate holder or interactive gaming operator licensee's web site regarding gambling addiction treatment services, gamblers

anonymous programs, compulsive gambling organizations and informational documents on all of the following:

- (A) Rules of responsible gambling.
- (B) Myths about gambling.
- (C) Risks associated with gambling.
- (D) Signs and symptoms of gambling disorders.
- (E) Randomness of play.
- (xi) Procedures for posting links to all of the following organizations' web sites on the interactive gaming certificate holder/operator licensee's web site:
 - (A) The Council on Compulsive Gambling of Pennsylvania.
 - (B) The National Council on Problem Gambling.
 - (C) The Department of Drug and Alcohol Programs' (or successor agency) gambling addiction participating provider list.
 - (D) Gamblers Anonymous of PA.
 - (E) Gam-Anon of PA.
 - (F) The Board's Office of Compulsive and Problem Gambling.
 - (G) A Pennsylvania or United States suicide prevention organization's webpage and telephone number.
 - (xii) Procedures for responding to patron requests for information regarding gambling addiction treatment services, gamblers anonymous programs, compulsive gambling organizations, and other and informational documents.
 - (A) The interactive gaming certificate holder or interactive gaming operator licensee shall provide examples of the materials to be used as part of its plan, including the problem gambling helpline number and message, informational documents and other posted material, including all of the following
 - (I) Rules of responsible gambling.
 - (II) Myths about gambling.
 - (III) Risks associated with gambling.
 - (IV) Signs and symptoms of gambling disorders.
 - (V) Randomness of play.
 - (VI) Self-exclusion brochure.
 - (4) Policies and procedures on the governing of self-imposed limits and suspension.
 - (5) An employee training program as required under this chapter, including training materials to be utilized and a plan for annual reinforcement training.
 - (6) A certification process established by the interactive gaming certificate holder or interactive gaming operator licensee to verify that each employee has completed the training required by the plan.
 - (7) An estimation of the cost of development, implementation and administration of the plan.
 - (8) Procedures to prevent underage gambling as required under § 513a.3(b) (relating to responsibilities of licensees, permittees, registrants and certification holders).
 - (9) Procedures to prevent excluded persons from gambling.
 - (10) Procedures to monitor all interactive gaming sites for suspicious activity including those who are:

(i) Engaging in or attempting to engage in, or who are reasonably suspected of, cheating, theft, embezzlement, collusion, money laundering or any other illegal activities.

(ii) Required to be excluded under Board regulations.

(iii) Prohibited by the interactive gaming certificate holder or interactive operator licensee from interactive gaming.

(11) Procedures on the reporting of those who may have or have a known gambling disorder.

(12) Details of outreach programs which the interactive gaming certificate holder or interactive gaming operator licensee intends to offer to employees and individuals who are not employees of the interactive gaming certificate holder or interactive gaming operator licensee.

(13) The plan for posting the statement "If you or someone you know has a gambling problem, help is available. Call 1-800-GAMBLER" on the interactive gaming certificate holder's or interactive gaming operator licensee's webpage and each skin.

(c) The compulsive and problem gambling plan of an applicant for an interactive gaming certificate or interactive gaming operator license that has been approved to receive an interactive gaming certificate or interactive gaming operator license shall be approved by the Director of the Office of Compulsive and Problem Gaming (OCPG). An applicant for an interactive gaming certificate or interactive gaming operator license who has been approved to receive an interactive gaming certificate or interactive gaming operator license will be notified in writing of any deficiencies in the plan and may submit revisions to the plan to the Director of the OCPG. An interactive gaming certificate holder or interactive gaming operator licensee may not commence operations until the Director of the OCPG approves the plan.

(d) Compliance with the plan approved under this chapter will be a condition of interactive gaming certificate or interactive gaming operator license renewal.

(e) An interactive gaming certificate holder or interactive gaming operator licensee shall submit any other policies and procedures intended to be used beyond what is required under subsection (d) to prevent and raise awareness of gambling disorders.

(f) An interactive gaming certificate holder or interactive gaming operator licensee shall submit amendments to the compulsive and problem gambling plan to the Director of the OCPG for review and approval at least 30 days prior to the intended implementation date of the amendments. The interactive gaming certificate holder or interactive gaming operator licensee may implement the amendments on the 30th calendar day following the filing the amendments unless the interactive gaming certificate holder or interactive gaming operator licensee receives a notice under subsection (h) objecting to the amendments.

(g) If during the 30-day review period the Director of the OCPG determines that the amendments may not promote the prevention of compulsive and problem gambling or assist in the proper administration of responsible gaming programs, the Director of the OCPG may, by written notice to the interactive gaming certificate holder or interactive gaming operator licensee, object to the amendments. The objection will:

(1) Specify the nature of the objection and, when possible, an acceptable alternative.

(2) Direct that the amendments not be implemented until approved by the Director of the OCPG.

(h) When amendments have been objected to under subsection (h), the interactive gaming certificate holder or interactive gaming operator licensee may submit revised amendments for review in accordance with subsections (g) and (h).

§ 814.4. Employee training program.

(a) The annual employee training program required under this chapter must include instruction on all of the following:

(1) Characteristics and symptoms of compulsive behavior, including compulsive and problem gambling.

(2) The relationship of gambling disorders to other addictive behavior.

(3) The social and economic consequences of a gambling disorder, including debt, treatment costs, suicide, criminal behavior, unemployment and domestic issues.

(4) Techniques to be used when a gambling disorder is suspected or identified.

(5) Techniques to be used to discuss a gambling disorder with registered players and advise registered players to contact 1-800-GAMBLER to receive information regarding community, public and private treatment services.

(6) Procedures for suspending an interactive gaming account belonging to an underage individual or a person on the interactive gaming self-exclusion list, if necessary, procedures that include obtaining the assistance of appropriate law enforcement personnel.

(7) Procedures for preventing an excluded person or a person on the interactive gaming self-exclusion list from being mailed any advertisement, promotion or other target mailing no later than 5 business days after receiving notice from the Board that the person has been placed on the interactive gaming self-exclusion list.

(8) Procedures for preventing an individual under 21 years of age from receiving any advertisement, promotion or other target mailing.

(9) Procedures to prevent an individual under 21 years of age or a person on the interactive gaming self-exclusion list from having access to or from receiving complimentary services, or other like benefits.

(b) Training and training materials shall be updated annually and include current research and information on responsible and problem gambling.

(c) As part of each employee's orientation, and prior to the start of their job duties, responsible and problem gambling training for employees shall be conducted by a person with specialized knowledge, skill, training and experience in responsible gaming employee training programs as part of the employee's orientation. If an online training program is utilized, the training shall be created and maintained by a person with specialized knowledge, skill, training and experience in responsible gaming employee training programs.

(d) Employees who have received training shall be certified by the interactive gaming certificate holder or interactive gaming operator licensee under this chapter upon completion of the training.

(e) Employees are required to receive periodic reinforcement training at least once every calendar year starting with the year following the year in which the employee was hired. The date of the reinforcement training shall be recorded in each employee's personnel file.

(f) Employees shall report persons with a suspected or identified gambling disorder to a designated key employee or other supervisory employee.

(g) The identity of an individual with suspected or known problem gambling behavior must be confidential except as provided under Board regulations regarding interactive gaming self-exclusion list and section 1516(d) of the act (relating to list of persons self excluded from gaming activities).

(h) An interactive gaming certificate holder or interactive gaming operator licensee may collaborate with a person with specialized knowledge, skill, training and experience in responsible gaming employee training programs to develop an in-house or Internet-based employee training program to provide the training and reinforcement training required under this chapter.

(i) Policies or procedures, or both, that interactive gaming certificate holder or interactive gaming operator licensees may enact that are more stringent than those listed in these regulations, including stricter rules for those who sign up for a self-exclusion list.

§ 814.5. Reports.

(a) An interactive gaming certificate holder or interactive gaming operator licensee shall submit to the Director of the Office of Compulsive and Problem Gaming (OCPG) an annual summary of its compulsive and problem gambling program by the last business day of July.

(b) The annual summary must contain, at a minimum, detailed information regarding all of the following:

- (1) Employee training, including all of the following:
 - (i) The dates of new hires and annual reinforcement compulsive gambling training.
 - (ii) The individual or group who conducted the training.
 - (iii) The number of employees who completed the new hire compulsive gambling training.
 - (iv) The number of employees who completed the annual reinforcement compulsive gambling training.

(2) The amount spent on the Compulsive and Problem Gambling Plan for all of the following:

- (i) Employee training.
- (ii) Outreach including community training and sponsorships.
- (3) Additional information including all of the following:
 - (i) The number of underage individuals who were denied interactive gaming access.
 - (ii) The number of self-excluded individuals who were denied interactive gaming access.
 - (iii) A summary of any community outreach conducted by the certificate holder/operator licensee.

§ 814.6. Website requirements.

Under section 1509(c) of the act (relating to compulsive and problem gambling program), each interactive gaming certificate holder/operator licensee shall cause the words “IF YOU OR SOMEONE YOU KNOW HAS A GAMBLING PROBLEM, HELP IS AVAILABLE, CALL 1-800-GAMBLER” or comparable language approved by the Board, which must include the words “gambling problem” and “call 1-800-GAMBLER” to be prominently displayed to a person visiting or logging onto the interactive gaming

certificate holder or interactive gaming operator licensee’s interactive gaming skin or interactive gaming web site.

CHAPTER 815. INTERACTIVE GAMING SELF-EXCLUDED PERSONS—TEMPORARY REGULATIONS

Sec.	Scope.
815.1.	Definitions.
815.2.	Requests for interactive gaming self-exclusion.
815.3.	Interactive gaming self-exclusion list.
815.4.	Certificate holder and licensee duties.
815.5.	Removal from the interactive gaming self-exclusion list.
815.6.	Exceptions for individuals on the interactive gaming self-exclusion list.
815.7.	Disclosures of information related to persons on the self-exclusion list.

§ 815.1. Scope.

The purpose of this chapter is to provide players with a process to self-exclude from interactive gaming activities in this Commonwealth, and detail the process by which individuals may exclude themselves from interactive gaming activity and restore their ability to participate in interactive gaming activity in this Commonwealth.

§ 815.2. Definitions.

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

Fully executed gaming transaction—An activity involving interactive gaming which occurs in this Commonwealth which results in an individual obtaining any money or thing of value from, or being owed any money or thing of value by an interactive gaming certificate holder or interactive gaming operator licensee.

Gaming activity—The play of interactive gaming including play during contests, tournaments or promotional events.

Gaming related activity—An activity related to interactive gaming including applying for player club memberships or credit, cashing checks or accepting a complimentary gift, service, promotional item or other thing of value from an interactive gaming certificate holder, interactive gaming operator licensee or an affiliate thereof.

Interactive gaming self-exclusion list—A list of names and identifying information of persons who, under this chapter, have voluntarily agreed to be:

- (i) Excluded from engaging in interactive gaming in this Commonwealth.
- (ii) Prohibited from collecting any winnings or recovering any losses resulting from interactive gaming activity in this Commonwealth.

Self-excluded person—A person whose name and identifying information is included, at the person’s own request, on the self-exclusion list maintained by the Board.

Winnings—Any money or thing of value received from, or owed by, an interactive gaming certificate holder or interactive gaming operator licensee as a result of a fully executed gaming transaction.

§ 815.3. Requests for interactive gaming self-exclusion.

(a) A person requesting placement on the interactive gaming self-exclusion list shall submit electronically a completed Request for Voluntary Self-Exclusion from Interactive Gaming Only Activities Form available on the Board’s web site.

(b) A request for self-exclusion from interactive gaming must include all of the following identifying information:

- (1) Name, including any aliases or nicknames.
- (2) Date of birth.
- (3) Address of current residence.
- (4) Telephone number.
- (5) Social Security number, when voluntarily provided in accordance with section 7 of the Privacy Act of 1974 (5 U.S.C.A. § 552a).

(6) A physical description of the person that may assist in the identification of the person.

(c) The length of self-exclusion requested by a person must be one of the following:

- (1) One year (12 months).
- (2) Five years.
- (3) Lifetime.

(d) A request for self-exclusion from interactive gaming activities in this Commonwealth must include a signed release which:

- (1) Acknowledges that the request for self-exclusion has been made voluntarily.
- (2) Certifies that the information provided in the request for self-exclusion is true and accurate.
- (3) Acknowledges that the individual requesting self-exclusion is a problem gambler.
- (4) Acknowledges that self-exclusions for a 1-year or 5-year period remain in effect until the period of exclusion expires.
- (5) Acknowledges that if the individual is discovered participating in interactive gaming, that the individual's interactive gaming account will be suspended and the individual's winnings will be subject to confiscation and remittance to support compulsive and problem gambling programs.

(6) Releases, indemnifies, holds harmless and forever discharges the Commonwealth, the Board and all interactive gaming certificate holders or interactive gaming operator licensees from claims, damages, losses, expenses or liability arising out of, by reason of or relating to the self-excluded person or to any other party for any harm, monetary or otherwise, which may arise as a result of one or more of the following:

- (i) The failure of an interactive gaming certificate holder or interactive gaming operator licensee to withhold interactive gaming privileges from or restore interactive gaming privileges to a self-excluded person.
- (ii) Otherwise permitting or not permitting a self-excluded person to engage in interactive gaming activities in this Commonwealth while on the list of interactive gaming self-excluded persons.
- (iii) Confiscation of the individual's winnings.

(e) A person submitting an interactive gaming self-exclusion request shall provide a valid government-issued photo identification containing the person's signature and photograph when the person submits the request. If the request is made electronically, the individual shall present a scanned copy of a valid government-issued photo identification containing the person's signature and photograph when the person submits the request.

(f) A person requesting self-exclusion under this chapter shall upload a photo of his current valid government-issued photo identification during self-exclusion enrollment.

§ 815.4. Interactive gaming self-exclusion list.

(a) The Board will maintain the official interactive gaming self-exclusion lists and notify each interactive gaming certificate holder and interactive gaming operator licensee of additions to or deletions from the lists within 5 business days of the verification of the information received under this chapter by first class mail or by transmitting the self-exclusion list electronically directly to each interactive gaming certificate holder and interactive gaming operator licensee.

(b) The notice provided to interactive gaming certificate holders or interactive gaming operator licensees by the Board will include all of the following information concerning a person who has been added to the interactive gaming self-exclusion list:

- (1) Name, including any aliases or nicknames.
- (2) Date of birth.
- (3) Address of current residence.
- (4) Telephone number.

(5) Social Security number, when voluntarily provided by the person requesting interactive gaming self-exclusion under section 7 of the Privacy Act of 1974 (5 U.S.C.A. § 552a).

(6) A physical description of the person that may assist in the identification of the person.

(7) A person requesting self-exclusion under this chapter shall upload a photo of his current valid government-issued photo identification during self-exclusion enrollment.

(c) The notice provided to interactive gaming certificate holders and interactive gaming operator licensees by the Board concerning a person whose name has been removed from the interactive gaming self-exclusion list will include the name and date of birth of the person.

(d) An interactive gaming certificate holder and interactive gaming operator licensee shall maintain a copy of the interactive gaming self-exclusion list and establish procedures to ensure that the copy of the interactive gaming self-exclusion list is updated and that all appropriate employees and agents of the interactive gaming certificate holder or interactive gaming operator are notified of any addition to or deletion from the list within 5 business days after the day notice is mailed to each interactive gaming certificate holder or interactive gaming operator or transmitted electronically under subsection (a).

(e) Information furnished to or obtained by the Board under this chapter will be deemed confidential and will not be disclosed except in accordance with this chapter.

(f) Interactive gaming certificate holders or interactive gaming operator licensees, employees or agents thereof may not disclose the name of, or any information about, a person who has requested self-exclusion from interactive gaming to anyone other than employees and agents of the interactive gaming certificate holder or interactive gaming operator licensee whose duties and functions require access to the information. Notwithstanding the foregoing, an interactive gaming certificate holder or interactive gaming operator licensee may disclose the identity of an interactive gaming self-excluded person to appropriate

employees of affiliated gaming entities in this or other jurisdictions for the limited purpose of assisting in the proper administration of responsible gaming programs.

(g) An interactive gaming self-excluded person may not collect in any manner or in any proceeding any winnings or recover any losses arising as a result of any interactive gaming activity for the entire period of time that the person is on the Board's interactive gaming self-exclusion lists.

(h) Winnings incurred by an interactive gaming self-excluded person shall be remitted to the Board to support compulsive and problem gambling programs of the Board.

(i) For the purposes of this section, winnings issued to, found on or about or redeemed by an interactive gaming self-excluded person's interactive gaming account shall be presumed to constitute winnings subject to remittance to the Board.

§ 815.5. Certificate holder and licensee duties.

(a) An interactive gaming certificate holder or interactive gaming operator licensee shall train its employees and establish procedures to do all of the following:

(1) Refuse wagers from and deny gaming privileges to an interactive gaming self-excluded person.

(2) Deny gaming related activities and benefits to an interactive gaming self-excluded person.

(3) Ensure that interactive gaming self-excluded persons do not receive, either from the interactive gaming certificate holder, interactive gaming operator licensee or any agent thereof, targeted mailings, telemarketing promotions, player club materials or other promotional materials relating to interactive gaming activities.

(4) Make available to patrons materials explaining the interactive gaming self-exclusion program.

(b) An interactive gaming certificate holder or interactive gaming operator licensee shall submit a copy of its procedures and training materials established under this subsection to the Director of the Office of Compulsive and Problem Gaming (OCPG) for review and approval at least 30 days prior to initiation of interactive gaming activities on interactive gaming sites. The interactive gaming certificate holder or interactive gaming operator licensee will be notified in writing of any deficiencies in the procedures and training materials and may submit revisions to the procedures and training materials to the Director of the OCPG. An interactive gaming certificate holder or interactive gaming operator licensee may not commence operations until the Director of the OCPG approves the procedures and training.

(c) An interactive gaming certificate holder or interactive gaming operator licensee shall submit amendments to the procedures and training materials required under this subsection to the Director of the OCPG for review and approval at least 30 days prior to the intended implementation date of the amendments. The interactive gaming certificate holder or interactive gaming operator licensee may implement the amendments on the 30th calendar day following the filing of the amendments unless the interactive gaming certificate holder or interactive gaming operator licensee receives a notice under this subsection objecting to the amendments.

(d) If during the 30-day review period the Director of the OCPG determines that the amendments to the procedures and training materials may not promote the prevention of interactive gaming by self-excluded individuals or assist in the proper administration of the interactive

gaming self-exclusion program, the Director of the OCPG may, by written notice to the interactive gaming certificate holder or interactive gaming operator licensee, object to the amendments. The objection will:

(1) Specify the nature of the objection and, when possible, an acceptable alternative.

(2) Direct that the amendments not be implemented until approved by the Director of the OCPG.

(e) When the amendments to the procedures and training materials have been objected to under this subsection, the interactive gaming certificate holder or interactive gaming operator licensee may submit revised amendments in accordance with this subsection.

(f) The list of interactive gaming self-excluded persons is confidential, and any distribution of the list to an unauthorized source constitutes a violation of the act.

(g) An interactive gaming certificate holder or interactive gaming operator licensee shall report the discovery of an interactive gaming self-excluded person that did or attempt to engage in interactive gaming related activities to the Director of the OCPG within 24 hours.

§ 815.6. Removal from the interactive gaming self-exclusion list.

(a) For individuals who are on the interactive gaming self-exclusion list for 1 year or 5 years, upon the conclusion of the period of self-exclusion, the individual will be removed from the interactive gaming self-exclusion list without further action on his part.

(b) For individuals who have elected to be interactive gaming self-excluded for less than lifetime, the individual may be removed from the interactive gaming self-exclusion list if all of the following has occurred:

(1) The individual has filed a petition with the Board's Office of Hearings and appeals requesting to be removed from the interactive gaming self-exclusion list.

(2) The individual has presented facts and circumstances which, in the Board's discretion, demonstrate a compelling reason for the Board to grant early removal from the interactive gaming self-exclusion list.

(3) The Board has found by a preponderance of the evidence that the person should be removed from the interactive gaming self-exclusion list and issues an order to that effect.

(c) For individuals who have elected to be interactive gaming self-excluded for lifetime, the individual will not be removed from the interactive gaming self-exclusion list until all of the following has occurred:

(1) At least 10 years has elapsed since the individual placed himself on the video gaming self-exclusion list for lifetime.

(2) The individual has filed a petition with the Board's Office of Hearings and appeals requesting to be removed from the interactive gaming self-exclusion list.

(3) The individual has presented facts and circumstances which, in the Board's discretion, demonstrate a compelling reason for the Board to grant early removal from the lifetime interactive gaming self-exclusion list.

(4) The Board has found by a preponderance of the evidence that the person should be removed from the interactive gaming self-exclusion list and issues an order to that effect.

§ 815.7. Exceptions for individuals on the interactive gaming self-exclusion list.

The prohibition against allowing interactive gaming self-excluded persons to engage in activities related to interactive gaming does not apply to an individual who is on the interactive gaming self-exclusion list if all of the following apply:

- (1) The individual is carrying out the duties of employment or incidental activities related to employment.
- (2) The individual does not otherwise engage in any interactive gaming activities.

§ 815.8. Disclosures of information related to persons on the self-exclusion list.

(a) The Board may periodically release to the public demographics and general information regarding the interactive gaming self-exclusion lists such as the total number of individuals on the list, gender breakdown and age range.

(b) The Board may make selected data available, upon request, for the limited purpose of assisting in the proper administration of responsible gaming programs.

(c) The Board will not disclose identifying information or confirm or deny the existence of an individual's name on the Board's interactive gaming self-exclusion lists.

**CHAPTER 818. INTERACTIVE GAMING
COMMENCEMENT OF
OPERATIONS—TEMPORARY REGULATIONS**

Sec.	
818.1.	Definitions.
818.2.	Commencement of operations generally.
818.3.	Interactive gaming skins.

§ 818.1. Definitions.

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

Remote game server or remote game content—Interactive gaming system hardware and software separate from that which comprises the gaming platform which allows access to games or may drive the features common to game offerings, game configurations, random number generators, reporting, and the like. The registered player initially communicates directly with the interactive gaming platform which can be integrated with one or more remote game servers or include remote game content, or both.

§ 818.2. Commencement of operations generally.

(a) Prior to the commencement of interactive gaming operations, an interactive gaming certificate holder or interactive gaming operator licensee shall submit all of the following:

- (1) Documentation verifying the platform and related information to include all of the following:
 - (i) Platform version number.
 - (ii) A list of all submitted games.
 - (iii) Documentation listing the entity that created the submitted games.
 - (iv) Certification that the system operates in accordance with Commonwealth law and regulations.
 - (v) A list of all critical files within the interactive gaming system.
 - (vi) A list of any remote game content providers that will work in conjunction with the submitted platform.

(2) Testing results for the platform as well as all games.

(3) Documentation that provides a detailed overview of the interactive gaming system including system architecture, encryption methods utilized, user roles and permission settings, configuration settings, and logical and physical security.

(4) Documentation that provides an overview of the random number generator which must include a method that allows for extraction of the random number generator values for statistical analysis

(5) A list of devices that will work in conjunction with the submitted platform.

(6) Details regarding the location and security standards for the primary and secondary equipment as well as data warehouses, data safes and other system related equipment.

(7) Copies of signed contracts between the interactive gaming certificate holder or interactive gaming operator licensee and any third party integrating with the submitted platform.

(8) Documentation demonstrating, to the satisfaction of Board staff, implementation of all accounting and internal controls governing all of the following:

- (i) Age and identity verification procedures.
- (ii) Geolocation compliance.
- (iii) Procedures on establishing and maintaining player accounts.
- (iv) Procedures for ensuring player confidentiality.
- (v) Procedures for ensuring accurate and timely submission of revenue and tax information to the Department.
- (vi) Procedures governing player complaints.
- (vii) Procedures for compiling and maintaining all requisite reports and logs.
- (viii) Procedures regarding player protection, including implementation of compulsive and problem gambling and self-exclusion links on the certificate holder's web site.

(b) Prior to commencement of operations, the interactive gaming certificate holder's or interactive gaming operator's employees required to be licensed or permitted by the Board shall be appropriately licensed or permitted and trained in the performance of their responsibilities.

(c) Prior to commencement of operations, the interactive gaming certificate holder or interactive gaming operator licensee shall ensure that new and existing employees of the certificate holder and interactive gaming operator licensee are regularly informed about the restrictions on placing wagers by the interactive gaming sites offered by or associated with the interactive certificate holder.

(d) Prior to commencement of operations, the interactive gaming certificate holder or interactive gaming operator licensee shall have successfully completed a test period.

(e) The Board will establish a commencement date upon which interactive gaming may commence in this Commonwealth.

(f) All interactive gaming certificate holders and interactive gaming operator licensees shall commence operations on the date established by the Board unless granted an extension by the Board, upon a showing of good cause

by the interactive gaming certificate holder or interactive gaming operator licensee, up to 12 months from that date. Failure to commence interactive gaming operations within the time directed by the Board may result in administrative sanctions up to and including revocation of the certificate or license to operate interactive gaming in this Commonwealth.

§ 818.3. Interactive gaming skins.

(a) Under the act, the Board may issue an interactive gaming certificate to slot machine licensees to conduct interactive gaming in this Commonwealth, directly or through an interactive gaming operator licensee acting on behalf of the interactive gaming certificate holder pursuant to the terms of an interactive gaming agreement that has been approved by the Board. For purposes of this subpart, "slot machine licensee" includes all Category 1, 2 and 3 slot machine licensees, and eligible qualified gaming entities.

(b) Under the act, the Board may authorize interactive gaming certificate holders or interactive gaming operator licensees operating an interactive gaming system on behalf of an interactive gaming certificate holder to deploy interactive gaming skins or interactive gaming web sites, including through mobile applications, to facilitate the conduct of interact gaming activities for registered players in this Commonwealth or registered players in any other state or jurisdiction which the Commonwealth has entered into an interactive gaming reciprocal agreement.

(c) Interactive gaming operator licensees are not permitted to offer interactive games in this Commonwealth independent from an interactive gaming certificate holder and the interactive gaming certificate holder's webpage or the webpage of an entity within the interactive gaming certificate holder's organizational structure.

(d) Interactive gaming certificate holders and interactive gaming operator licensees acting on behalf of an interactive gaming certificate holder may only offer interactive gaming in this Commonwealth through the interactive gaming certificate holder's webpage or mobile application or the webpage or mobile application of an entity within the interactive gaming certificate holder's organizational structure.

(e) Interactive gaming certificate holders and interactive gaming operator licensees operating an interactive gaming system on behalf of an interactive gaming certificate holder shall obtain Board approval of all interactive gaming skins operated on behalf of the interactive gaming certificate holder for purposes of conducting interactive gaming in this Commonwealth.

(f) To ensure compliance with the act:

(1) A slot machine licensee or eligible qualified gaming entity shall petition for and obtain its own interactive gaming certificate to operate interactive gaming operations in this Commonwealth.

(2) All interactive gaming webpages, web sites, skins or mobile applications must, at all times, clearly identify the interactive gaming certificate holder or an entity within the interactive gaming certificate holder's organizational structure on the display screen visible to players.

(g) Nothing in this section is intended to prohibit interactive gaming certificate holders from entering into interactive gaming operation agreements with multiple licensed interactive gaming operators to offer interactive games the Board has authorized the interactive gaming certificate holder to conduct.

(h) Nothing in this section is intended to prohibit interactive gaming operator licensees from entering into interactive gaming operation agreements with multiple interactive gaming certificate holders to offer interactive games the Board has authorized the interactive gaming certificate holder to conduct.

(i) Nothing in this section is intended to prohibit interactive gaming certificate holders or interactive gaming operator licensees operating an interactive gaming system on behalf of an interactive gaming certificate holder from conducting interactive gaming utilizing players registered in other jurisdictions with which the Commonwealth has entered into a reciprocal agreement permitting interstate interactive gaming.

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