

RULES AND REGULATIONS

Title 10—BANKS AND BANKING

DEPARTMENT OF BANKING

[10 PA. CODE CH. 3]

Hearings and Conferences

The Department of Banking (Department), under the authority in section 202.C of the Department of Banking Code (act) (71 P. S. § 733-202.C), rescinds §§ 3.1—3.16 to read as set forth in Annex A.

Introduction

The Department determined that the existing regulations are obsolete, preempted by statute and thus unnecessary for conducting the subject administrative hearings at the agency level.

Analysis

On July 8, 2008, the act was amended to include section 503.E of the act (71 P. S. § 733-503.E), which requires that administrative proceedings conducted by the Department regarding institutions, licensees and credit unions be subject to the requirements of 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law). Additionally, section 503.E of the act provides statutory procedures for the conduct of protest proceedings regarding institutions and credit unions that supplant §§ 3.1—3.16. The Department further determined that protest procedures regarding licensees can adequately be governed by 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure). Therefore, §§ 3.1—3.16 have been determined by the Department to be obsolete, preempted by statute and thus unnecessary for conducting the subject administrative hearings at the agency level and should be rescinded.

Cost and Paperwork Requirement

Rescinding §§ 3.1—3.16 will have no effect on costs or paperwork requirements.

Fiscal Impact

Rescinding §§ 3.1—3.16 will have no fiscal impact.

Final-Omitted Rulemaking

Notice of proposed rulemaking has been omitted under section 204(3) of the act of July 31, 1968 (P. L. 769, No. 240) (45 P. S. § 1204(3)), known as the Commonwealth Documents Law (CDL), which specifies that a regulation may be adopted without notice of proposed rulemaking if proposed rulemaking procedures are “in the circumstances impracticable, unnecessary, or contrary to the public interest.” The proposed rulemaking procedures in this instance are unnecessary because the Department is rescinding obsolete regulations.

Regulatory Review

Under section 5.1(c) of the Regulatory Review Act (71 P. S. § 745.5a(c)), on March 25, 2010, the Department submitted a copy of the final-omitted rulemaking and a copy of a Regulatory Analysis Form to the Independent Regulatory Review Commission (IRRC) and to the House Committee on Commerce and the Senate Committee on Banking and Insurance (Committees). On the same date, the regulations were submitted to the Office of Attorney General for review and approval under the Commonwealth Attorneys Act (71 P. S. §§ 732-101—732-506).

Under section 5.1(j.2) of the Regulatory Review Act, on May 12, 2010, the final-omitted rulemaking was approved by the Committees. Under section 5.1(e) of the Regulatory Review Act, IRRC met on May 13, 2010, and approved the final-omitted rulemaking.

Effective Date

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

Sunset Date

Since this final-omitted rulemaking rescinds obsolete regulations, a sunset date is not necessary.

Contact Person

For an explanation of this final-omitted rulemaking contact Lauren A. Sassani, Assistant Counsel, Department of Banking, 17 North Second Street, Suite 1300, Harrisburg, PA 17101, (717) 787-1471, pabankreg@state.pa.us; or Robert C. Lopez, Deputy Chief Counsel, Department of Banking, 17 North Second Street, Suite 1300, Harrisburg, PA 17101, (717) 787-1471, pabankreg@state.pa.us.

Findings

The Department finds that:

(1) The proposed rulemaking procedures in sections 201 and 202 of the CDL (45 P. S. §§ 1201 and 1202) are unnecessary because this final-form rulemaking rescinds obsolete regulations.

(2) Public notice of intention to adopt this final-omitted rulemaking has been omitted under section 204 of the CDL and 1 Pa. Code § 7.4.

Order

The Department orders that:

(a) The regulations of the Department, 10 Pa. Code Chapter 3, are amended by rescinding §§ 3.1—3.16 to read as set forth in Annex A.

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

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

STEVEN KAPLAN,
Secretary

(*Editor's Note:* For the text of the order of the Independent Regulatory Review Commission relating to this document, see 40 Pa.B. 2838 (May 29, 2010).)

Fiscal Note: 3-46. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 10. BANKS AND BANKING

PART I. GENERAL PROVISIONS

CHAPTER 3. (Reserved)

§§ 3.1—3.16. (Reserved).

[Pa.B. Doc. No. 10-1034. Filed for public inspection June 4, 2010, 9:00 a.m.]

DEPARTMENT OF BANKING

[10 PA. CODE CH. 44]

Mortgage Bankers and Brokers and Consumer Equity Protection

The Department of Banking (Department), under the authority in 7 Pa.C.S. § 6138(a)(4) (relating to authority of department), rescinds §§ 44.1—44.5 to read as set forth in Annex A.

Introduction

The Department determined that the existing regulations are preempted by statute and thus obsolete.

Analysis

On November 5, 2008, Chapter 3 of the Mortgage Bankers and Brokers and Consumer Equity Protection Act was repealed by operation of law and replaced by 7 Pa.C.S. Chapter 61 (relating to Mortgage Licensing Act). On August 5, 2009, 7 Pa.C.S. Chapter 61 was amended to include more stringent education requirements for mortgage licensees. See 7 Pa.C.S. § 6131.1 (relating to prelicensing and continuing education). The rescission was made, in part, to conform to the new Secure and Fair Enforcement for Mortgage Licensing Act of 2008 (12 U.S.C.A. §§ 5101—5116), which mandates minimum education requirements for mortgage loan originators. Based on the new statutory requirements, §§ 44.1—44.5 have been superseded by statute and thus obsolete.

Cost and Paperwork Requirement

Rescinding §§ 44.1—44.5 will have no effect on costs or paperwork requirements.

Fiscal Impact

Rescinding §§ 44.1—44.5 will have no fiscal impact.

Final-Omitted Rulemaking

Notice of proposed rulemaking has been omitted under section 204(3) of the act of July 31, 1968 (P. L. 769, No. 240) (45 P. S. § 1204(3)), known as the Commonwealth Documents Law (CDL), which specifies that a regulation may be adopted without notice of proposed rulemaking if proposed rulemaking procedures are “in the circumstances impracticable, unnecessary, or contrary to the public interest.” The proposed rulemaking procedures in this instance are unnecessary because the Department is rescinding obsolete regulations that have been superseded by statute.

Regulatory Review

Under section 5.1(c) of the Regulatory Review Act (71 P. S. § 745.5a(c)), on March 25, 2010, the Department submitted a copy of the final-omitted rulemaking and a copy of a Regulatory Analysis Form to the Independent Regulatory Review Commission (IRRC) and to the House Committee on Commerce and the Senate Committee on Banking and Insurance (Committees). On the same date, the regulations were submitted to the Office of Attorney General for review and approval under the Commonwealth Attorneys Act (71 P. S. §§ 732-101—732-506).

Under section 5.1(j.2) of the Regulatory Review Act, on May 12, 2010, the final-omitted rulemaking was approved by the Committees. Under section 5.1(e) of the Regulatory Review Act, IRRC met on May 13, 2010, and approved the final-omitted rulemaking.

Effective Date

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

Sunset Date

Since this final-omitted rulemaking rescinds obsolete regulations, a sunset date is not necessary.

Contact Person

For an explanation of this final-omitted rulemaking, contact Lauren A. Sassani, Assistant Counsel, Department of Banking, 17 North Second Street, Suite 1300, Harrisburg, PA 17101, (717) 787-1471, pabankreg@state.pa.us; or Robert C. Lopez, Deputy Chief Counsel, Department of Banking, 17 North Second Street, Suite 1300, Harrisburg, PA 17101, (717) 787-1471, pabankreg@state.pa.us.

Findings

The Department finds that:

(1) The proposed rulemaking procedures in sections 201 and 202 of the CDL (45 P. S. §§ 1201 and 1202) are unnecessary because this final-omitted rulemaking rescinds obsolete regulations.

(2) Public notice of intention to adopt this rulemaking has been omitted under section 204 of the CDL and 1 Pa. Code § 7.4.

Order

The Department orders that:

(a) The regulations of the Department, 10 Pa. Code Chapter 44, are amended by rescinding §§ 44.1—44.2 to read as set forth in Annex A.

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

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

STEVEN KAPLAN,
Secretary

(Editor’s Note: For the text of the order of the Independent Regulatory Review Commission relating to this document, see 40 Pa.B. 2838 (May 29, 2010).)

Fiscal Note: 3-47. No fiscal impact; (8) recommends adoption.

Annex A**TITLE 10. BANKS AND BANKING****PART IV. BUREAU OF CONSUMER CREDIT AGENCIES****CHAPTER 44. (Reserved)****§§ 44.1—44.5. (Reserved).**

[Pa.B. Doc. No. 10-1035. Filed for public inspection June 4, 2010, 9:00 a.m.]

Title 22—EDUCATION**DEPARTMENT OF EDUCATION****[22 PA. CODE CH. 405]****Pennsylvania Pre-K Counts**

The Department of Education (Department) adds Chapter 405 (relating to PA Pre-K Counts) to read as set forth in Annex A.

Notice of proposed rulemaking has been omitted under sections 201 and 202 of the act of July 31, 1968 (P. L. 769, No. 240) (45 P. S. §§ 1201 and 1202), known as the Commonwealth Documents Law (CDL), and section 1513-D(1) of the Public School Code of 1949 (24 P. S. § 15-1513-D(1)), added by the act of July 20, 2007 (P. L. 278, No. 45) (Act 45). Public comment is unnecessary because the authorizing statute for the PA Pre-K Counts Program (Program) to which this final-omitted rulemaking applies has given the Department authority to promulgate regulations and establish guidelines necessary to implement Act 45.

Entities affected by this final-omitted rulemaking have been notified of the intention of the Department to issue final-omitted rulemaking and will receive electronic notice of the final promulgated regulations by means of an announcement to Program grantees. Individuals and stakeholder organizations will be notified of the final-omitted rulemaking through the BUILD list serve which reaches over 7,300 recipients.

Statutory Authority

The Department acts under the authority of Article XV-D(b) of the Public School Code of 1949 (24 P. S. §§ 15-1511-D—15-1516-D) added by Act 45.

Background

Act 45 established the Program as a competitive grant program to expand prekindergarten opportunities for eligible students throughout this Commonwealth. It directed the Department to promulgate regulations and establish guidelines and standards necessary to implement the Program. Act 45 requires that regulations be promulgated in accordance with the procedures in the CDL and the Regulatory Review Act (71 P. S. §§ 745.1—745.12) for promulgation and review of final-omitted regulations. Subsequent regulations promulgated for this Program or amendments to the initial regulations are not to be in final-omitted form.

The Program serves children who are at least 3 years of age and younger than the entry age for kindergarten in their school district of residence and must be provided free of charge. However, families that can afford to pay some or all of the cost for the Program may do so but they may not be solicited to pay. Grants are awarded through a competitive grant process to school districts, Head Start recipients, licensed nursery schools, child care centers and group child care homes that are at least a STAR 3 under the Keystone STARS quality rating system established by the Department of Public Welfare and third-party entities that carry out the administrative and fiduciary provisions of the Program but not operate a classroom funded by the grant. The programs must target enrollment to children who are most at risk of school failure, which is defined as living in households below 300% of the Federal poverty rate, are English language learners or are at risk due to community factors, academic difficulties or economic disadvantage. Grant recipients shall verify income and family size before enrolling students. Children with identifiable disabilities or developmental delays may be included in the Program and shall be served in inclusive environments in which they constitute no more than 20% of the initial enrollment at the start of the Program year.

Grant funds may not be placed in a reserve account or used for administrative purposes. They may only fund Programs that provide no fewer than 180 days of prekindergarten services, include a minimum of 2 1/2 hours of instructional services in half-day programs and a

minimum of 5 hours of instructional services for full-day programs. Program providers may have a delayed start-up in the first year of their participation in the Program and offer fewer than 180 days of instructional services upon approval by the Department. Classrooms size is restricted to no more than 20 students (with 17 students preferred as in the State Board of Education regulations in Chapter 4 (relating to academic standards and assessment)) with two adult staff—a teacher, who shall be certified in early childhood education by December of 2011, and a teacher aide who is highly qualified. To be considered highly qualified, a teacher aide shall have completed 2 full years of postsecondary study, hold a child development associate's credential or an associate's degree or higher, or pass a rigorous formal State or local assessment demonstrating knowledge. Continuing professional development must be provided to both teachers and teacher aides. In addition, teachers shall complete a year-long teacher induction program, undergo evaluations and apply for Level II certification under the State Board of Education regulations in Chapter 49 (relating to certification of professional personnel).

In planning programs, providers shall coordinate and collaborate with early intervention and Head Start agencies, school districts, community engagement groups and other area providers of pre-K services. In particular, grantees should coordinate the availability of services with other Office of Child Development and Early Learning programs which have waiting lists. Grantees operating in partnerships with other entities shall have written partnership agreements explaining how they will operate. Providers shall have plans for parental engagement, transition of students to kindergarten, immunizations and emergency response.

The Program's curriculum must be aligned with the early learning standards established by the Department and grantees and their provider partners shall perform other duties under applicable regulations and standards, including assessment of student progress and the classroom environment. Eligible students may not be included in school district calculations for average daily membership for the purpose of fund reimbursements under Article XXV of the Public School Code of 1949 (24 P. S. §§ 25-2501—25-2599.3).

The Department has the responsibility under the statute to promulgate regulations and establish guidelines and standards that address the process through which eligible providers may apply for grant funds, allowable and required uses of the funds, per-student funding levels and the criteria for identifying approved providers. The Department will also identify student and program assessments to be used by approved providers, encourage the development and maintenance of community coordination and partnerships and perform other functions necessary to carry out the Program, including the monitoring of approved providers.

Fiscal Impact and Paperwork Requirements

The Program will have no fiscal impact on the Commonwealth or its political subdivisions because the cost of the program is fully paid for by funds appropriated by the General Assembly.

Effective Date

The final-omitted rulemaking will become effective upon publication in the *Pennsylvania Bulletin*.

Sunset Date

The Department will review the implementation of the Program and the effectiveness of the regulations on a continuous basis. Therefore, no sunset date is necessary.

Regulatory Review

Under section 5.1(c) of the Regulatory Review Act (71 P. S. § 745.5a(c)), on January 27, 2010, the Department submitted a copy of the final-omitted rulemaking and a copy of a Regulatory Analysis Form to the Independent Regulatory Review Commission (IRRC) and to the House and Senate Committees on Education (Committees). On the same date, the regulations were submitted to the Office of Attorney General for review and approval under the Commonwealth Attorneys Act (71 P. S. §§ 732-101—732-506).

Under section 5.1(j.2) of the Regulatory Review Act, on May 12, 2010, the final-omitted rulemaking was approved by the Committees. Under section 5.1(e) of the Regulatory Review Act, IRRC met on May 13, 2010, and approved the final-omitted rulemaking.

Contact Person

The official responsible for information on this final-omitted rulemaking is Harriet Dichter, Deputy Secretary, Office of Child Development and Early Learning, Department of Education, 333 Market Street, Harrisburg, PA 17126-0333, (717) 346-9320.

Findings

The Department finds that:

(1) Public notice of the intention to promulgate regulations for the Program has been omitted under section 1513-D(1) of the Public School Code of 1949.

Order

The Department, acting under authorizing statute, orders that:

(a) The regulations of the Department, 22 Pa. Code, are amended by adding §§ 405.1—405.3, 405.11—405.14, 405.21—405.24, 405.31, 405.32, 405.41—405.51, 405.61—405.64 and 405.71—405.73 to read as set forth in Annex A.

(b) The Secretary of Education will submit this order and Annex A to the Office of General Counsel and the Office of Attorney General for review and approval as to legality and form as required by law.

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

(d) This order is effective upon publication in the *Pennsylvania Bulletin*.

THOMAS E. GLUCK,
Acting Secretary

(Editor's Note: For the text of the order of the Independent Regulatory Review Commission relating to this document, see 40 Pa.B. 2838 (May 29, 2010).)

Fiscal Note: 6-319. No fiscal impact; (8) recommends adoption.

Annex A**TITLE 22. EDUCATION****PART XVI. STANDARDS****CHAPTER 405. PA PRE-K COUNTS****GENERAL PROVISIONS**

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GENERAL PROVISIONS**§ 405.1. Purpose.**

This chapter establishes rules and procedures for implementing the Program created to provide expanded access to high quality prekindergarten experiences for eligible students.

§ 405.2. Definitions.

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

Act—Article XV-D(b) of the Public School Code of 1949 (24 P. S. §§ 15-1511-D—15-1516-D), added by the act of July 20, 2007 (P. L. 278, No. 45).

Approved provider—An eligible provider that has been approved by the Department to offer prekindergarten under the act.

At-risk child—A child who is at risk of educational failure because of poverty, economic disadvantage, limited English proficiency, academic difficulties, or individual or community factors.

CDA—Child Development Associate credential.

Department—The Department of Education of the Commonwealth.

Eligible applicant—Any of the following entities:

- (i) A school district.
- (ii) A Head Start program.
- (iii) A nursery school licensed under the Private Academic Schools Act (24 P. S. §§ 6701—6721).
- (iv) A regulated child day care center or a group day care home that is designated a STAR 3, or higher under the Keystone STARS quality rating system established by the Department of Public Welfare, as of the beginning of the 2009-2010 program year.

(v) A third party entity that will carry out fiduciary and other lead agency responsibilities for entities eligible to operate program classrooms.

Eligible provider—An eligible provider as defined in section 1511-D of the act (24 P. S. § 15-1511-D). A child day care center or group day care home must have been designated a STAR 3, or higher under the Keystone STARS quality rating system established by the Department of Public Welfare as of the beginning of the 2009-2010 program year.

Eligible student—An eligible student as defined in the section 1511-D of the act.

Grant—An award of funds by the Department for the purposes of carrying out the Program.

Identified developmental delay or disability—As used in this chapter, a child who has a written Individualized Education Program under Chapter 14 (relating to special education services and programs) and the Federal Individuals with Disabilities Education Improvement Act (20 U.S.C.A. §§ 1400—1419).

Lead agency—An entity that submits an application for funding and will undertake reporting, recordkeeping, compliance and fiduciary responsibilities for the members of a partnership under the grant.

Location—The site, place or address where Program services are provided.

Partner—One, or more, entities that are in a formal relationship with a lead agency to provide Program services using grant funds and that have signed a written partnership agreement.

Partnership agreement—The written document that specifies the roles and responsibilities of all entities in the partnership established to provide Program services using grant funds.

Program—The PA Pre-K Counts Program established under the act.

Program year—The school year during which Program services are delivered to children enrolled in the program.

Teacher—The primary teacher in the classroom who is responsible for the instruction of children and meets the requirements in § 405.44 (relating to staffing and professional development).

Teacher aide—A paraprofessional who provides instructional support to students, including those who do one or more of the following:

- (i) Provide one-on-one tutoring if tutoring is scheduled at a time when a student would not otherwise receive instruction from a teacher.
- (ii) Assist with classroom management, by organizing instructional materials.

(iii) Provide instructional assistance in a computer laboratory.

(iv) Conduct parental involvement activities.

(v) Provide instructional support in a library or media center.

(vi) Act as a translator.

(vii) Provide instructional support services under the direct supervision of the primary teacher.

§ 405.3. General rules.

(a) Program services shall be provided free of charge.

(b) Nothing in this section shall be construed to prevent families with children who participate in the Program and are willing and able to pay part or all of the cost of the participation, from doing so. Approved and eligible providers and lead agencies are prohibited from soliciting costs from families.

(c) A student participating in the Program may not be included in the average daily membership or adjusted average daily membership of an approved provider school district for the purpose of reimbursement under Article XXV of the Public School Code of 1949 (24 P. S. §§ 25-2501—25-2599.3).

(d) Programs must be open to children with identified developmental delays or disabilities, or both, and provide inclusive environments for these children.

(e) Approved providers may enroll eligible students who reside outside of the providers' usual attendance area but all eligible children must be residents of this Commonwealth.

(f) Program grant funds are to be used for providing services and programs to age-eligible students as described in § 405.21 (relating to targeting children to be served). Program classes may include children supported by alternative funding sources, including Early Intervention, Head Start, school district or other public funds. In addition, those other funding sources may be used to support a student in a Program outside the age requirements or the 2-year time limitation.

(g) Approved providers shall verify the income and family size of all children participating in the Program prior to enrollment pursuant to Program announcements issued by the Department.

(h) Program providers shall be provided with Program announcements issued by the Department to provide guidance and direction regarding application, implementation and reporting requirements.

(i) The Department will administer the Program consistent with the statutory authorization.

COMPETITIVE APPLICATION PROCEDURES

§ 405.11. Eligible provider.

An eligible provider may apply for a grant alone or in combination with other eligible providers as a joint applicant, in which case the entity that applies for the grant shall be the lead agency in a partnership, as defined in § 405.2 (relating to definitions).

§ 405.12. Proposal submission.

(a) The Department will announce through its web site that competitive grant applications are to be submitted to the Department, specifying the submission deadline.

(b) To be considered for a grant award, an applicant shall meet the deadline for submission of all information by the dates announced in the request for applications.

§ 405.13. Grant agreements.

(a) After an eligible provider has been approved, the provider or lead agency shall enter into a grant agreement with the Department. Grant agreements must contain, at a minimum, a work statement and budget.

(b) Grantees shall contact the Department for guidance if a change needs to be made to the scope of work or the budget contained in the grant agreement.

§ 405.14. Annual community needs assessment.

Applicants for Program funding shall conduct an annual assessment of community needs for Pre-K services as part of the application process for continuation, expansion or new grant funds.

PROGRAM PLANNING**§ 405.21. Targeting children to be served.**

The Department will instruct applicants to target their Program enrollment to children who are most at risk, consistent with the description in the Program guidance of targeting services to children most at risk, if it is likely that the funds appropriated for the upcoming program year will be less than the funds required to serve all eligible children in this Commonwealth. The Department will also instruct approved providers to engage in outreach and partnership with Child Care Works, Head Start, and other appropriate programs of the Office of Child Development and Early Learning to inform Programs and families that they serve about the availability of the Program and to coordinate with these programs, particularly when there are waiting lists.

§ 405.22. Maximizing resources.

Approved providers shall use Program grant funds to supplement, not to supplant, public funds from any other source that are used to serve otherwise eligible students, including, but not limited to, Accountability Block Grant funds, local funds, or Federal or State Head Start funds for Programs provided in the same geographic area. However, this requirement does not prohibit combining funding sources for support of a single Program as long as additional eligible students are served and all of the Program standards are met by the program supported with combined resources.

§ 405.23. Disallowance of duplicate funding.

Program funds may not be used to provide the same service for a child already receiving that service funded by another resource.

§ 405.24. Enrollment.

Each approved provider shall develop and implement a plan for securing full enrollment on the first day of class for the program year and maintaining full enrollment throughout the program year, except as follows:

(1) When a student leaves the Program after the start of the program year, the provider shall have up to 20 instructional days to fill the vacancy, after which time the Department may request the return of funds or reduce future payments for the vacated and unfilled slot in the amount of funds relative to the remaining instructional days of the Program for that program year, unless the vacancy occurs within 21 instructional days of the last day of class.

(2) If an enrolled child has ten or more unexcused absences, the provider shall take appropriate steps to address attendance, up to and including dismissal of the child from the Program. The Department may request the

return of funds or reduce future payments to Programs that have not taken appropriate steps to overcome unexcused absences.

(3) Provider policies regarding unexcused absences and the number allowed must be written and provided to parents, families or guardians of enrolled children, and to the Department.

(4) An approved provider may not deny a student admission to a Program by reason of the student's disability.

PROGRAM COORDINATION AND COLLABORATION**§ 405.31. Coordination and collaboration with agencies providing services to young children.**

(a) Approved providers shall coordinate and collaborate with the local agencies providing Early Intervention services to Infants and Toddlers to ensure a smooth transition for children and families that have been receiving services from Early Intervention.

(b) Approved providers shall coordinate and collaborate with the local agencies providing Early Intervention services to preschool age children to ensure the following:

(1) A smooth transition for children and families that have been receiving services from Early Intervention.

(2) Coordination of any continued Early Intervention services the child will receive while enrolled in the Program.

(3) Awareness of the available Early Intervention services for children enrolled in the Program who have not been identified as in need of Early Intervention services but who may be eligible for the services, and the capacity to provide appropriate information to parents and make appropriate referrals for Early Intervention evaluations and services.

(c) Approved providers shall coordinate and collaborate with the Child Care Information Services agency in their area to coordinate services and benefits received by families and to achieve enrollment in the Program of children who are most at risk and in need of services.

(d) Approved providers shall coordinate and collaborate with programs that provide the before and after Program child care for participating children so that transportation arrangements, emergency contacts and other necessary information are shared and so that the needs of families whose children are enrolled in the Program are met.

(e) Approved providers shall coordinate and collaborate with Head Start agencies.

(f) Approved providers shall coordinate and collaborate with school districts in those areas from which they are enrolling children in the Program to develop and implement plans for a smooth transition for children who will leave the Program to be enrolled in the school districts' K-12 program; to ensure alignment of curriculum and standards between the Program and the K-12 school district program; and to consolidate activities, such as professional development, to the extent practicable, to the advantage of both programs and creation of greater efficiencies.

(g) Approved providers shall coordinate and collaborate with the local community groups that engage the public in issues related to early childhood education.

(h) Approved providers shall coordinate and collaborate with other Program sites in their county on activities

such as professional development, family outreach and child enrollment strategies, to the extent practicable to the advantage of all of the Programs and creation of greater efficiencies.

§ 405.32. Partnerships.

Partnerships of eligible providers must have a signed partnership agreement. The agreement shall be submitted to and approved by the Department. The partnership agreement must delineate how the entities that comprise the partnership will carry out their roles and responsibilities within the Program, including: communication, decision-making, reporting, monitoring of program requirements, recordkeeping and fiduciary matters.

PROGRAM AND CLASSROOM REQUIREMENTS

§ 405.41. School term.

Programs shall offer a minimum of 180 days of developmentally appropriate instructional practices and activities for students.

(1) In the first year of operation as a provider, if the provider is unable to start up immediately at the beginning of the program year, the provider may serve children for fewer than 180 days, but in no case fewer than 160 days.

(2) Days may not be counted as days of developmentally appropriate practices and activities when the Program is closed, and time may not be counted as time spent on developmentally appropriate practices and activities for an activity to which admission is charged.

§ 405.42. Program day and developmentally appropriate instructional practices and activities.

Instructional time for students shall be time in the program devoted to developmentally appropriate instructional practices and activities provided as an integral part of the Program under the direction of qualified employees.

(1) The following practices and activities, as described in the early learning standards in § 4.20 (relating to prekindergarten education), count towards instructional time:

- (i) Classroom instruction.
- (ii) Orientation of children during regular school hours to the Program, Program setting and Program routines conducted.
- (iii) Meals and snack-time, as long as they are integral parts of the curriculum, facilitated by the lead teacher and used for student learning experiences.
- (iv) Play-time, including outdoor and indoor play or child directed activities as long as they are an integral part of the instructional day, facilitated by the lead teacher and used for student learning.
- (v) Time spent at the library, and in art, music or physical education.
- (vi) Opening exercises that engage children, including opening circle time, in preparation for the day.
- (vii) School, group or class educational trips to which admission is not charged to students or parents and provided that a teacher accompanies the students.
- (viii) Student services, such as guidance and counseling services, psychological services, speech pathology and audiology services, and student health services.
- (ix) Civil defense, fire, bus evacuation and similar drills.

(x) Early dismissal and delayed opening only when due to inclement weather.

(2) Time spent in transportation, professional development and parent/teacher conferences does not count as instructional time.

(3) In addition to the activities described in subsection (a), home visiting may be counted toward required instructional time, provided that the home visits are of sufficient frequency and duration for each child to constitute the equivalent of classroom hours missed and that this activity has been approved by the Department in advance of implementation.

§ 405.43. Class size and student/staffing ratio.

(a) Program class enrollments are limited to at most 20 students with at least one teacher and one aide in the classroom, however, for high quality programming a maximum of 17 students is recommended.

(b) If a Program class has ten or fewer students, there shall be one teacher in the classroom and an aide must be available onsite to assist the teacher as needed.

(c) Whenever the enrollment in a class exceeds 20, the class shall be divided into two classes so that each class individually does not exceed 20 students. Each class must be properly staffed and, if space is to be shared, that space must be divided by a barrier that adequately separates the spaces for instructional purposes.

§ 405.44. Staffing and professional development.

(a) Teachers of eligible students supported by Program funding shall meet the following requirements:

- (1) In school districts, teachers shall have early childhood education certification.
- (2) In Head Start and child care programs, teachers shall possess a minimum of an associate's degree in early childhood education or child development.
- (3) In licensed nursery school programs, teachers shall have a minimum of a bachelor's degree, 18 credits from an institution of higher education in early childhood education and a private academic teaching or temporary approval certificate.

(4) By December 31, 2011, all teachers in Program classrooms shall have early childhood education certification.

(b) Teacher aides in any classroom of eligible students supported by Program funding shall meet one of the following criteria:

- (1) Completion of at least 2 years of full-time postsecondary study or the equivalent.
- (2) Possession of an associate's degree or higher.
- (3) Ability to meet a rigorous standard of quality and demonstration of knowledge through a formal state or local academic assessment or possession by the teacher aide of a Child Development Associate's (CDA) certificate.

(4) Teacher aides who work solely as translators shall have a high school diploma or its equivalent, and do not have to meet any of the other requirements of paragraphs (1)—(3).

(c) A lead teacher in the Program, including those in community-based settings, including outdoor and indoor play or child directed activities with an Instructional Level I certificate shall convert the certificate to an Instructional Level II certificate within 6 years from the time of initial service as an Instructional Level I teacher

in the Program. Teachers holding an Instructional Level I early childhood certificate may count their time working in a Program community-based program toward the 3 years of required experience necessary before converting the certificate to an Instructional Level II certificate, in accordance with the requirements of the Department, including a year's participation in a Department approved teacher induction plan, six semiannual evaluations and the Department specified continuing professional development credits.

(d) Program teachers shall undertake continuous professional development as specified by the Department and, at a minimum, meet the requirements of sections 1205.1—1205.5 of the Public School Code of 1949 (24 P. S. §§ 12-1205.1—12-1205.5).

(e) Program teacher aides shall take a minimum of 24 hours of continuous professional development as specified by the Department, and in early childhood education and development, each year.

§ 405.45. Curriculum.

(a) The curriculum used in any classroom that includes a child who is enrolled in the Program must be standards-based.

(b) The curriculum used in the Program must be determined by the Department to be aligned with the Early Learning Standards established by the Department.

§ 405.46. Assessment.

Approved providers shall:

(1) Assess eligible students with a minimum frequency determined by the Department using an assessment tool approved by the Department.

(2) Participate in Department conducted training in the use of the assessment tool as prescribed by the Department.

(3) Report aggregate assessment information to the Department for purposes of Program monitoring, evaluation, reporting child outcomes and accountability in a manner and with a frequency and schedule determined by the Department.

(4) Participate in a Department conducted assessment of the Program learning environment and attend the training in the use of the environmental self-assessment tool as prescribed by the Department.

§ 405.47. Parent involvement.

Approved providers shall develop and implement a plan for involvement and input of parents, families and guardians of children enrolled in the Program to inform them of program goals, instructional strategies, and the progress of their children and to involve them in supportive activities designed to help ensure their child's success.

§ 405.48. Program transition planning.

(a) Approved providers shall develop and implement plans designed to ensure a smooth and supportive transition for children entering the program from the setting from which they are coming, including the home, Early Intervention services, Early Head Start or child care.

(b) Approved providers shall develop and implement plans to ensure a smooth and supportive transition for children leaving the Program to enter kindergarten and the K-12 school environment.

§ 405.49. Immunizations.

Approved providers shall meet the immunization requirements that pertain to their provider type; for school districts and licensed nursery schools see 28 Pa. Code §§ 23.81—23.87 (relating to immunization); for child care centers and group child care homes see 28 Pa. Code § 27.77 (relating to immunization requirements for children in child care group settings); and for Head Start agencies see 45 CFR 1304.20 (relating to child health and development services), the Federal Head Start Performance Standards.

§ 405.50. Emergency response plans.

Approved providers shall develop, implement and review and revise annually, as necessary, a comprehensive disaster and emergency response plan that meets the guidelines of the Pennsylvania Emergency Management Agency. See, *Practical Information on Crisis Planning: a Guide for Schools and Communities*, at www.pema.state.pa.us.

§ 405.51. Inclusive environments.

A Program classroom should reflect the naturally occurring ratio of students with and without developmental delays and disabilities in the area served by the approved provider and should not contain more than 20% of students who have been identified by the start of the program year as having a developmental delay or disability. However, in attempting to promote inclusion in this way, approved providers may not deny students admission to a classroom based on their disability or delay.

RECORDKEEPING, REPORTING AND ATTENDANCE AT DEPARTMENT SPONSORED MEETINGS AND TRAINING

§ 405.61. Program reporting.

Approved providers shall provide reports as requested by the Department and in the manner and at times as prescribed by the Department, including, but not limited to, expenditure reports, reconciliation of cash reports, enrollment, attendance, demographic information and child outcomes.

§ 405.62. Recordkeeping.

Approved providers shall maintain all records pertinent to the program, including, but not limited to, financial, statistical, property, changes in Keystone STARS status, child care certificate, nursery school license, teacher evaluations and recommendations, and any other supporting documentation, for a period of at least 7 years from the date of submission of their final closeout report, or until all audits are complete and findings have been completely resolved, whichever occurs last.

§ 405.63. Attendance at Department sponsored meetings and training.

Approved providers shall attend any mandatory meetings and training sessions arranged by the Department.

§ 405.64. Teacher induction plans and evaluations.

Approved providers shall facilitate activities that teachers must undertake to advance their certification from Instructional Level I to Instructional Level II.

(1) Providers shall implement a teacher induction program that meets the requirements of §§ 49.16 and 49.83 (relating to approval of induction plans; and Instructional II) and implementing Department guidelines, and that has been approved by the Department and facilitates the involvement of teachers in the Program.

(2) Providers shall conduct or make available to teachers holding Level I teaching certificates semiannual evaluations as are necessary for Level I certificate holders to be recommended for a Level II teaching certificate.

GRANTEE FISCAL RESPONSIBILITIES

§ 405.71. Segregation of funds.

An approved provider that receives grant funds under the Program shall maintain a separate account in its budget to facilitate monitoring and auditing of the use of the grant funds. If the approved provider is a school district, the school district may not place grant funds in a reserve account.

§ 405.72. Grant awards.

(a) Grants shall be awarded by the Department to approved providers on a per-child basis, in an amount set by the Department, for each eligible student served by an approved provider.

(b) The amount of grant funds provided per-student may not exceed the cost of administering the approved provider's prekindergarten program.

§ 405.73. Use of funds.

(a) Funds may only be used for the costs associated with providing Program services to eligible students enrolled in the Program.

(b) Funds may not be used for administrative or indirect costs.

[Pa.B. Doc. No. 10-1036. Filed for public inspection June 4, 2010, 9:00 a.m.]

**Title 49—PROFESSIONAL
AND VOCATIONAL
STANDARDS**

STATE BOARD OF PSYCHOLOGY

[49 PA. CODE CH. 41]

Qualifications

The State Board of Psychology (Board) amends §§ 41.1, 41.11, 41.31, 41.32 and 41.41 and adds §§ 41.30 and 41.33 (relating to qualifications and documentation necessary for licensure; and supervisors) to read as set forth in Annex A.

Summary

To obtain a license as a psychologist, an applicant shall complete education, experience and examination requirements. These requirements appear in numerous sections of the existing regulations. In this final-form rulemaking, the Board reorganizes the education, examination and experience requirements into four sequential sections—§ 41.31 (relating to educational qualifications) for educational requirements, § 41.32 (relating to experience qualifications) for experience requirements, § 41.33 (relating to supervisors) for supervision requirements and § 41.41 (relating to examinations) for examination requirements. The final-form rulemaking also clarifies existing requirements. Additionally, the Board amends current examination requirements to permit doctoral degree holders to take the licensure examinations prior to completing their experience.

Statutory Authority

The final-form rulemaking is authorized under sections 3.2(1), 6(a) and 8(a)(6) of the Professional Psychologists Practice Act (act) (63 P.S. §§ 1203.2(1), 1206(a)(2) and 1208(a)(6)).

Response to Comments

The proposed rulemaking was published at 39 Pa.B. 2211 (May 2, 2009). Publication was followed by a 30-day public comment period during which the Board received public comments from the Pennsylvania Psychological Association (PPA) and the Pennsylvania Osteopathic Medical Association (POMA). Following the close of the public comment period, the Board received comments from the Independent Regulatory Review Commission (IRRC) and the House Professional Licensure Committee (HPLC). The Senate Consumer Protection and Professional Licensure Committee (SCP/PLC) did not comment.

§ 41.1. Definitions.

IRRC recommended that the Board define the terms “licensed health professional” and “possesses special expertise or skills” used in the proposed definition of “delegated supervisor.” For the former, the Board’s intent on proposed was to include persons licensed by a health licensing board within the Bureau of Professional and Occupational Affairs, such as physicians, nurses, occupational therapists, pharmacists and social workers. For the latter, the Board’s intent was that the standards in the qualifications for supervisors demonstrate possession of special expertise or skills. In this final-form rulemaking, the Board replaced “licensed health professional” with “a person . . . who holds a current license, certificate or registration from a health related board within the Bureau of Professional and Occupational Affairs” and replaces “possesses special expertise or skills” with “meets the requirements in § 41.33(a) and (b).”

In this final-form rulemaking, the Board also added a definition for “graduate training in psychology” previously contained in the Board regulations. In reviewing the proposed rulemaking, the Board noted that § 41.32(6) referenced educational standards for those with graduate training in psychology. However, those standards were inadvertently removed and replaced with a cross reference when the Board amended this definition at 36 Pa.B. 2680 (June 3, 2006). Because these standards are necessary, the Board reinserted applicable portions from the former definition of “graduate training in psychology” in this final-form rulemaking and will continue to interpret this provision as including graduate coursework which could apply to a doctoral degree, including coursework from terminal master’s degree programs.

IRRC pointed out that the Board’s cross reference in the definition of “psychology resident” was incorrectly numbered. The Board corrected the typographical error in this final-form rulemaking.

§ 41.11. Licenses.

IRRC questioned whether the supervisory rating forms contained in proposed § 41.11(a)(3) (relating to licenses) are still required to be submitted with the application to take the examination given that the proposed rulemaking permits graduate degree holders to complete the examination prior to completing the experience requirement. The Board concurs with IRRC that in many, if not most, instances this form would not be completed at this stage in the process and therefore has removed the requirement of submitting the supervisory rating forms when applying

for examination. As part of its review of this paragraph, however, the Board determined that the criminal history records information (CHRI) report and the child abuse clearance required to be submitted under proposed § 41.30(b) should be submitted when an applicant seeks to take the examinations and only updated as needed when the applicant applies for licensure. Accordingly, the Board added these initial submission requirements to § 41.11(a)(3) and (4).

§ 41.30. *Qualifications and documentation necessary for licensure.*

IRRC recommended that the Board replace the reference “criminal background check” in proposed § 41.30(b)(2) with “criminal history records information report” or “CHRI report.” The Board has made that change and uses “criminal history records information report” throughout.

The HPLC questioned whether a National background check would provide a greater public safeguard than a CHRI report and whether a National background check is required under 23 Pa.C.S. § 6344.2(a) (relating to information relating to other persons having contact with children). Upon investigation, the Board does not believe that a National background check, commonly known as the Federal Bureau of Investigation Identification Record (FBI Record), would provide greater public protection. First, applicants are required to report felony and misdemeanor convictions to the Board regardless of whether the convictions are included on the CHRI report or FBI Record. Second, the FBI Record does not necessarily include all state and Federal offenses committed by an applicant. According to the United States Department of Justice Order 556-73, the record is “based upon certain information taken from fingerprint submissions retained by the FBI in connection with arrests . . . as submitted by agencies having criminal justice responsibilities.” It is not information collected by the FBI. Third, unlike the CHRI report which can be obtained almost immediately when filed online, the FBI Record takes approximately 3 to 4 weeks to obtain. This additional time creates significant delay in obtaining a license. Fourth, the FBI Record costs \$8 more than the \$10 CHRI report and can only be paid by certified check or credit card adding further inconvenience for applicants. With regard to the amendments to 23 Pa.C.S. § 6344.2(a), and the reference in the Department of Welfare’s bulletin (#3490-08-03) published on June 27, 2008, 23 Pa.C.S. Chapter 63 (relating to Child Protective Services Law) imposes employment rather than licensure requirements for those who are engaged in occupations with a significant likelihood of regular contact with children. Because all licensees do not engage in these occupations, 23 Pa.C.S. § 6344.2(a) does not automatically apply to all Board licensees. Therefore, in this final-form rulemaking, the Board did not replace the requirement that applicants obtain a CHRI report. In the event licensees also fall within the gamut of 23 Pa.C.S. § 6344.2(a), due to their specific employment, they would have to satisfy the FBI Record requirement independently.

IRRC recommended that the Board include a reference in this section advising applicants that the CHRI report and the child abuse clearance forms are available online. The Board declines to make this change even though information regarding many applications is available online because the form of availability changes over time. To ensure that the regulations do not have to be amended when the form of availability changes, but at the same

time provide applicants with this information, the Board will direct applicants to online information on its web site.

Because the Board is requiring submission of the CHRI report and the child abuse clearance forms at the time the applicant applies to take the examination, in this final-form rulemaking, the Board amended § 41.30(b)(2) and (3) to only require updates unless these reports/forms were submitted within 90 days of the application for licensure. If submitted within that time frame, the applicant for licensure need not even submit updates.

§ 41.31. *Educational qualifications.*

The HPLC pointed out that the Board incorrectly referred to “subsection (a)(1)” in § 41.31(4) and (5) rather than § 41.41(c). In this final-form rulemaking, the Board deleted proposed § 41.41(c) as it was a holdover from when the examinations were only administered two times a year. Because the examinations are now administered 6 days a week, this subsection is unnecessary. Nonetheless, in this final-form rulemaking, the Board references § 41.42(b) in both sections.

§ 41.32. *Experience qualifications*

IRRC asked the Board to clarify how it assures that applicants complete 1 year of predoctoral experience required under section 6(a)(2) of the act. In prior amendments to § 41.31(b), published at 36 Pa.B. 2680, the Board explained that to obtain American Psychological Association/Canadian Psychological Association accreditation or Association of State and Provincial Psychology Board designation, a doctoral degree program in psychology or a field related to psychology must include a 1-year supervised predoctoral internship. Owing to IRRC’s concern that the Board is not sufficiently assuring that applicants complete the predoctoral internship, the Board added a requirement in § 41.11(a)(5) that the application for examination include an internship verification form and job description.

IRRC recommended that the Board include all supervisory qualifications in a provision separate from the experience qualifications. In accordance with this suggestion, in this final-form rulemaking, the Board removed the supervisory requirements from § 41.32 and reinserted them in § 41.33.

Section 41.32(1), previously in § 41.31(c), delineates the timing for the 1-year of supervised postdoctoral experience. IRRC asks the Board to clarify “any of the above categories” mentioned in § 41.32(1)(iii). In this subparagraph, the Board requires that 50% of the total supervised experience be in direct care while the additional 50% may be obtained in teaching, research or direct care. To provide further clarification, in this final-form rulemaking, the Board replaced “any of the above categories” with “any of the categories listed in this paragraph.” IRRC also questioned whether supervised teaching experience, in the latter category includes teaching in graduate and undergraduate programs. The Board believes that both settings are acceptable.

POMA recommended that the Board increase the amount of direct care to 75%, a 25% increase over that recommended by the Board. Based on this recommendation, IRRC asked the Board to provide a justification for the proposed breakdown. As the Board previously explained, the 50% requirement in direct care is a minimum rather than a maximum number of hours that can be obtained in this category. Applicants may complete the remaining 50% in direct care or a combination of direct care, teaching or research. In reviewing POMA’s recom-

mentation, the Board considered whether increasing direct care would preclude academicians or researchers from completing the required hours within 1 year. The Board has been advised that increasing the hours as POMA recommended would disadvantage academicians and researchers. Accordingly, the Board declined to implement POMA's suggestion. Nonetheless, the Board notes that while it has not increased the percentage, the overall amount of direct care has been increased in this final-form rulemaking as the Board has increased the total experience hours from 1,500 to 1,750.

POMA also expressed concern that allowing post-doctoral experience to be completed within 10 calendar years with half in the most recent 5 years from the application for licensure date in § 41.32(1)(iv) is too long of a time frame to assure that the applicant remains current. Because this regulation permits applicants to take their examination immediately following graduation, but prior to completing the experience, the Board reevaluated this time frame and determined that it would be appropriate for the 10-year time frame to begin upon being awarded the doctoral degree. The Board believes that this shortened time frame properly considers the difficulty in obtaining postdoctoral internship placements but assures that applicants obtain their licenses within 10 years of the doctoral degree. However, because the Board is aware that there are personal extenuating circumstances which may preclude an applicant from completing the 10-year time frame, the Board inserted a provision allowing for a waiver request identical to the waiver provision for continuing education.

The HPLC questioned why the Board limits the amount of time that can be delegated to a delegated supervisor to 1 hour under the definition of "delegated supervisor" in § 41.1 (relating to definitions) and § 41.32(3)(ii). While the Board appreciates that delegated supervisors, who are either licensees, registrants or certificateholders of other health related boards or persons providing psychological services in exempt settings, impart valuable learning experiences to psychology residents, the Board believes that supervision by a Board licensee is equally valuable given the licensees' duties and responsibilities under the Board's regulations and § 41.61 (relating to code of ethics). The Board divided the supervision hours equally.

§ 41.33. Supervisors.

Proposed § 41.32(3)(iii)(D) and (v)(L) repeated the requirement that the supervisors review practice and ethical issues with the psychology resident. IRRC questioned whether both clauses are necessary. The Board concurs with IRRC that both are not. In this final-form rulemaking, the Board moved regulations about supervisors to § 41.33 and included this requirement only in § 41.33(a)(4).

Proposed § 41.32(3)(iv)(E), moved to § 41.33(b)(5), prevents a supervisor who is the subject of active discipline from continuing his supervision. The HPLC questioned the meaning of "active discipline." In the preamble of the proposed rulemaking, the Board defined "active discipline" as during an active suspension or revocation. Owing to any confusion, the Board replaced "discipline" with "active suspension or revocation." Although the requirement that a supervisor be replaced during supervision negatively impacts the psychology resident, the Board does not believe that licensees who are subject to current discipline should serve as role models or mentors for soon to be licensees. Supervisory hours completed prior to the removal of the disciplined supervisor will be credited fully.

Proposed § 41.32(3)(v)(A) required primary supervisors to hold an active license for at least 2 years before becoming a supervisor. The PPA voiced its opposition to the clause on the grounds that this requirement could reduce the number of available supervisors. In this final-form rulemaking, the Board removed the 2-year requirement acknowledging that requiring new licensees to wait 2 years after obtaining a license would make internship placements even harder to obtain. Nonetheless, the Board retained the requirement that supervisors complete a 3-credit continuing education course or a doctoral degree course. In this final-form rulemaking, the Board added a 4-year effective date for implementation of the course requirement in § 41.33(c)(1). Supervisors will be required to certify that they completed the course on supervisory forms.

Proposed § 41.32(3)(v)(F) and (G) require the supervisor to observe client sessions "regularly" and also "regularly apprise the psychology resident of progress and needed improvement." IRRC asked the Board to clarify the duration of "regularly." In light of § 41.33(a)(8), which requires primary and delegated supervisors to make quarterly reviews of the psychology resident's performance, the Board replaced "regularly" with "at least quarterly."

Compliance with Executive Order 1996-1, Regulatory Review and Promulgation

The Board reviewed this final-form rulemaking and considered its purpose and likely impact on the public and the regulated population under the directives of Executive Order 1996-1.

Fiscal Impact and Paperwork Requirements

The final-form rulemaking will have no adverse fiscal impact or paperwork requirements on the Board, licensees, the Commonwealth, its political subdivisions or the public sector.

Sunset Date

The Board continually monitors the effectiveness of its regulations through communication with the regulated population. Accordingly, no sunset date has been set.

Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on April 22, 2009, the Board submitted a copy of the notice of proposed rulemaking, published at 39 Pa.B. 2211, to IRRC and the Chairpersons of the HPLC and the SCP/PLC for review and comment.

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

Under section 5.1(j.2) of the Regulatory Review Act (71 P. S. § 745.5a(j.2)), on March 24, 2010, the final-form rulemaking was approved by the HPLC. On April 21, 2010, the final-form rulemaking was deemed approved by the SCP/PLC. Under section 5.1(e) of the Regulatory Review Act, IRRC met on April 22, 2010, and approved the final-form rulemaking.

Contact Person

Further information may be obtained by contacting Christina Stuckey, Administrative Assistant, State Board of Psychology at P. O. Box 2649, Harrisburg, PA 17105-2649, (717) 783-7155.

Findings

The Board finds that:

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

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

(3) This final-form rulemaking does not enlarge the purpose of proposed rulemaking published at 39 Pa.B. 2211.

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

Order

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

(a) The regulations of the Board, 49 Pa. Code Chapter 41, are amended by amending §§ 41.1, 41.11, 41.31, 41.32 and 41.41; and adding §§ 41.30 and 41.33 to read as set forth in Annex A, with ellipses referring to the existing text of the regulations.

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

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

(d) This order shall take effect on publication in the Pennsylvania Bulletin.

KAREN W. EDELSTEIN, Psy.D.,
Chairperson

(Editor's Note: For the text of the order of the Independent Regulatory Review Commission relating to this document, see 40 Pa.B. 2493 (May 8, 2010).)

Fiscal Note: Fiscal Note 16A-6315 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 41. STATE BOARD OF PSYCHOLOGY GENERAL

§ 41.1. Definitions.

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

* * * * *

Delegated supervisor—A person to whom the primary supervisor has delegated up to 1 hour of the 2 hours of required weekly supervision who holds a current license, certificate or registration from a health related board within the Bureau of Professional and Occupational Affairs or a person who is exempt from licensure under section 3(4)—(8) of the act (63 P. S. § 1203(4)—(8)), who meets the requirements in § 41.33(a) and (b) (relating to supervisors).

* * * * *

Graduate training in psychology—The completion of 15 graduate semester hours in a doctoral degree program in psychology that includes any of the following:

(i) Provides in its core program required instruction in ethics, research design and methodology, statistics and psychometrics. In addition, requires students to demonstrate competence in each of the following four substantive content areas (this criterion will typically be met by requiring a minimum of three graduate semester hours in each area): biological bases of behavior—for example, physiological psychology, comparative psychology, neuropsychology, sensation and perception, psychopharmacology; cognitive-affective bases of behavior—for example, learning, thinking, motivation, emotion; social bases of behavior—for example, social psychology, group processes, organizational and systems theory; individual differences—for example, human development, personality theory, abnormal psychology.

(ii) Includes supervised practicum, internship, field or laboratory training appropriate to the practice of psychology.

(iii) Includes course requirements in specialty areas of psychology.

* * * * *

Primary supervisor—A currently licensed psychologist having primary responsibility for directing and supervising the psychology resident.

* * * * *

Psychology intern—A student participating in an internship as part of a doctoral degree program in psychology or a field related to psychology.

Psychology resident—An individual who has obtained a doctoral degree and is fulfilling the supervised experience requirement for licensure, or an applicant for licensure who is continuing training under § 41.31(4) (relating to educational qualifications).

Psychology trainee—A psychology intern or psychology resident.

* * * * *

LICENSES

§ 41.11. Licenses.

(a) To be considered for admission to the examination provided in the act, an applicant shall first file with the Board or its designee:

(1) A completed application form and the application fee.

(2) Official transcripts of graduate work from an accredited college or university.

(3) A criminal history records information report completed by the Pennsylvania State Police dated within 90 days of the application. If the applicant resides outside of this Commonwealth, the criminal history report shall be completed by the law enforcement agency responsible for criminal history reports in the jurisdiction where the applicant resides.

(4) Child abuse history clearance completed by the Department of Public Welfare dated within 90 days of the application.

(5) An internship verification form and job description.

(6) Other forms or materials requested by the Board.

(b) An applicant who has demonstrated compliance with the education and experience requirements of the act and §§ 41.31 and 41.32 (relating to educational qualifications; and experience qualifications), who has completed the procedures in subsection (a), who has passed the examination provided for in the act and who has satisfied the other qualifications for licensure set out in the act shall be granted a license by the Board. Only the holder of a current license shall have the right and privilege of using the title “psychologist” and of practicing psychology. Other professionals may, however, use official titles and engage in the practice of psychology or do work of a psychological nature insofar as they are excepted from licensure by applicable provisions under section 3 of the act (63 P. S. § 1203).

(c) Each licensee is issued a wall certificate indicating initial licensure and a registration packet including a biennial renewal certificate and a wallet-size license card, both of which show the expiration date of the license. Licenses expire on November 30 of each odd-numbered year, regardless of the date of issuance.

(d) Licenses are renewable for a 2-year period beginning December 1 of each odd-numbered year. The fee for biennial renewal is set by the Board. See § 41.12 (relating to fees). Late fees as prescribed by the Bureau of Professional and Occupational Affairs Fee Act (63 P. S. §§ 1401-101—1401-501) shall be added to the renewal fees of licensees who do not submit their renewal applications by December 1 of the year of expiration of their licenses. Upon renewing their licenses, licensees receive new biennial renewal certificates and wallet-size license cards which show the next expiration date of the license. These documents are the only evidence of valid, current licensure.

(e) Fees as prescribed by the Bureau of Professional and Occupational Affairs Fee Act shall be charged for duplicate wall certificates and biennial renewal documents. Duplicates will be issued only upon submission by the licensee of a notarized statement specifying that the original has been lost or destroyed and stating that the duplicate will be returned if the original is recovered.

QUALIFICATIONS

§ 41.30. Qualifications and documentation necessary for licensure.

(a) To qualify for licensure, an applicant shall complete the educational requirements in § 41.31 (relating to educational qualifications), the experience requirements in § 41.32 (relating to experience qualifications) and the examination requirements in § 41.41 (relating to examinations).

(b) An applicant for licensure shall submit an application and fee to the Board plus:

(1) In a sealed envelope, signed by the primary supervisors on the envelope flap, verification of post doctoral experience form, quarterly evaluations/progress reports, which include objectives, prepared during the course of supervision, and a letter describing the supervisory interactions and the supervisor’s judgment of the applicant’s potential as a psychologist.

(2) An updated criminal history records information report unless submitted to the Board within 90 days of the application for licensure under § 41.11(a)(3) (relating to licenses).

(3) An updated Child Abuse History Clearance unless submitted to the Board within 90 days of the application for licensure under § 41.11(a)(3).

§ 41.31. Educational qualifications.

To meet the education requirements for licensure under section 6 of the act (63 P. S. § 1206), an applicant shall complete the requirements for a doctoral degree in psychology or a field related to psychology as defined in § 41.1 (relating to definitions). The following documentation evidences compliance:

(1) For degree holders from a program in the United States, Canada or United States territories, a Verification of Doctoral Program Approval Status completed by the program’s director reflecting accreditation by the APA or CPA or designation by the ASPPB/National Register Designation Project within 1 year from the award of the doctoral degree, and an official transcript from the registrar.

(2) For degree holders from a foreign college or university, an evaluation completed by the National Register evidencing compliance with the educational requirements for degree holders from foreign colleges or universities in § 41.1. The Board will make a determination regarding the applicant’s compliance based upon the evaluation.

(3) An applicant who does not meet the criteria in paragraph (2) shall complete supplemental education or training, or both, from a program accredited by the APA or the CPA or designated by ASPPB/National Register Designation Project based upon an evaluation of the deficiency by the program. The program director shall certify that the supplemental coursework or experience, or both, makes the applicant equivalent to a graduate of that program.

(4) First-time applicants who enroll in a graduate degree program in psychology or a field related to psychology on or after July 1, 2008, will be evaluated under these regulations. Applicants enrolled prior to this date will be evaluated under regulations in effect at the time of enrollment. Reapplicants under § 41.42(b) (relating to reexamination) will be evaluated under regulations in effect at the time of reapplication.

(5) First time applicants who were enrolled in a doctoral degree program prior to March 23, 1991, will have their education credentials evaluated under regulations in effect at that time. Applicants who apply under § 41.42(b) will have their credentials evaluated under regulations in effect at the time of reapplication.

§ 41.32. Experience qualifications.

To meet the experience requirements for licensure under section 6 of the act (63 P. S. § 1206), an applicant shall complete 1 year of acceptable postdoctoral supervised experience.

(1) *Timing.*

(i) One year is calculated as a period of at least 12 months consisting of at least 1,750 hours of experience.

(ii) No more than 45 hours but no less than 15 hours of experience may be counted per week.

(iii) Fifty percent of the required hours must be obtained performing diagnosis, assessment, therapy, other interventions, supervision or consultation and receiving supervision or consultation. The remaining required hours may be obtained by teaching in association with an organized psychology program preparing practicing psychologists or a postdoctoral training program, psychological research or any of the categories listed in this paragraph.

(iv) The total experience must be obtained within 10-calendar years from the award of the doctoral degree.

A psychologist who cannot meet this time frame due to hardship or medical necessity may apply to the Board in writing for a waiver. The request must include a description of circumstances sufficient to show why compliance was impossible. Waiver requests will be evaluated by the Board on a case-by-case basis and will be approved or disapproved at its discretion.

(v) The required experience may be obtained at more than one entity simultaneously, if the following criteria are met:

(A) The experience is obtained for each entity for a minimum of 6 consecutive months.

(B) The experience occurs for a minimum of 15 hours per week at each setting.

(C) The total experience for all settings does not exceed 45 hours per week.

(D) The experience complies with the requirements in paragraphs (2) and (3).

(2) *Acceptable experience.*

(i) The practice at an entity in which experience is obtained must be consistent with the psychology resident's education and training.

(ii) No experience may be obtained where the psychology resident acts independently (for example, as a qualified member of another recognized profession under section 3(3) of the act (63 P. S. § 1203(3)).

(3) *Supervision.* All experience, including that obtained during consultation, must be obtained under the supervision of a primary supervisor.

(i) *Primary supervisors.* If the experience is obtained from more than one entity, the psychology resident shall obtain a primary supervisor for each entity.

(ii) *Delegated supervisors.* The primary supervisor may delegate supervision over the psychology resident to a delegated supervisor for up to 1 hour per week.

(4) *Exceptional circumstances.* A psychology resident who cannot comply with the supervisory requirements, may, upon a showing of exceptional circumstances, request the Board to approve a detailed written plan for supervision. The granting of such a request is at the Board's discretion. The Board will evaluate each plan submitted and each psychology resident's situation on a case-by-case basis.

(5) *Effective date.* First-time applicants for licensure who commenced postdoctoral supervised experience prior to December 6, 2010, will have their postdoctoral experience credentials evaluated under regulations in effect prior to that date. Applicants who commence postdoctoral supervised experience after that date will have their postdoctoral experience evaluated under the regulations in effect at that time.

(6) *Supervised practice following completion of training.* Upon completion of the required supervisory hours, a psychology resident may practice psychology under the supervision of a licensed psychologist until the psychology resident obtains a license, under § 41.58 (relating to standards for the employment and supervision of unlicensed persons with graduate training in psychology) or may practice psychology in exempt settings under section 3(4), (6), (8) and (10) of the act (63 P. S. § 1203(4), (6), (8), and (10)).

§ 41.33. Supervisors.

(a) Primary and delegated supervisors are required to:

(1) Be currently licensed while providing supervision.

(2) Be qualified by training and experience to practice in the psychology resident's areas of supervised practice.

(3) Own, be an employee of, or be in contract status with the entity employing the psychology resident.

(4) Review issues of practice and ethics with the psychology resident.

(5) Meet individually face-to-face with the psychology resident for an average supervisory total of at least 2 hours per week.

(6) Maintain notes or records of scheduled supervisory sessions until the psychology resident obtains a license or for at least 10 years, whichever is greater.

(7) Ensure that the psychology resident's status is made known to client/patients and to third-party payors.

(8) Prepare written evaluations/progress reports at least quarterly delineating the psychology resident's strengths and weaknesses. These evaluations/reports must be included with the applicant's application for licensure.

(b) Primary and delegated supervisors may not:

(1) Be subject to the psychology resident's control or influence.

(2) Be related to the psychology resident by blood or marriage.

(3) Be involved in a dual relationship, as defined in Principle 6(b) of the Code of Ethics (§ 41.61, Principle (B)), with the psychology resident.

(4) Treat or have treated the psychology resident.

(5) Be the subject of an active suspension or revocation by a licensing board. In the event that disciplinary action is taken against the supervisor during the supervisory period, the supervisor shall immediately notify the psychology resident and assist the psychology resident in immediately obtaining a new supervisor.

(6) Accept fees, honoraria, favors or gifts from the psychology resident.

(c) In addition to the responsibilities for primary and delegated supervisors in subsection (a), primary supervisors shall:

(1) Beginning December 1, 2015, complete either a course in supervision from a psychology doctoral degree program or 3 hours of continuing education in supervision.

(2) Develop with the psychology resident objectives to be achieved during supervision.

(3) Be accessible to the psychology resident for consultation and to clients/patients of the psychology resident to answer questions and respond to concerns.

(4) Be responsible to each client/patient for psychology services provided by the psychology resident.

(5) Be authorized to interrupt or terminate the services being provided by the psychology resident to a client/patient and, if necessary, to terminate the supervisory relationship.

(6) Observe client/patient sessions of the psychology resident or review verbatim recordings of these sessions on a quarterly basis.

(7) At least quarterly, in supervisory meetings, evaluate and apprise the psychology resident about areas of progress and needed improvement, recommend applicable

professional literature and assist the resident in gaining a level of skill necessary for independent practice.

(8) Assist the psychology resident in working with professionals in other disciplines as indicated by the needs of each client/patient and periodically observe these cooperative encounters.

(9) Ensure that the psychology resident has access to multidisciplinary consultation, as necessary.

(10) Monitor the supervision provided by any delegated supervisor.

(11) At the conclusion of the period of supervision, evaluate the psychology resident's level of professional competence and theoretical knowledge in the areas of assessment, diagnosis, effective interventions, consultation, evaluation of programs, supervision of others, strategies of scholarly inquiry, cultural/individual diversity and professional conduct. This evaluation must be signed and included as part of the verification of post doctoral experience submitted to the Board with the applicant's application for licensure.

EXAMINATIONS

§ 41.41. Examinations.

(a) To be eligible to take the licensure examinations, the applicant shall have obtained a doctoral degree in psychology or a field related to psychology and completed all degree requirements in § 41.31 (relating to educational qualifications).

(b) Applicants shall obtain a passing score on the Examination for Professional Practice In Psychology and the Pennsylvania Psychology Law Examination to qualify for licensure. Information about the contents of the examinations is available from the Board office.

(c) An applicant who has been deemed ineligible to take the examinations shall be notified in writing of the reasons for ineligibility, whereupon the applicant may, within 30 days of the notice, correct the causes for the ineligibility or file a request for reconsideration. A request for reconsideration must give the reasons for the applicant's request, must be accompanied by documentary materials not previously submitted which the applicant wishes the Board to consider, and may include a request for an informal interview before the Board.

[Pa.B. Doc. No. 10-1037. Filed for public inspection June 4, 2010, 9:00 a.m.]

Title 58—RECREATION

PENNSYLVANIA GAMING CONTROL BOARD

[58 PA. CODE CH. 525]

Table Game Internal Controls; Temporary Regulations

The Pennsylvania Gaming Control Board (Board), under its general authority in 4 Pa.C.S. § 1303A (relating to temporary table game regulations) enacted by the act of January 7, 2010 (P.L. 1, No. 1) (Act 1) and the specific authority in 4 Pa.C.S. §§ 1302A(6) and 1325A (relating to regulatory authority; and table game accounting controls and audit protocols), adopts temporary regulations in Chapter 525 (relating to table game internal controls) to read as set forth in Annex A. The Board's temporary

regulations will be added to Part VII (relating to Gaming Control Board) as part of Subpart K (relating to table games).

Purpose of the Temporary Rulemaking

This temporary rulemaking adds additional sections to Chapter 525 regarding table inventories which are the gaming chips, coins and plaques that the dealer or boxperson uses to pay winning wagers and collect losing wagers during the conduct of a table game.

Explanation of Chapter 525

Section 525.7 (relating to table inventories) contains security requirements associated with table inventories; articulates when gaming chips, coins and plaques may be added to or removed from a table inventory; and specifies the information that must be included on Table Inventory Slips.

Section 525.8 (relating to procedures for opening table games) addresses the procedures that must be followed when a table is being opened for gaming. The dealer or floorperson assigned to the table shall count the table inventory and compare their count to the totals on the Table Inventory Slip included in the table inventory. If the totals agree, the dealer or boxperson and supervising floorperson shall sign the Table Inventory Slip and place it in the drop box at the gaming table. If there is a discrepancy, notice must be made to the appropriate parties and a written report must be prepared explaining the cause of the discrepancy.

Section 525.9 (relating to procedures for distributing gaming chips, coins and plaques to gaming tables) sets forth the procedures for bringing additional gaming chips, coins or plaques to a gaming table to replenish the table inventory. A Fill Request Slip is made out specifying what gaming chips, coins or plaques are needed for the replenishment and that form is transported to the chip bank. The personnel in the chip bank will fill the request and complete a Fill Slip which is used to verify that the request has been fulfilled and that the requested amount of gaming chips, coins or plaques are delivered to the gaming table. This section specifies the information and signatures that must be on the Fill Request Slip and Fill Slip and how the copies of these forms are to be distributed.

Section 525.10 (relating to procedures for removing gaming chips and plaques from gaming tables) establishes the procedures to be used when excess gaming chips or plaques in a table inventory need to be sent back to the chip bank. Like the process for requesting fills, a Credit Request Slip is made out specifying what gaming chips or plaques are being returned and that form is transported to the chip bank along with the gaming chips or plaques. The personnel in the chip bank shall count the gaming chips or plaques being returned and complete a Credit Slip which is used to verify that the gaming chips or plaques being returned and both copies of the Credit slip will be returned to the gaming table to obtain the required signatures. After the appropriate signatures are obtained, the duplicate copy of the Credit Slip must be placed in the table game drop box and the original copy must be returned to the chip bank. This section also specifies the information and signatures that must be on a Credit Request Slip and a Credit Slip and how the copies of these forms are to be distributed.

Section 525.11 (relating to procedures for accepting cash for gaming chips or plaques at table games) outlines the procedures that a dealer or boxman shall use when a patron asks to exchange cash for gaming chips. These

procedures are designed to insure that the process is captured by the surveillance department and to avoid errors or disputes associated with the exchange.

Section 525.12 (relating to procedures for acceptance of tips or gratuities from patrons) specifies: which personnel in a licensed facility may accept tips or gratuities from patrons; how those tips or gratuities are to be collected and distributed amongst the dealers; and that the certificate holder must establish a system for reporting the tips or gratuities to the Internal Revenue Service.

Section 525.13 (relating to procedures for drops at open table games) establishes a procedure for recording the table inventory at a gaming table that is open when the drop occurs. The count of the table inventory just prior to the removal of the drop box is necessary so that the daily revenue for that gaming table can be calculated.

Section 525.14 (relating to procedures for closing table games) sets forth the procedures that must be followed when a gaming table is being closed. The dealer or boxperson and the floorperson assigned to the gaming table shall be required to complete a Table Inventory Slip which will be used to calculate the gaming revenue from that table and to verify the contents of the table inventory when the table is reopened. Additionally, this section requires that table inventory be secured in a container attached to the table or that is returned to the cashiers' cage.

Section 525.15 (relating to table inventories for Poker tables) gives certificate holders the option of using dealer impressed table inventories for Poker tables. Because the rake will be deposited in the drop box at Poker tables, rather than following the procedures in §§ 525.7, 525.8, 525.13 and 525.14 a certificate holder may want to have its Poker dealers use an impressed table inventory that only they will be responsible for and which will have to be balanced by the dealer at the end of the dealer's shift.

Section 525.16 (relating to table inventory counts on a per shift basis) gives certificate holders who use drop boxes that segregate the contents by shift the option of adopting procedures which would require the completion of a new Table Inventory Slip at the close of each shift in addition to the other times a Table Inventory Slip is required to be completed under this chapter.

Affected Parties

Slot machine licensees who elect to become certificate holders will be required to modify and expand their existing internal controls to meet the additional requirements in this temporary rulemaking.

The Board will experience increased regulatory demands to review the new and revised internal controls regarding table games that are submitted by the certificate holders.

Fiscal Impact

Commonwealth

The Board will have to review each certificate holder's initial table games internal control submissions and subsequent amendments thereto. These reviews will be conducted by existing Bureau of Gaming Operations staff, so the Board does not project that it will incur any significant cost increases as a result of this temporary rulemaking.

Political Subdivisions

This temporary rulemaking will have no direct fiscal impact on political subdivisions of this Commonwealth.

Eventually, host municipalities and counties will benefit from the local share funding that is mandated by Act 1.

Private Sector

This temporary rulemaking will result in additional costs for slot machine licensees who elect to become certificate holders. More specifically, certificate holders will be required to revise and expand the scope of their internal controls to cover table games operations. These revisions could cost between \$20,000 and \$50,000 per certificate holder to prepare depending on the scope of the revisions and if the revisions are prepared internally or by outside consultants.

General Public

This temporary rulemaking will have no direct fiscal impact on the general public.

Paperwork Requirements

This temporary rulemaking will require certificate holders to draft, and submit to the Board for its approval, revised internal controls.

Effective Date

This temporary rulemaking will become effective upon publication in the *Pennsylvania Bulletin*.

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 this temporary regulation 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 Richard Sandusky, Director of Regulatory Review, Pennsylvania Gaming Control Board, P. O. Box 69060, Harrisburg, PA 17106-9060, Attention: Public Comment on Regulation #125-120.

Contact Person

The contact person for questions about this temporary rulemaking is Richard Sandusky, Director of Regulatory Review at (717) 214-8111.

Regulatory Review

Under 4 Pa.C.S. § 1303A, the Board is authorized to adopt temporary regulations which are not subject to the provisions of sections 201—205 of the act of July 31, 1968 (P. L. 769, No. 240) (45 P. S. §§ 1201—1205), referred to as the Commonwealth Documents Law, the Regulatory Review Act (71 P. S. §§ 745.1—745.12) and sections 204(b) and 301(10) of the Commonwealth Attorneys Act (71 P. S. §§ 732-204(b) and 732-301(10)). These temporary regulations expire 2 years after publication in the *Pennsylvania Bulletin*.

Findings

The Board finds that:

(1) Under 4 Pa.C.S. § 1303A, the temporary regulations are exempt from the requirements of the Regulatory Review Act, sections 201—205 of the Commonwealth Documents Law and sections 204(b) and 301(10) of the Commonwealth Attorney 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 gaming).

Order

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

(1) The regulations of the Board, 58 Pa. Code Chapter 525, are amended by adding §§ 525.7—525.16 to read as set forth in Annex A.

(2) The temporary regulations are effective June 5, 2010.

(3) The temporary regulations will be posted on the Board's web site and published in the *Pennsylvania Bulletin*.

(4) The temporary regulations shall be subject to amendment as deemed necessary by the Board.

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

GREGORY C. FAJT,
Chairperson

(Editor's Note: The Board has added temporary regulations in §§ 525.1—525.6 at 40 Pa.B. 2539 (May 15, 2010). All of these temporary regulations will be codified in Pennsylvania Code MTS No. 429 (August, 2010).

Fiscal Note: 125-120. No fiscal impact; (8) recommends adoption.

Annex A
TITLE 58. RECREATION
PART VII. GAMING CONTROL BOARD
Subpart K. TABLE GAMES
CHAPTER 525. TABLE GAME INTERNAL CONTROLS

§ 525.7. Table inventories.

(a) Whenever a table game in a licensed facility is opened for gaming, operations shall commence with an amount of gaming chips, coins and plaques to be known as the table inventory.

(b) A certificate holder may not cause or permit gaming chips, coins or plaques to be added to, or removed from, the table inventory during the gaming day except:

- (1) In exchange for cash.
- (2) In exchange for the issuance copies of Counter Checks presented by patrons.
- (3) For the payment of winning wagers and collection of losing wagers made at the gaming table.
- (4) In exchange for gaming chips or plaques received from a patron having an equal aggregate face value.
- (5) In conformity with the fill and credit procedures described in §§ 525.9 and 525.10 (relating to procedures for distributing gaming chips, coins and plaques to gaming tables; and procedures for removing gaming chips and plaques from gaming tables).
- (6) For the collection of vigorish.

(c) Whenever a table game is not open for gaming activity, the table inventory and a Table Inventory Slip prepared in conformity with §§ 525.8, 525.14 and 525.16 (relating to procedures for opening table games; procedures for closing table games; and table inventory counts on a per shift basis) shall be stored in a locked container which shall be clearly marked on the outside with the game and the gaming table number to which it corresponds. The information on the Table Inventory Slip must be visible from the outside of the container. Containers shall be stored either in the cashiers' cage or secured to the gaming table, in a manner approved by the Bureau of Gaming Operations.

(d) The keys to the locked containers containing the table inventories shall be maintained and controlled by the table games department and may not be made accessible to cashiers' cage personnel or to any employee responsible for transporting the table inventories to or from the gaming tables.

(e) Table Inventory Slips must be two-part forms upon which the following is recorded:

- (1) The date and identification of the shift ended.
- (2) The game and table number.
- (3) The total value of each denomination of gaming chips, coins and plaques remaining at the gaming table.
- (4) The total value of all denominations of gaming chips, coins and plaques remaining at the gaming table.
- (5) The signatures of the dealer or boxperson and floorperson assigned to the gaming table who conducted the count of the table inventory when the gaming table was closed and when the gaming table was opened.

§ 525.8. Procedures for opening table games.

(a) Whenever a table game is to be opened for gaming activity, the locked container with the table inventory and the duplicate copy of the Table Inventory Slip, if not already attached to the gaming table, shall be transported directly from the cashiers' cage to the gaming table by a security department member.

(b) Immediately prior to opening the table game for gaming, the floorperson assigned to the gaming table shall unlock the container with the table inventory after assuring that it is the proper container for that gaming table.

(c) The dealer or boxperson assigned to the gaming table shall count the contents of the container with the table inventory in the presence of the floorperson assigned to the gaming table and reconcile the count to the totals on the duplicate copy of the Table Inventory Slip removed from the container.

(d) Signatures attesting to the accuracy of the information recorded on the duplicate copy of the Table Inventory Slip shall be placed on the duplicate copy of the Table Inventory Slip by the dealer or boxperson assigned to the table and the floorperson that observed the dealer or boxperson count the contents of the container.

(e) After the count of the table inventory and the duplicate copy of the Table Inventory Slip has been signed as required under subsection (d), the slip shall be immediately deposited in the table game drop box attached to the gaming table by the dealer or boxperson.

(f) If there is a discrepancy between the amount of gaming chips and plaques counted and the amount of the gaming chips and plaques recorded on the duplicate copy of the Table Inventory Slip:

- (1) The discrepancy shall be immediately verbally reported to the pit manager or above, the security department and the casino compliance representatives.
- (2) The dealer or boxperson assigned to the table, in the presence of the pit manager or above and a security department employee, shall recount the table inventory and complete a new Table Inventory Slip reflecting the results of the dealer's or boxperson's recount of the table inventory.
- (3) The pit manager or above shall:
 - (i) Prepare an Error Notification Slip, which must be a three-part form containing the following information:

- (A) The date and time.
 - (B) The type of game.
 - (C) The table number and pit.
 - (D) An explanation of the error.
- (ii) Write "Incorrect Copy" on the copy of the Table Inventory Slip that was in the table inventory.
- (iii) Sign the "Incorrect Copy."
- (iv) Write "Correct Copy" on both copies of the Table Inventory Slip required to be prepared by the dealer or boxperson under paragraph (2).
- (4) The "Correct Copy" shall be signed by the dealer or boxperson who recounted the table inventory, the security department employee who witnessed the recount and the pit manager or above.
- (5) After the signatures required under paragraph (4) have been obtained, the "Incorrect Copy" Table Inventory Slip, both copies of the "Correct Copy" Table Inventory Slip and the first copy of the Error Notification Slip shall be attached to each other and deposited by the dealer or boxperson in the drop box.
- (g) The second copy of the Error Notification Slip shall be given to the pit clerk and the third copy of the Error Notification Slip shall be delivered to the casino compliance representatives.
- (h) For any discrepancy greater than \$10, the security department shall investigate the discrepancy and, within 24 hours, complete a standard written incident report on a form approved by the Bureau of Gaming Operations and immediately forward a copy of the incident report to the casino compliance representatives.

§ 525.9. Procedures for distributing gaming chips, coins and plaques to gaming tables.

- (a) A request for a fill shall be prepared by a pit clerk or floorperson or above using a Fill Request Slip. Access to the blank Fill Request Slips shall be restricted to pit clerks and floorpersons or above.
- (b) A Fill Request Slip must be a two-part form on which the following information, at a minimum, shall be recorded:
- (1) The date, time and shift of preparation.
 - (2) The denomination of gaming chips, coins and plaques to be distributed to the gaming table.
 - (3) The total amount of each denomination of gaming chips, coins and plaques to be distributed to the gaming table.
 - (4) The game and table number to which the gaming chips, coins and plaques are to be distributed.
 - (5) The signature of the floorperson or above requesting the fill.
- (c) After the preparation of the Fill Request Slip, the original copy of the Fill Request Slip shall be transported directly to the chip bank by a security department employee.
- (d) The duplicate copy of the Fill Request Slip shall be placed by the dealer or boxperson in view of the slot machine licensee's surveillance system on the gaming table to which gaming chips, coins and plaques are to be received. When the chips, coins and plaques are received, the amounts shall be verified by the dealer or boxperson assigned to the gaming table and then the duplicate copy of the Fill Request Slip shall be deposited in the table game drop box.

(e) Notwithstanding the requirements of subsections (a)—(d), a request for a fill may be prepared electronically if the input data for preparation of the fill is entered by, and ability to input data is restricted to, the pit clerk or a floorperson or above, and a Fill Slip is generated in the chip bank, as a direct result of the input.

(f) A Fill Slip shall be prepared by a chip bank cashier or, if the required information was input in conformity with subsection (e), the Fill Slip may be electronically generated in the chip bank.

(g) Fill Slips must be serially prenumbered forms. Each series of Fill Slips shall be used in sequential order, and the series number of all Fill Slips received by a certificate holder shall be accounted for by employees with no incompatible functions. Original and duplicate void Fill Slips shall be marked "Void" and require the signature of the preparer.

(h) When Fill Slips are manually prepared, the following procedures and requirements shall be observed:

(1) Each series of Fill Slips must be a three-part form and shall be inserted in a locked dispenser that will permit an individual Fill Slip in the series and its copies to be written upon simultaneously while still locked in the dispenser.

(2) The Fill Slip dispenser must discharge the original and duplicate copies of the Fill Slip while the triplicate copy remains in a continuous, unbroken form in the dispenser.

(3) Access to the triplicate copies of the Fill Slips shall be maintained and controlled by finance department employees with no incompatible functions who are responsible for controlling and accounting for the unused supply of Fill Slips, placing Fill Slips in the dispensers, and removing the triplicate copies of the Fill Slips from the dispensers each gaming day.

(i) When Fill Slips are electronically prepared, each series of Fill Slips must be a two-part form and:

(1) Be inserted in a printer that will simultaneously print an original and a duplicate Fill Slip.

(2) Store, in machine readable form, the information printed on the original and duplicate copies of the Fill Slips. The stored data may not be susceptible to change or removal by any personnel involved in the preparation of a Fill Slip after the Fill Slip has been prepared.

(j) Copies of a Fill Slip, and when applicable, the stored data, must contain, at a minimum, the following information:

(1) The denominations of the gaming chips, coins and plaques being distributed.

(2) The total amount of each denomination of gaming chips, coins and plaques being distributed.

(3) The total amount of all denominations of gaming chips, coins and plaques being distributed.

(4) The game and table number to which the gaming chips, coins and plaques are being distributed.

(5) The date and shift during which the distribution of gaming chips, coins and plaques occurs.

(6) The signature of the preparer or, if electronically prepared, the identification code of the preparer.

(k) The time of preparation of the Fill Slip shall be recorded, at a minimum, on the original and duplicate copies of the Fill Slip upon preparation.

(l) Gaming chips, coins and plaques distributed to the gaming tables from the chip bank shall be transported directly to the gaming tables from the chip bank by a security department employee who shall compare the Fill Request Slip to the Fill Slip and sign the original copy of the Fill Request Slip transported to the chip bank. If the fill request was prepared manually, before transporting the gaming chips, coins and plaques and the original and duplicate copies of the Fill Slip shall be compared for signatures.

(m) Signatures attesting to the accuracy of the information contained on a Fill Slip shall be required on the original and duplicate copies of the Fill Slip of the following employees at the following times:

(1) The chip bank cashier upon preparation.

(2) The security department employee transporting the gaming chips, coins and plaques to the gaming table upon receipt from the cashier of the gaming chips, coins and plaques to be transported.

(3) The dealer or boxperson assigned to the gaming table upon receipt and verification of the amounts of the gaming chips, coins and plaques at the gaming table from the security department employee.

(4) The floorperson assigned to the gaming table upon receipt and verification of the amounts of the gaming chips, coins and plaques at the gaming table.

(n) After meeting the signature requirements in subsection (m), the security department employee that transported the gaming chips, coins and plaques and the original and duplicate copies of the Fill Slip to the gaming table shall observe the immediate placement by the dealer or boxperson of the duplicate Fill Slip and the duplicate Fill Request Slip in the drop box attached to the gaming table to which the gaming chips, coins and plaques were transported. The security department employee shall then return the original Fill Slip to the chip bank where the original Fill Slip and the original Fill Request Slip shall be maintained together and controlled by employees of the cage until forwarded to the finance department.

(o) The original and duplicate of void Fill Slips, the original Fill Request Slips and original Fill Slips, maintained and controlled in conformity with subsection (n), shall be forwarded to the finance department for agreement, on a daily basis, with the duplicate Fill Slips and duplicate Fill Request Slips removed from the drop box from the gaming table and triplicate copy stored in the manual Fill Slip dispenser or the stored electronic data.

§ 525.10. Procedures for removing gaming chips and plaques from gaming tables.

(a) A request for a credit shall be prepared by a pit clerk or floorperson or above, using a Credit Request Slip for the removal of gaming chips, coins and plaques from gaming tables to the chip bank. Access to blank Credit Request Slips shall be restricted to pit clerks and floorpersons or above.

(b) A Credit Request Slip must be a two-part form on which, at a minimum, the following information is recorded:

(1) The date, time and shift of preparation.

(2) The denominations of chips, coins and plaques to be removed from the gaming table.

(3) The total amount of denominations of gaming chips, coins and plaques to be removed from the gaming table.

(4) The game and table number from which the gaming chips, coins and plaques are to be removed.

(5) The signatures of the dealer or boxperson and the floorperson or above assigned to the gaming table from which the gaming chips, coins and plaques are to be removed.

(c) After the preparation of a Credit Request Slip and prior to the transfer of the gaming chips, coins and plaques to be removed to a security department employee, a floorperson or above shall obtain on the duplicate copy of the Credit Request Slip, the signature of the security department employee to which the gaming chips and plaques are being transferred. The dealer or boxperson assigned to the gaming table shall place the duplicate copy of the Credit Request Slip in view of the slot machine licensee's surveillance system on the gaming table from which the gaming chips, coins and plaques were removed. The duplicate copy of the Credit Request Slip may not be removed until a Credit Slip is received from the chip bank at which time the Credit Request Slip and Credit Slip are to be deposited in the drop box attached to the gaming table.

(d) The original Credit Request Slip and the gaming chips, coins and plaques removed from the gaming table shall be transported directly to the chip bank by the security department employee.

(e) Notwithstanding the requirements of subsections (a)—(d), a request for a credit may be prepared electronically if the input data for preparation of the credit is entered by, and ability to input data is restricted to, the pit clerk or a floorperson or above, and a Credit Slip is generated in the chip bank, as a direct result of the input.

(f) A Credit Slip shall be prepared by a chip bank cashier or, if the required information was input in conformity with subsection (e), the Credit Slip may be electronically generated in the chip bank.

(g) Credit Slips must be serially prenumbered forms. Each series of Credit Slips shall be used in sequential order, and the series numbers of all Credit Slips received by a certificate holder shall be accounted for by employees with no incompatible functions. Original and duplicate void Credit Slips shall be marked "Void" and require the signature of the preparer.

(h) When Credit Slips are manually prepared, the following procedures and requirements shall be observed:

(1) Each series of Credit Slips must be a three-part form and be inserted in a locked dispenser that will permit an individual Credit Slip in the series and its copies to be written upon simultaneously while still locked in the dispenser.

(2) The Credit Slip dispenser must discharge the original and duplicate copies of the Credit Slip while the triplicate copy of the Credit Slip remains in a continuous, unbroken form in the dispenser.

(3) Access to the triplicate copies of the Credit Slips shall be maintained and controlled by finance department employees with no incompatible functions who are responsible for controlling and accounting for the unused supply of the Credit Slips, placing Credit Slips in the dispensers, and removing the triplicate copies of the Credit Slips from the dispensers each gaming day.

(i) When Credit Slips are electronically prepared, each series of Credit Slips must be a two-part form and:

(1) Be inserted in a printer that will simultaneously print an original and a duplicate copy of the Credit Slip in the chip bank.

(2) Store, in machine-readable form, the information printed on the original and duplicate copies of the Credit Slip. The stored data may not be susceptible to change or removal by any personnel after the preparation of a Credit Slip.

(j) Copies of the Credit Slip, and when applicable, the stored data, must contain, at a minimum, the following information:

(1) The denominations of the gaming chips, coins and plaques being returned.

(2) The total amount of each denomination of gaming chips, coins and plaques being returned.

(3) The total amount of all denominations of gaming chips, coins and plaques being returned.

(4) The game and table number from which the gaming chips, coins and plaques are being returned.

(5) The date and shift during which the removal of gaming chips, coins and plaques occurs.

(6) The signature of the preparer or, if electronically prepared, the identification code of the preparer.

(k) The time of preparation of the Credit Slip shall be recorded, at a minimum, on the original and duplicate copies of the Credit Slip upon preparation.

(l) After the Credit Slip has been prepared by the chip bank cashier or has been printed in the chip bank as a result of the information being input electronically by a pit clerk or floorperson or above and the gaming chips, coins and plaques from a gaming table have been returned to the chip bank, the security department employee shall transport the original and duplicate copies of the Credit Slip to the gaming table from which the gaming chips, coins and plaques were returned.

(m) Signatures on the original and duplicate copies of a Credit Slip attesting to the accuracy of the information contained on the Credit Slip shall be required of the following personnel at the following times:

(1) The chip bank cashier upon preparation.

(2) The security department employee returning the gaming chips, coins and plaques to the chip bank.

(3) The dealer or boxperson assigned to the gaming table upon receipt of the Credit Slip at the gaming table from the security department member.

(4) The floorperson assigned to the gaming table upon receipt of the Credit Slip at the gaming table from the security department member.

(n) After meeting the signature requirements required under subsection (m), the security department member returning the original and duplicate copies of the Credit Slip to the gaming table, shall observe the immediate placement by the dealer or boxperson of the duplicate copy of the Credit Slip and the duplicate copy of the Credit Request Slip in the drop box attached to the gaming table from which the gaming chips, coins and plaques were removed. The security department member shall then return the original Credit Slip to the chip bank where the original Credit Slip and Credit Request Slip shall be maintained and controlled by employees of the cage until forwarded to the finance department.

(o) The original and duplicate copies of void Credit Slips and the original Credit Request Slips and Credit Slips maintained and controlled in accordance with subsection (n), shall be forwarded to the finance department for agreement, on a daily basis, with the duplicate Credit

Slips and duplicate Credit Request Slips removed from the drop box and the triplicate copy of the Credit Slips from the Credit Slip dispenser or the stored electronic data.

§ 525.11. Procedures for accepting cash for gaming chips or plaques at table games.

Whenever cash is presented by a patron at a table game for exchange for gaming chips or plaques:

(1) The cash shall be spread on the top of the gaming table by the dealer or boxperson accepting it in full view of the patron who presented it, the floorperson assigned to the gaming table and the slot machine licensee's surveillance system.

(2) The amount of cash shall be verbalized by the dealer or boxperson accepting it in a tone of voice calculated to be heard by the patron who presented it and the floorperson assigned to the gaming table.

(3) Immediately after an equivalent amount of gaming chips or plaques has been given to the patron, the cash shall be taken from the top of the gaming table and placed by the dealer or boxperson into the drop box attached to the gaming table.

§ 525.12. Procedures for acceptance of tips or gratuities from patrons.

(a) A boxperson, floorperson, or any other table game supervisory employee, while serving in a supervisory position, may not solicit or accept, and no other table game employee may solicit, a tip or gratuity from any patron in the licensed facility where he is employed. A certificate holder may not permit any practices prohibited by this section.

(b) Except as permitted under subsection (f), tips and gratuities received by dealers in a licensed facility shall be:

(1) Immediately deposited in a transparent locked box reserved for tips and gratuities. If nonvalue chips are received as tips or gratuities at a roulette table, the marker button indicating the specific value of the nonvalue chips may not be removed until after the dealer, in the presence of a floorperson or above, has expeditiously converted the nonvalue chips into value chips which shall then be immediately deposited in the transparent locked box reserved for tips and gratuities.

(2) Collected and accounted for at least once each gaming day.

(3) Placed in a common pool for distribution pro rata among all dealers in accordance with subsection (d).

(c) Upon receipt from a patron of a tip or gratuity, a dealer shall extend his arm in an overt motion, and deposit the tip or gratuity in the locked box reserved for tips and gratuities.

(d) Tips and gratuities placed in a common pool shall be distributed pro rata among all the dealers in the pool based upon the number of hours worked. In determining the number of hours which an employee has worked for purposes of tip pool distribution, a certificate holder may establish standards for distribution which include hours of vacation time, personal leave time or any other authorized leave of absence in the number of hours worked by each employee. These standards shall apply uniformly to all employees, except that a certificate holder may establish different standards for full-time or part-time employees.

(e) Any distribution of tips and gratuities from a common tip pool under this section must occur no more frequently than once every 7 calendar days.

(f) Notwithstanding the requirements in subsection (b), a certificate holder that offers the game of Poker may either:

(1) Establish a separate common pool for tips and gratuities received by its Poker dealers.

(2) Permit each Poker dealer to retain his own tips and gratuities, in which case the tips and gratuities received by each Poker dealer shall be deposited, in accordance with procedures in subsection (c), in a transparent locked box assigned to the particular dealer. The box shall be moved from table to table with the dealer.

(g) When a certificate holder elects to use the option in subsection (f)(2), at the end of the dealer's shift, the dealer shall take the transparent locked box assigned to the dealer to a cage cashier. The cage cashier shall open the container and count the tips and gratuities in the presence of the dealer and record the total amount of the tips and gratuities received by the dealer and either:

(1) Return the tips and gratuities to the dealer.

(2) Retain all or a portion of the tips and gratuities for inclusion in the dealer's paycheck.

(h) Each certificate holder shall develop procedures for the reporting of dealer tips and gratuities to the Internal Revenue Service.

§ 525.13. Procedures for drops at open table games.

(a) Whenever a table game is to remain open for gaming activity when the table is being dropped, the gaming chips, coins and plaques remaining in the table inventory at the gaming table at the time of the drop shall be counted by the dealer or boxperson assigned to the gaming table and recorded on a Table Inventory Slip.

(b) The count required under subsection (a) shall be observed by the floorperson who is responsible for supervising the table game at the time of the drop.

(c) Signatures attesting to the accuracy of the information recorded on the Table Inventory Slip shall be placed on both copies of the Table Inventory Slip by the dealer or boxperson assigned to the table and the floorperson that observed the dealer or boxperson count the contents of the table inventory.

(d) After meeting the signature requirements in subsection (c), the original and the duplicate of the Table Inventory Slip shall be deposited in the drop box that is attached to the gaming table immediately before the drop box is removed from the gaming table as part of the drop.

§ 525.14. Procedures for closing table games.

(a) Whenever gaming activity at a table game is concluded, the gaming chips, coins and plaques remaining at the gaming table shall be counted by the dealer or boxperson assigned to the gaming table in the presence of the floorperson assigned to the gaming table.

(b) The amounts of the gaming chips, coins and plaques counted shall be recorded on the Table Inventory Slip by the floorperson assigned to the gaming table and the original copy of the Table Inventory Slip shall be signed by the dealer or boxperson who counted the table inventory and the floorperson who observed the dealer or boxperson count the contents of the table inventory.

(c) After the original copy of the Table Inventory Slip has been signed as required under subsection (b), the

original copy of the Table Inventory Slip shall be immediately deposited in the table game drop box attached to the gaming table.

(d) After the original copy of the table inventory slip has been deposited in the table game drop box attached to the gaming table, the duplicate copy of the table inventory slip and the gaming chips, coins and plaques remaining at the gaming table shall be placed in the container required under § 525.7 (relating to table inventories), after which the container shall be locked and either transported directly to the cashiers' cage by a security department member or secured to the gaming table in a manner approved by the Bureau of Gaming Operations.

(e) If the locked containers are transported to the cashiers' cage, a cage supervisor shall determine that all locked containers have been returned.

(f) If the locked containers are secured to the gaming table, a pit manager or above shall verify that all the containers are locked.

§ 525.15. Table inventories for Poker tables.

(a) Notwithstanding the requirements in §§ 525.7, 525.8, 525.13 and 525.14, a certificate holder may establish procedures for the issuance of table inventories that are maintained by Poker dealers on an imprest basis.

(b) The procedures developed under subsection (a) shall be submitted as part of the certificate holder's internal controls and be approved by the Board.

§ 525.16. Table inventory counts on a per shift basis.

(a) In addition to the requirements in §§ 525.8, 525.13 and 525.14 (relating to procedures for opening table games; procedures for drops at open table games; and procedures for closing table games), a certificate holder may establish procedures for the use of a three-compartment drop box which require the preparation of a Table Inventory Slip at the close of each shift.

(b) The procedures developed under subsection (a) shall be submitted as part of the certificate holder's internal controls and be approved by the Board.

[Pa.B. Doc. No. 10-1038. Filed for public inspection June 4, 2010, 9:00 a.m.]

PENNSYLVANIA GAMING CONTROL BOARD
[58 PA. CODE CHS. 535, 541, 543, 545, 549, 551,
553, 555, 557, 559, 561, 563, 565 AND 567]
Table Game Rules Amendments; Temporary Regu-
lations

The Pennsylvania Gaming Control Board (Board), under its general authority in 4 Pa.C.S. § 1303A (relating to temporary table game regulations) enacted by the act of January 7, 2010 (P.L. 1, No. 1) (Act 1) and the specific authority in 4 Pa.C.S. §§ 1302A(1) and (2) (relating to regulatory authority), amends temporary regulations in Chapters 535, 541, 543, 545, 549, 551, 553, 555, 557, 559, 561, 563, 565 and 567 to read as set forth in Annex A. The Board's temporary regulations will be added to Part VII (relating to Gaming Control Board) as part of Subpart K (relating to table games).

Purpose of the Temporary Rulemaking

This temporary rulemaking amends the rules for table games in response to comments received from certificate

holders by amending the sections regarding opening of tables for gaming and shuffling of cards to permit the use of preinspected and reshuffled cards as authorized under § 523.16(u) or (v) (relating to cards; receipt, storage, inspections and removal from use). It also makes revisions to the rules for Blackjack and Spanish 21 to incorporate some of the suggestions offered by commentators.

Explanation of Chapters 535, 541, 543, 545, 549, 551, 553, 555, 557, 559, 561, 563, 565 and 567

The Board received numerous comments on the temporary regulations that it has promulgated so far. The Board found these comments useful and thanks the commentators for their input.

While the Board does not agree with all of the suggestions offered and is still reviewing a number of the comments that have been made, the Board does agree that improvements can be made in several areas now. This temporary rulemaking, which makes a number of amendments, is just the first of what the Board expects will be a number of changes to improve the Board's regulations.

Commentators stated that the temporary regulations were not clear as to whether or not the use of preinspected and reshuffled decks of cards would be permitted. In Regulation #125-116, which appeared at 40 Pa.B. 2088 (April 24, 2010), the Board adopted its requirements authorizing the use of preinspected and reshuffled decks of cards. To add additional clarity, in this temporary rulemaking, the rules for table games that are played with decks of cards are being amended to clarify that preinspected and reshuffled cards are permitted to be used and that the provisions related to inspection and shuffling of decks of cards at the opening of the tables do not apply if preinspected and reshuffled cards are used.

In § 535.2 (relating to Pai Gow table; Pai Gow shaker; physical characteristics), the phrase "imprinted or impressed" has been deleted from subsection (d)(2). Because a certificate holder's name or logo can be placed on a Pai Gow shaker using numerous manufacturing processes, requiring the name or logo to be applied by only being imprinted or impressed is unnecessarily restrictive.

In §§ 541.10, 543.10 and 545.10 (relating to procedure for dealing a third card), additional language has been added to address how the play is to proceed when the first card in the dealing shoe at the beginning of a round of play of Minibaccarat, Midibaccarat and Baccarat is the cover card.

Additionally, in § 543.9 (relating to hands of player and banker; procedure for dealing initial two cards to each hand), the last sentence in subsection (c)(3), which was incomplete, has been revised.

In addition to the changes regarding preinspected and reshuffled cards, a number of other changes have been made in Chapters 549 and 551 (relating to blackjack; and Spanish 21). In §§ 549.2 and 551.2 (relating to Blackjack table; card reader device; physical characteristics; inspections; and Spanish 21 table; card reader device; physical characteristics; inspections), the phrases "or similar language approved by the Bureau of Gaming Operations" and "or in another location approved by the Bureau of Gaming Operations" have been added to subsections (c)(2) and (f), respectively, to give certificate holders some additional operating flexibility.

In §§ 549.3 and 551.3 (relating to cards; number of decks; value of cards), subsections (e) and (c), respectively,

have been added which will require that the cards used on Blackjack and Spanish 21 tables to be changed every 24 hours. This is needed because time period for changing cards was not included in the initial Blackjack or Spanish 21 temporary regulations.

In §§ 549.7 and 551.8 (relating to procedure for dealing cards; and procedure for dealing the cards), the word "hit" in subsection (b) was deleted to allow dealers the option of dealing all cards, not just hit cards, to the first two positions with the dealer's left hand. In §§ 549.7(i) and 551.8(h), the phrase "announce Dealer's card," which shall be stated by the dealer in a tone of voice calculated to be heard by each person at the table, and" has been deleted. Commentators noted that this pronouncement is not needed and it can be annoying to players.

As was done in the chapters regarding Minibaccarat, Midibaccarat and Baccarat, language has been added to §§ 549.7(k) and 551.8(j) to address the how play is to proceed when the first card in the dealing shoe at the beginning of a round of play is the cover card. Additionally, in § 549.7(l), the word "player" has been replaced with "players" to make it consistent with the rest of the wording in that subsection.

In §§ 549.12 and 551.12 (relating to splitting pairs), an example has been added to subsection (a) to make it clear that any two cards that have a value of ten may be used to split the hand. In § 549.12(c)(2), the phrase "and may not elect to receive additional cards" has been deleted because it is redundant and was confusing to some commentators.

In §§ 549.15 and 551.15 (relating to continuous shuffling shoe or device), the phrase "is approved by the Bureau of Gaming Laboratory Operations" has been added to make it clear that the technical approval of the device will be done by the Bureau of Gaming Laboratory Operations, while the procedures for using the device for gaming will be approved by the Bureau of Gaming Operations.

Affected Parties

The amendments in this temporary rulemaking will affect how certificate holders may conduct table games at their licensed facilities.

Fiscal Impact

Commonwealth

The Board does not expect that the revisions in this temporary rulemaking will have any fiscal impact on the Board or other Commonwealth agencies.

Political Subdivisions

This temporary rulemaking will have no direct fiscal impact on political subdivisions of this Commonwealth. Eventually, host municipalities and counties will benefit from the local share funding that is mandated by Act 1.

Private Sector

The amendments in this temporary rulemaking will give certificate holders some additional flexibility as to how they conduct table games which may result in faster play and thereby result in lower costs for certificate holders.

General Public

This temporary rulemaking will have no direct fiscal impact on the general public.

Paperwork Requirements

This temporary rulemaking will impose no new paperwork requirements on certificate holders.

Effective Date

This temporary rulemaking will become effective upon publication in the *Pennsylvania Bulletin*.

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 this temporary rulemaking 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 Richard Sandusky, Director of Regulatory Review, Pennsylvania Gaming Control Board, P. O. Box 69060, Harrisburg, PA 17106-9060, Attention: Public Comment on Regulation #125-119.

Contact Person

The contact person for questions about this temporary rulemaking is Richard Sandusky, Director of Regulatory Review at (717) 214-8111.

Regulatory Review

Under 4 Pa.C.S. § 1303A, the Board is authorized to adopt temporary regulations which are not subject to the provisions of sections 201—205 of the act of July 31, 1968 (P. L. 769, No. 240) (45 P. S. §§ 1201—1205), referred to as the Commonwealth Documents Law (CDL), the Regulatory Review Act (71 P. S. §§ 745.1—745.12) and sections 204(b) and 301(10) of the Commonwealth Attorneys Act (71 P. S. §§ 732-204(b) and 732-301(10)). These temporary regulations expire 2 years after publication in the *Pennsylvania Bulletin*.

Findings

The Board finds that:

(1) Under 4 Pa.C.S. § 1303A, the temporary regulations are exempt from the requirements of the Regulatory Review Act, sections 201—205 of the CDL and sections 204(b) and 301(10) of the Commonwealth Attorney 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 gaming).

Order

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

(1) The regulations of the Board, 58 Pa. Code Chapters 535, 541, 543, 545, 549, 551, 553, 555, 557, 559, 561, 563, 565 and 567, are amended by amending §§ 535.2, 541.4, 541.5, 541.10, 543.4, 543.5, 543.9, 543.10, 545.4, 545.5, 545.10, 549.2, 549.3, 549.5—549.7, 549.12, 549.15, 551.2—551.5, 551.8, 551.12, 551.15, 553.5, 553.6, 555.4, 555.5, 557.4, 557.5, 559.4, 559.5, 561.4, 561.5, 563.4, 563.5, 565.4, 565.5, 567.4 and 567.5 to read as set forth in Annex A.

(2) The temporary regulations are effective June 5, 2010.

(3) The temporary regulations will be posted on the Board's web site and published in the *Pennsylvania Bulletin*.

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

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

GREGORY C. FAJT,
Chairperson

Fiscal Note: 125-119. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 58. RECREATION

PART VII. GAMING CONTROL BOARD

Subpart K. TABLE GAMES

CHAPTER 535. PAI GOW

§ 535.2. Pai Gow table; Pai Gow shaker; physical characteristics.

(a) Pai Gow shall be played at a table having on one side places for six players and on the opposite side a place for the dealer.

(b) The layout for a Pai Gow table shall be approved by the Bureau of Gaming Operations and contain, at a minimum, the following:

(1) Six separate designated betting areas for the players at the table with each area being numbered one through six.

(2) A separate area, located to the left of the dealer, for the placement of four tiles which shall be referred to as the Dead Hand.

(3) The name or logo of the certificate holder offering the game.

(c) Each Pai Gow table must have a drop box with a tip box attached to it on the same side of the gaming table as, but on opposite sides of, the dealer, in locations approved by the Bureau of Gaming Operations.

(d) Pai Gow shall be played with a Pai Gow shaker, approved by the Bureau of Gaming Operations, used to shake three dice before each hand of Pai Gow is dealt to determine the starting position for the dealing of the Pai Gow tiles. The Pai Gow shaker shall be designed and constructed to maintain the integrity of the game and, at a minimum, adhere to the following specifications:

(1) The Pai Gow shaker must be capable of housing three dice and be designed to prevent the dice from being seen while being shaken by the dealer.

(2) The Pai Gow shaker must have the name or logo of the certificate holder thereon.

CHAPTER 541. MINIBACCARAT

§ 541.4. Opening of a table for gaming.

(a) After receiving the six or more decks of cards at the table, the dealer calling the game shall sort and inspect each deck of cards separately, facedown and the floorperson assigned to the table shall verify the inspection.

(b) Following the inspection of the cards by the dealer and the verification by the floorperson assigned to the table, the cards shall be spread out face up on the table for visual inspection by the first player to arrive at the table. The cards shall be spread out in horizontal rows by deck according to suit and in sequence.

(c) After the first player is afforded an opportunity to visually inspect the cards, the cards shall be turned face down on the table, mixed thoroughly by a washing of the cards and stacked.

(d) If a certificate holder uses an automated card shuffling device to play the game and two batches of six to eight decks of cards are received at the table as permitted under § 541.3(b) (relating to cards; number of decks), each deck of cards in each batch of cards shall be

separately sorted, inspected, verified, laid out, inspected, washed and stacked in accordance with subsections (a), (b) and (c).

(e) If the decks of cards received at the table are preinspected and reshuffled in accordance with § 523.16(u) or (v) (relating to cards; receipt, storage, inspections and removal from use), the requirements in subsections (a)—(d) do not apply.

§ 541.5. Shuffle and cut of the cards.

(a) Immediately prior to commencement of play, unless the cards were reshuffled in accordance with § 523.16(u) or (v) (relating to cards; receipt, storage, inspections and removal from use), and after each dealing shoe of cards is completed, unless an automated shuffling device is used, the dealer shall shuffle the cards so that they are randomly intermixed.

(b) After the cards have been shuffled by a dealer, the dealer shall leave the entire stack of cards intermixed but not entirely squared off (leave them feathered) so that the floorperson can verify that the shuffle did not result in any uneven distribution of cards.

(c) After shuffling the cards and, when applicable, reshuffling them, the dealer shall offer the stack of cards, with backs facing away from the dealer, to the players to be cut. The dealer shall begin with the player seated in the highest number position at the table and, working clockwise around the table, shall offer the stack to each player until a player accepts the cut. If no player accepts the cut, the dealer shall cut the cards.

(d) The cards shall be cut by placing a cover card in the stack at least ten cards in from the top or the bottom of the stack.

(e) Once the cover card has been inserted into the stack, the dealer shall take all cards above the cover card and the cover card and place them on the bottom of the stack. The dealer shall then insert the second cover card in a position at least 14 cards above the bottom of the stack, and the second cover card at the bottom of the stack. The stack of cards shall then be inserted into the dealing shoe for commencement of play.

(f) After the cards have been cut and before the cards have been placed in the dealing shoe, a floorperson or above may require the cards to be recut if the floorperson or above determines that the cut was performed improperly or in any way that might affect the integrity or fairness of the game. If a recut is required, the cards shall be recut by the next person entitled to cut the cards, as determined by subsection (c).

(g) Prior to commencement of play, the dealer shall remove the first card from the dealing shoe and place it, and an additional number of cards equal to the face value of the first card drawn, in the discard rack after all cards have been shown to the players. When determining the face value of the first card removed from the dealing shoe, a 10, jack, queen or king shall count as ten and an ace shall count as one.

(h) If there is no gaming activity at a Minibaccarat table which is open for gaming, the cards shall be removed from the dealing shoe and the discard rack, and spread out on the table either face up or face down. If the cards are spread face down, they shall be turned face up once a player arrives at the table. After the first player is afforded an opportunity to visually inspect the cards, the cards shall be turned face down on the table and:

(1) If there is no automated shuffling device in use, the cards shall be mixed thoroughly by a washing of the cards, stacked, then shuffled and cut in accordance with this section.

(2) If an automated shuffling device is in use, the cards shall be stacked and placed into the automated shuffling device to be shuffled. The batch of cards already in the shuffler shall then be removed. Unless a player so requests, the batch of cards removed from the shuffler need not be spread for inspection and reshuffled prior to being dealt, if:

(i) The automated card shuffling device stores a single batch of shuffled cards inside the shuffler in a secure manner approved by the Bureau of Gaming Operations.

(ii) The shuffled cards have been secured, released and prepared for play in accordance with procedures approved by the Bureau of Gaming Operations.

§ 541.10. Procedure for dealing a third card.

(a) After the dealer positions the cards in accordance with § 541.9(c)(1) or (2) (relating to hands of player and banker; procedure for dealing initial two cards to each hand), the dealer shall announce the point count of the Player's Hand and then the Banker's Hand.

(b) Following the announcement of the Point Counts of each hand, the dealer shall determine whether to deal a third card to each hand in conformity with the requirements of § 541.11 (relating to rules for determining whether a third card shall be dealt).

(c) After the dealer positions the cards in accordance with § 541.9(c)(1) or (2), any third card required to be dealt shall first be dealt face up to the Player's Hand and then to the Banker's Hand by the dealer.

(d) In no event may more than one additional card be dealt to either hand.

(e) Whenever the cover card appears as the first card in the dealing shoe at the beginning of a round of play or appears during play, the cover card shall be removed and placed to the side and the hand will be completed. Upon completion of that hand, the dealer calling the game shall announce "last hand." At the completion of one more hand, the cards shall be reshuffled.

CHAPTER 543. MIDIBACCARAT

§ 543.4. Opening of a table for gaming.

(a) After receiving the six or more decks of cards at the table, the dealer calling the game shall sort and inspect each deck of cards separately, face down and the floorperson assigned to the table shall verify the inspection.

(b) Following the inspection of the cards by the dealer and the verification by the floorperson assigned to the table, the cards shall be spread out face up on the table for visual inspection by the first player to arrive at the table. The cards shall be spread out in horizontal rows by deck according to suit and in sequence.

(c) After the first player is afforded an opportunity to visually inspect the cards, the cards shall be turned face down on the table, mixed thoroughly by a washing of the cards and stacked.

(d) If the decks of cards received at the table are preinspected and reshuffled in accordance with § 523.16(u) or (v) (relating to cards; receipt, storage, inspections and removal from use), the requirements in subsections (a)—(c) do not apply.

§ 543.5. Shuffle and cut of the cards.

(a) Immediately prior to commencement of play, unless the cards were reshuffled in accordance with § 523.16(u) or (v) (relating to cards; receipt, storage, inspections and removal from use), the dealer shall shuffle the cards so that they are randomly intermixed.

(b) After the cards have been shuffled by a dealer, the dealer shall leave the entire stack of cards intermixed but not entirely squared off (leave them feathered) so that the floorperson can verify that the shuffle did not result in any uneven distribution of cards.

(c) After shuffling the cards and, when applicable, reshuffling them, the dealer shall offer the stack of cards, with backs facing away from the dealer, to the players to be cut. The dealer shall begin with the player seated in the highest number position at the table and, working clockwise around the table, shall offer the stack to each player until a player accepts the cut. If no player accepts the cut, the dealer shall cut the cards.

(d) The cards shall be cut by placing a cover card in the stack at least ten cards in from the top or the bottom of the stack.

(e) Once the cover card has been inserted into the stack, the dealer shall take all cards above the cover card and the cover card and place them on the bottom of the stack. The dealer shall then insert the second cover card in a position at least 14 cards above the bottom of the stack, and the second cover card at the bottom of the stack. The stack of cards shall then be inserted into the dealing shoe for commencement of play.

(f) After the cards have been cut and before the cards have been placed in the dealing shoe, a floorperson or above may require the cards to be recut if the floorperson or above determines that the cut was performed improperly or in any way that might affect the integrity or fairness of the game. If a recut is required, the cards shall be recut by the next person entitled to cut the cards, as determined by subsection (c).

(g) Prior to commencement of play, the dealer shall remove the first card from the dealing shoe and place it, and an additional number of cards equal to the face value of the first card drawn, in the discard bucket after all cards have been shown to the players. When determining the face value of the first card removed from the dealing shoe, a 10, jack, queen or king shall count as ten and an ace shall count as one.

§ 543.9. Hands of player and banker; procedure for dealing initial two cards to each hand.

(a) There shall be two hands dealt in the game of Midibaccarat, one of which shall be designated the Player's Hand and the other designated the Banker's Hand.

(b) Prior to dealing any cards, the dealer calling the game shall announce "no more bets."

(c) The dealer shall then deal an initial four cards from the dealing shoe. The first and third cards dealt shall constitute the first and second cards of the Player's Hand. The second and fourth cards dealt shall constitute the first and second cards of the Banker's Hand. The dealer shall deal the initial four cards in accordance with one of the following options selected in the certificate holder's Rules Submission under § 521.2 (relating to table games Rules Submissions):

(1) The dealer shall remove cards from the dealing shoe with his left hand, turn them face up and then place them on the appropriate area of the layout with his right

hand. The first and third cards dealt shall be placed on the area designated for the Player's Hand and the second and fourth cards dealt shall be placed on the area designated for the Banker's Hand.

(2) The first and third cards dealt shall be placed face down on the area designated for the Player's Hand and the second and fourth cards dealt shall be placed face down underneath the right corner of the dealing shoe until the Player's Hand is called as provided for in § 543.10 (relating to procedure for dealing a third card), at which time the second and fourth cards shall be turned face up and placed on the area designated for the Banker's Hand.

(3) The first and third cards dealt shall be placed face down on the area designated for the Player's Hand and the second and fourth cards dealt shall be placed face down on the area designated for the Banker's Hand. After all four cards have been dealt, the dealer shall place the Banker's Hand underneath the right corner of the dealing shoe until the procedure in subparagraph (i) is completed.

(i) The dealer shall then hand the two cards of the Player's Hand, face down, to the player with the highest wager on the Player's Hand. After viewing the Player's Hand, the player shall return the two cards, face up, to the dealer, who shall place the cards face up on the area designated for the Player's Hand and announce the point count of the Player's Hand.

(ii) The dealer shall then hand the two cards of the Banker's Hand, face down, to the player with the highest wager on the Banker's Hand. After viewing the Banker's Hand, the player shall return the two cards, face up, to the dealer, who shall place the cards face up on the area designated for the Banker's Hand and announce the point count of the Banker's Hand.

(iii) Any third card required to be dealt to the Player's Hand shall be placed face down on the area designated for the Player's Hand. The dealer shall then hand the card, face down, to the player who was handed and returned the Player's Hand. After viewing the card, the player shall return the card, face up, to the dealer, who shall place the card face up on the area designated for the Player's Hand.

(iv) Any third card required to be dealt to the Banker's Hand shall be placed face down on the area designated for the Banker's Hand. The dealer shall then hand the card, face down, to the player who was handed and returned the Banker's Hand. After viewing the card, the player shall return the card, face up, to the dealer, who shall place the card face up on the area designated for the Banker's Hand.

(v) If two or more players wager an equally high amount on the Player's Hand, the player making the wager who is closest to the dealer moving counterclockwise around the table shall be handed the Player's Hand and any third card required to be dealt. If two or more players wager an equally high amount on the Banker's Hand, the player making the wager who is closest to the dealer moving counterclockwise around the table shall be handed the Banker's Hand and any third card required to be dealt.

§ 543.10. Procedure for dealing a third card.

(a) After the dealer positions the cards in accordance with § 543.9(c)(1) or (2) (relating to hands of player and banker; procedure for dealing initial two cards to each hand), the dealer shall announce the point count of the Player's Hand and then the Banker's Hand. If the dealer

positions the cards in accordance with § 541.9(c)(3), the point counts of the Player's Hand and Banker's Hand shall be announced as provided therein.

(b) Following the announcement of the Point Counts of each hand, the dealer shall determine whether to deal a third card to each hand in conformity with the requirements of § 543.11 (relating to rules for determining whether a third card shall be dealt).

(c) If the dealer positions the cards in accordance with § 543.9(c)(1) or (2), any third card required to be dealt shall first be dealt face up to the Player's Hand and then to the Banker's Hand by the dealer. If the dealer positions the cards in accordance with § 541.9(c)(3), any third cards required to be dealt shall be dealt as provided therein.

(d) In no event may more than one additional card be dealt to either hand.

(e) Whenever the cover card appears as the first card in the dealing shoe at the beginning of a round of play or appears during play, the cover card shall be removed and placed to the side and the hand will be completed. Upon completion of that hand, the dealer calling the game shall announce "last hand." At the completion of one more hand, the cards shall be replaced with new decks of cards.

CHAPTER 545. BACCARAT

§ 545.4. Opening of a table for gaming.

(a) After receiving the six or more decks of cards at the table, the dealer calling the game shall sort and inspect each deck of cards separately, face down and the floorperson assigned to the table shall verify the inspection.

(b) Following the inspection of the cards by the dealer and the verification by the floorperson assigned to the table, the cards shall be spread out face up on the table for visual inspection by the first player to arrive at the table. The cards shall be spread out in columns by deck according to suit and in sequence.

(c) After the first player is afforded an opportunity to visually inspect the cards, the cards shall be turned face down on the table, mixed thoroughly by a washing of the cards and stacked.

(d) If the decks of cards received at the table are preinspected and reshuffled in accordance with § 523.16(u) or (v) (relating to cards; receipt, storage, inspections and removal from use), the requirements in subsections (a)—(c) do not apply.

§ 545.5. Shuffle and cut of the cards.

(a) Immediately prior to commencement of play, unless the cards were reshuffled in accordance with § 523.16(u) or (v) (relating to cards; receipt, storage, inspections and removal from use), one or more of the dealers shall wash and stack the cards, after which each of the dealers shall shuffle the stack of cards independently.

(b) After shuffling the cards and, when applicable, reshuffling them, the dealer calling the game shall offer the stack of cards, with backs facing away from the dealer, to the players to be cut. The dealer shall begin with the player seated in the highest number position at the table or, in the case of a reshuffle, the last curator and working clockwise around the table, shall offer the stack to each player until a player accepts the cut. If no player accepts the cut, the dealer shall cut the cards.

(c) The cards shall be cut by placing a cover card in the stack at least ten cards in from the top or the bottom of the stack.

(d) Once the cover card has been inserted into the stack, the dealer shall take all cards above the cover card and the cover card and place them on the bottom of the stack. The dealer shall then insert the second cover card in a position at least 14 cards above the bottom of the stack. The stack of cards shall then be inserted into the dealing shoe for commencement of play.

(e) After the cards have been cut and before the cards have been placed in the dealing shoe, a floorperson or above may require the cards to be recut if the floorperson or above determines that the cut was performed improperly or in any way that might affect the integrity or fairness of the game. If a recut is required, the cards shall be recut by the next person entitled to cut the cards, as determined under subsection (b).

(f) Prior to commencement of play, the dealer shall remove the first card from the dealing shoe and place it, and an additional number of cards equal to the face value of the first card drawn, in the discard bucket after all cards have been shown to the players. When determining the face value of the first card removed from the dealing shoe, a 10, jack, queen or king shall count as ten and an ace shall count as one.

§ 545.10. Procedure for dealing a third card.

(a) Except as provided in § 545.9(d) (relating to hands of player and banker; procedure for dealing initial two cards to each hand), after the initial four cards have been dealt and the dealer calling the game places the cards face up in front of himself, the dealer calling the game shall announce the Point Count of the Player's Hand and the Banker's Hand.

(b) Following the announcement of the Point Counts of each hand, the dealer calling the game shall instruct the curator whether to deal a third card to either or both hands in conformity with § 545.11 (relating to rules for determining whether a third card shall be dealt).

(c) Any third card required to be dealt by § 545.11 shall first be dealt face up to the Player's Hand and then to the Banker's Hand by the curator.

(d) In no event may more than one additional card be dealt to either hand.

(e) Whenever the cover card appears as the first card in the dealing shoe at the beginning of a round of play or appears during play, the cover card shall be removed and placed to the side and the hand will be completed. Upon completion of that hand, the dealer calling the game shall announce "last hand." At the completion of one more hand, the cards shall be replaced with new decks of cards.

CHAPTER 549. BLACKJACK

§ 549.2. Blackjack table; card reader device; physical characteristics; inspections.

(a) Blackjack shall be played at a table having on one side places for the players and on the opposite side a place for the dealer.

(b) The layout for a Blackjack table shall be approved by the Bureau of Gaming Operations and shall contain, at a minimum:

(1) The name or logo of the certificate holder offering the game.

(2) No more than seven specific areas designated for the placement of wagers.

(c) The following must be inscribed on the Blackjack layout:

(1) Blackjack pays 3 to 2.

(2) Dealer shall draw to 16 and stand on all 17's or similar language approved by the Bureau of Gaming Operations.

(3) Insurance pays 2 to 1.

(d) Each Blackjack table shall have a drop box and a tip box attached to it with the location of the boxes on the same side of the gaming table, but on opposite sides of the dealer, as approved by the Bureau of Gaming Operations.

(e) A Blackjack table shall have attached to it a card reader device, approved by the Bureau of Gaming Operations, which permits the dealer to determine if the dealer has a Blackjack in accordance with § 549.7 (relating to procedure for dealing cards). The floorperson assigned to the Blackjack table shall inspect the card reader device at the beginning of each gaming day to insure that there has been no tampering with the device and that it is in proper working order.

(f) To collect the cards at the conclusion of a round of play as required under § 549.7(i), each Blackjack table shall have a discard rack securely attached to the top of the dealer's side of the table or in another location approved by the Bureau of Gaming Operations. The height of each discard rack must either:

(1) Equal the height of the cards, stacked one on top of the other, contained in the total number of decks that are to be used in the dealing shoe at that table.

(2) Be taller than the height of the total number of decks being used if the discard rack has a distinct and clearly visible mark on its side to show the exact height for a stack of cards equal to the total number of cards contained in the number of decks to be used in the dealing shoe at that table.

(g) Whenever a double shoe is used at a Blackjack table, the height and marking requirements as in subsection (f) for that table's discard rack shall be determined by the number of decks used in one side of the shoe.

§ 549.3. Cards; number of decks; value of cards.

(a) Blackjack shall be played with at least one deck of cards. Except as otherwise provided in subsections (c) and (d), all decks of cards used for the play of Blackjack shall be identical in appearance. Blackjack shall also be played with at least one cutting card, approved by the Bureau of Gaming Operations.

(b) The value of the cards contained in each deck shall be as follows:

(1) Any card from 2 to 10 shall have its face value.

(2) Any jack, queen or king shall have a value of ten.

(3) An ace shall have a value of 11, unless that value would give a player or the dealer a score in excess of 21, in which case, the ace shall have a value of 1.

(c) If a double shoe is utilized, Blackjack shall be played with at least two decks of cards that shall be dealt from separate sides of the dealing shoe with the same number of decks used in each side of the double shoe. The cards dealt from both sides of the shoe shall be identical in appearance; however, the backs of the cards being dealt from one side of the shoe, shall be of a different color than the backs of the cards being dealt from the other side of the shoe. In addition, a separate cutting card shall be used in each side of the shoe.

(d) If an automated card shuffling device is utilized, Blackjack shall be played with at least two decks of cards in accordance with the following requirements:

(1) The cards shall be separated into two batches, with an equal number of decks included in each batch.

(2) The cards in each batch must be of the same design, but the backs of the cards in one batch must be of a different color than the cards included in the other batch.

(3) One batch of cards shall be shuffled and stored in the automated card shuffling device while the other batch is being dealt or used to play the game.

(4) Both batches of cards shall be continuously alternated in and out of play, with each batch being used for every other dealing shoe.

(5) The cards from only one batch shall be placed in the discard rack at any given time.

(e) The decks of cards opened for use at a Blackjack table shall be changed at least once every 24 hours.

§ 549.5. Opening of table for gaming.

(a) After receiving one or more decks of cards at the table, the dealer shall inspect the cards for any defects.

(b) After the cards are inspected, the cards shall be spread out face upwards on the table for visual inspection by the first player or players to arrive at the table. The cards shall be spread out in horizontal fan shaped columns by deck according to suit and in sequence. The cards shall be laid out according to suit and in sequence.

(c) After the first player or players are afforded an opportunity to visually inspect the cards, the cards shall be turned face downward on the table, mixed thoroughly by a washing of the cards and stacked.

(d) If a double shoe is utilized, all the decks that comprise one side of the dealing shoe shall be spread for inspection on the table separate from the decks that comprise the other side of the dealing shoe. After the player or players are afforded an opportunity to visually inspect the cards, the cards that comprise one side of the dealing shoe and the cards that comprise the other side of the dealing shoe shall separately be turned face downward on the table, mixed thoroughly by a washing of the cards and stacked.

(e) If an automated shuffling device is utilized, all the decks in one batch of cards shall be spread for inspection on the table separate from the decks in the other batch of cards. After the player or players is afforded an opportunity to visually inspect the cards, each batch of cards shall separately be turned face downward on the table and stacked.

(f) If the decks of cards received at the table are preinspected and reshuffled in accordance with § 523.16(u) or (v) (relating to cards; receipt, storage, inspections and removal from use), the requirements in subsections (a)—(e) do not apply.

§ 549.6. Shuffle and cut of the cards.

(a) Immediately prior to commencement of play, unless the cards were reshuffled in accordance with § 523.16(u) or (v) (relating to cards; receipt, storage, inspections and removal from use), after any round of play as may be determined by a floorperson and after each shoe of cards is dealt, the dealer shall shuffle the cards so that they are randomly intermixed.

(b) After the cards have been shuffled, the dealer shall offer the stack of cards, with backs facing upward to the players to be cut. The player to cut the cards shall be:

(1) The first player to the table if the game is just beginning.

(2) The player on whose box the cutting card appeared during the last round of play.

(3) The player at the farthest point to the right of the dealer if the cutting card appeared on the dealer's hand during the last round of play.

(4) The player at the farthest point to the right of the dealer if the reshuffle was initiated at the discretion of a flooperson or above.

(c) If the player designated in subsection (b) refuses the cut, the cards shall be offered to each other player moving clockwise around the table until a player accepts the cut. If no player accepts the cut, the dealer shall cut the cards.

(d) The player shall cut the cards by placing the cutting card in the stack at least 10 cards in from the top or bottom of the stack.

(e) Once the cutting card has been inserted by the player, the dealer shall take all cards above the cutting card and place them on the bottom of the stack. The dealer shall then take the entire stack of cards that was just cut and align them along the side of the dealing shoe which has a mark that will allow the dealer to insert the cutting card in the stack at a position at least approximately one-quarter of the way in from the bottom of the stack. The stack of cards shall then be inserted into the dealing shoe for commencement of play.

(f) After the cards have been cut and before any cards have been dealt, a flooperson or above may require the cards to be recut if he determines that the cut was performed improperly or in any way that might affect the integrity or fairness of the game. If a recut is required, the cards shall be recut, at the certificate holder's option, by the player who last cut the cards, or by the next person entitled to cut the cards, as determined by subsection (b)(4).

(g) A reshuffle of the cards in the shoe shall take place after the cutting card is reached in the shoe as provided for in § 549.7(k) (relating to procedure for dealing cards) except that a flooperson may determine after each round of play that the cards should be reshuffled.

(h) If there is no gaming activity at a Blackjack table which is open for gaming, the cards shall be removed from the dealing shoe and the discard rack, and spread out on the table for inspection, either face up or face down. If the cards are spread face down, they shall be turned face up once a player arrives at the table. After the first player is afforded an opportunity to visually inspect the cards the cards shall be turned face downward on the table.

(1) If there is no automated shuffling device in use, the cards shall be mixed thoroughly by a washing shuffle of the cards, stacked, then shuffled and cut in accordance with this section.

(2) If an automated shuffling device is in use, the cards shall be stacked and placed into the automated shuffling device to be shuffled. The batch of cards already in the shuffler shall then be removed. Unless a player so requests, the batch of cards removed from the shuffler need not be spread for inspection and reshuffled prior to being dealt, if:

(i) The automated card shuffling device stores a single batch of shuffled cards inside the shuffler in a secure manner approved by the Bureau of Gaming Operations.

(ii) The shuffled cards have been secured, released and prepared for play in accordance with procedures approved by the Bureau of Gaming Operations.

§ 549.7. Procedure for dealing cards.

(a) All cards used to play Blackjack shall be dealt from a dealing shoe specifically designed for that purpose.

(b) The dealer shall remove cards from the shoe with his left hand, and then place the cards on the appropriate area of the layout with his right hand, except that the dealer shall have the option to deal cards to the first two positions with his left hand.

(c) After each full batch of cards is placed in the shoe, the dealer shall remove the first card and place it in the discard rack. Each new dealer who comes to the table shall also remove one card and place it in the discard rack before dealing any cards to the players.

(d) If a double shoe is utilized, the following procedures shall be used in lieu of the procedures in subsection (c).

(1) Prior to commencement of each round of play, the dealer shall draw a determinate card from either side of the double shoe. The suit of that card shall determine from which side of the shoe that round of play will be dealt. The certificate holder shall designate that the suits of hearts and diamonds shall correspond to the color of the backs of the cards being dealt from one side of the shoe, and that the suits of spades and clubs shall correspond to the color of the backs of the cards being dealt from the other side of the shoe.

(2) A determinant card corresponding to the side of the shoe from which it was drawn shall become the player's first card. A determinant card that does not correspond to the side of the shoe from which it was dealt shall be placed in a segregated area of the dealing shoe.

(e) At the commencement of each round of play, or immediately after the determinant card has been drawn and either removed or used as the player's first card, the dealer shall, starting on his left and continuing around the table, deal the cards in the following order:

(1) One card face upwards to each box on the layout in which a wager is contained.

(2) One card face upwards to the dealer.

(3) A second card face upwards to each box in which a wager is contained.

(4) A second card face downwards to himself.

(f) If the dealer's first card is an ace, king, queen, jack or 10 of any suit, the dealer shall determine whether the hole card will give the dealer a Blackjack prior to dealing any additional cards to the players at the table. The dealer shall insert the hole card into the card reader device by moving the card face down on the layout without exposing it to anyone, including the dealer, at the table.

(g) After the cards have been dealt, and if necessary, the procedure in subsection (f) has been executed, the dealer shall, beginning from his left, announce the point total of each player. As each player's point total is announced, the player shall indicate whether he wishes to surrender as permitted under § 549.9 (relating to surrender), double down as permitted under § 549.11 (relating to Double Down Wager), split pairs as permitted under § 549.12 (relating to splitting pairs), stand or draw as

permitted under § 549.13 (relating to drawing of additional cards by players and the dealer).

(h) As each player indicates his decision, the dealer shall deal face upwards whatever additional cards are necessary to effectuate the player's decision consistent with this chapter and shall announce the new point total of the player after each additional card is dealt.

(i) After the decisions of each player have been implemented and all additional cards have been dealt, the dealer shall turn the second card that was dealt to the dealer face upwards. Any additional cards required to be dealt to the hand of the dealer by § 549.13(b) shall be dealt face upwards at this time. The dealer shall announce the dealer's total point count after each additional card is dealt.

(j) At the conclusion of a round of play, all cards still remaining on the layout shall be picked up by the dealer in order and in a way that the cards can be readily arranged to indicate each player's hand in case of question or dispute. The dealer shall pick up the cards beginning with those of the player to his far right and moving counterclockwise around the table. After all the players' cards have been collected the dealer shall pick up his cards against the bottom of the players' cards and place them in the discard rack or in a segregated area of the double shoe.

(k) Whenever the cutting card is the first card in the dealing shoe at the beginning of a round of play or is reached in the deal of the cards, the dealer shall continue dealing the cards until that round of play is completed after which the dealer shall:

- (1) Collect the cards as provided in subsection (j).
- (2) Prepare to shuffle the cards, as follows:

(i) Whenever a single dealing shoe is used, the dealer shall remove the cards remaining in the shoe and place them in the discard rack to ensure that no cards are missing.

(ii) Whenever a double shoe is used, the dealer shall remove the cards remaining in the side of the shoe from which the cutting card was drawn and the cards, if any, that were put in a separate segregated area for the discards from that side of the double shoe, after which the dealer shall place those cards face down in the discard rack in order to ensure that no cards are missing.

(3) Shuffle the cards so that they are randomly intermixed. If a double shoe is utilized, the shuffle of the cards shall be limited to the side of the shoe from which the cutting card was drawn.

(l) Players and spectators may not handle, remove or alter any cards used to play Blackjack.

(m) Each player at the table shall be responsible for correctly computing the point count of his hand and no player shall rely on the point counts announced by the dealer.

§ 549.12. Splitting pairs.

(a) Whenever the initial two cards dealt to a player are identical in value, the player may elect to split the hand into two separate hands provided that he makes a wager on the second hand so formed in an amount equal to his original wager. For example, if a player has two 7's or a king and a 10, the player may elect to split the hand.

(b) When a player splits pairs, the dealer shall deal a card to and complete the player's decisions with respect to

the first incomplete hand on the dealer's left before proceeding to deal any cards to the second hand.

(c) After a second card is dealt to each split pair hand, the dealer shall announce the point total of the hand and the player shall indicate his decision to stand, draw or double down with respect to that hand except that:

(1) A player may split one more pair if the second card dealt is identical in value to a card of the split pair, for a total of three hands. A player may not split another identical value pair.

(2) A player splitting aces may only have one card dealt to each ace.

(d) If the dealer obtains Blackjack after a player splits pairs, the dealer shall only collect the amount of the original wager of the player and may not collect the additional amount wagered in splitting pairs.

§ 549.15. Continuous shuffling shoe or device.

In lieu of the dealing and shuffling requirements set forth in §§ 549.6 and 549.7 (relating to shuffle and cut of the cards; and procedure for dealing cards), a certificate holder may utilize a dealing shoe or other device designed to automatically reshuffle the cards provided that the shoe or device is approved by the Bureau of Gaming Laboratory Operations and the procedures for dealing and shuffling the cards through use of this device are approved by the Bureau of Gaming Operations.

CHAPTER 551. SPANISH 21

§ 551.2. Spanish 21 table; card reader device; physical characteristics; inspections.

(a) Spanish 21 shall be played at a table having on one side places for the players and on the opposite side a place for the dealer.

(b) The layout for a Spanish 21 table shall be approved by the Bureau of Gaming Operations and contain, at a minimum:

(1) The name or logo of the certificate holder offering the game.

(2) No more than seven player positions containing a separate designated betting area for the placement of the following wagers:

- (i) The required Spanish 21 wager.
- (ii) An optional Match-The-Dealer Wager.

(c) The following must be inscribed on the Spanish 21 layout:

(1) Blackjack pays 3 to 2.

(2) Dealer shall draw to 16 and stand on all 17's or similar language approved by the Bureau of Gaming Operations.

(3) Insurance pays 2 to 1.

(4) The payout odds for each of the wagers listed in § 551.6(f) and (g) (relating to wagers; payout odds).

(5) The payout odds for the Match-The-Dealer Wager, if offered, unless these odds are included in the sign required by subsection (g).

(d) Each Spanish 21 table must have a drop box and a tip box attached to it with the location of the boxes on the same side of the gaming table, but on opposite sides of the dealer, as approved by the Bureau of Gaming Operations.

(e) A Spanish 21 table must have attached to it a card reader device, approved by the Bureau of Gaming Opera-

tions, which permits the dealer to determine if the dealer has a Blackjack in accordance with § 551.8 (relating to procedure for dealing the cards). The floorperson assigned to the Spanish 21 table shall inspect the card reader device at the beginning of each gaming day to insure that there has been no tampering with the device and that it is in proper working order.

(f) To collect the cards at the conclusion of a round of play as required under § 551.8(i), each Spanish 21 table must have a discard rack securely attached to the top of the dealer's side of the table or in another location approved by the Bureau of Gaming Operations. The height of the discard rack must either:

(1) Equal the height of the cards, stacked one on top of the other, contained in the total number of decks that are to be used in the dealing shoe at that table.

(2) Be taller than the height of the total number of decks being used if the discard rack has a distinct and clearly visible mark on its side to show the exact height for a stack of cards equal to the total number of cards contained in the number of decks to be used in the dealing shoe at that table.

(g) A certificate holder shall post a sign approved by the Bureau of Gaming Operations at each Spanish 21 table, which explains:

(1) That doubled down hands are not eligible for the additional payouts in § 551.6(g) and (h).

(2) The payout odds for the Match-The-Dealer Wager, if those payout odds are not imprinted on the layout.

§ 551.3. Cards; number of decks; value of cards.

(a) Spanish 21 shall be played with six or eight decks of cards identical in appearance. The decks must consist of 48 cards, with the 10 of each suit removed from each deck during the inspection required under § 551.4 (relating to opening of the table for gaming). Spanish 21 shall also be played with at least one cutting card.

(b) The value of the cards contained in each deck shall be as follows:

(1) Any card from 2 to 9 shall have its face value.

(2) Any jack, queen or king shall have a value of 10.

(3) An ace shall have a value of 11, unless that value would give a player or the dealer a score in excess of 21, in which case the ace shall have a value of one.

(c) The decks of cards opened for use at a Spanish 21 table shall be changed at least once every 24 hours.

§ 551.4. Opening of the table for gaming.

(a) After receiving the decks of cards at the table, the dealer shall inspect the cards for any defects.

(b) If the decks contain the 10 of any suit, the dealer and a floorperson shall ensure that these cards are removed from the decks, torn in half and placed in the box, envelope or container that the decks came from. Following the inspection of the cards by the dealer and the verification by the floorperson assigned to the table, the cards shall be spread out face up on the table for visual inspection by the first player to arrive at the table. The cards shall be spread out in horizontal fan shaped columns by deck according to suit and in sequence.

(c) After the first player has been afforded an opportunity to visually inspect the cards, the cards shall be turned face down on the table, mixed thoroughly by a washing of the cards, and stacked.

(d) If the decks of cards received at the table are preinspected and reshuffled in accordance with § 523.16(u) or (v) (relating to cards; receipt, storage, inspections and removal from use), the requirements in subsections (a)—(c) do not apply.

§ 551.5. Shuffle and cut of the cards.

(a) Immediately prior to commencement of play, unless the cards were reshuffled in accordance with § 523.16(u) or (v) (relating to cards; receipt, storage, inspections and removal from use), after any round of play as may be determined by a floorperson and after each shoe of cards is dealt, the dealer shall shuffle the cards so that they are randomly intermixed.

(b) After the cards have been shuffled, the dealer shall offer the stack of cards, with backs facing up to the players to be cut. The player to cut the cards shall be:

(1) The first player to the table if the game is just beginning.

(2) The player on whose box the cutting card appeared during the last round of play.

(3) The player at the farthest point to the right of the dealer if the cutting card appeared on the dealer's hand during the last round of play.

(4) The player at the farthest point to the right of the dealer if the reshuffle was initiated at the discretion of a floorperson.

(c) If the player designated in subsection (b) refuses the cut, the cards shall be offered to each other player moving clockwise around the table until a player accepts the cut. If no player accepts the cut, the dealer shall cut the cards.

(d) The player shall cut the cards by placing the cutting card in the stack at least ten cards in from the top or bottom of the stack.

(e) Once the cutting card has been inserted by the player, the dealer shall take all cards above the cutting card and place them on the bottom of the stack. The dealer shall then take the entire stack of cards and align them along the side of the dealing shoe which has a mark that will allow the dealer to insert the cutting card in the stack at a position at least approximately one-quarter of the way in from the bottom of the stack. The stack of cards shall then be inserted into the dealing shoe for commencement of play.

(f) After the cards have been cut and before any cards have been dealt, a floorperson or above may require the cards to be recut if he determines that the cut was performed improperly or in any way that might affect the integrity or fairness of the game. If a recut is required, the cards shall be cut by the next player entitled to cut the cards, as determined by subsection (c).

(g) A reshuffle of the cards in the shoe shall take place after the cutting card is reached in the shoe as provided for in § 551.8(j) (relating to procedure for dealing the cards) except that the floorperson may determine after each round of play that the cards should be reshuffled.

(h) If there is no gaming activity at a Spanish 21 table which is open for gaming, the cards shall be removed from the dealing shoe and the discard rack, and spread out on the table for inspection, either face up or face down. If the cards are spread face down, they shall be turned face up once a player arrives at the table. After the first player is afforded an opportunity to visually inspect the cards, the cards shall be turned face down on the table.

(1) If there is no automated shuffling device in use, the cards shall be mixed thoroughly by a washing of the cards, stacked, then shuffled and cut in accordance with this section.

(2) If an automated shuffling device is in use, the cards shall be stacked and placed into the automated shuffling device to be shuffled. The batch of cards already in the shuffler shall then be removed. Unless a player so requests, the batch of cards removed from the shuffler need not be spread for inspection and reshuffled prior to being dealt, if:

(i) The automated card shuffling device stores a single batch of shuffled cards inside the shuffler in a secure manner approved by the Bureau of Gaming Operations.

(ii) The shuffled cards have been secured, released and prepared for play in accordance with procedures approved by the Bureau of Gaming Operations.

§ 551.8. Procedure for dealing the cards.

(a) Cards used to play Spanish 21 shall be dealt from a dealing shoe specifically designed for that purpose.

(b) The dealer shall remove cards from the shoe with his left hand, and then place the cards on the appropriate area of the layout with his right hand, except that the dealer shall have the option to deal cards to the first two positions with his left hand.

(c) After each full batch of cards is placed in the shoe, the dealer shall remove the first card and place it in the discard rack. Each new dealer who comes to the table shall also remove one card and place it in the discard rack before dealing any cards to the players.

(d) At the commencement of each round of play, the dealer shall, starting on his left and continuing around the table, deal the cards in the following order:

- (1) One card face up to each box on the layout in which a wager is contained.
- (2) One card face up to the dealer.
- (3) A second card face up to each box in which a wager is contained.
- (4) A second card face down to himself.

(e) If the dealer's first card is an ace, king, queen or jack of any suit, the dealer shall determine whether the hole card will give the dealer a Blackjack prior to dealing any additional cards to the players at the table. The dealer shall insert the hole card into the card reader device by moving the card face down on the layout without exposing it to anyone, including the dealer, at the table.

(f) After the cards have been dealt, and if necessary, the procedure in subsection (e) has been executed, the dealer shall, beginning from his left, announce the point total of each player. As each player's point total is announced, the player shall indicate whether he wishes to surrender as permitted under § 551.9 (relating to surrender), double down as permitted under § 551.11 (relating to Double Down Wager; rescue), split pairs as permitted under § 551.12 (relating to splitting pairs), stand or draw as permitted by § 551.13 (relating to drawing of additional cards by players and the dealer).

(g) As each player indicates his decision, the dealer shall deal face up whatever additional cards are necessary to effectuate the player's decision consistent with this chapter and shall announce the new point total of the player after each additional card is dealt.

(h) After the decisions of each player have been implemented and all additional cards have been dealt, the dealer shall turn the second card that was dealt to the dealer face up. Additional cards required to be dealt to the hand of the dealer by § 551.13(b) shall be dealt face up at this time. The dealer shall announce the dealer's total point count after each additional card is dealt.

(i) At the conclusion of a round of play, all cards still remaining on the layout shall be picked up by the dealer in order and in such a way that they can be readily arranged to indicate each player's hand in case of question or dispute. The dealer shall pick up the cards beginning with those of the player to his far right and moving counterclockwise around the table. After all the players' cards have been collected the dealer shall pick up his cards against the bottom of the players' cards and place them in the discard rack.

(j) Whenever the cutting card is the first card in the dealing shoe at the beginning of a round of play or is reached in the deal of the cards, the dealer shall continue dealing the cards until that round of play is completed, after which the dealer shall:

- (1) Collect the cards as provided in subsection (i).
- (2) Remove the cards remaining in the shoe and place them in the discard rack to ensure that no cards are missing.

(3) Shuffle the cards so that they are randomly inter-mixed.

(k) Players may not handle, remove or alter any cards used to play at Spanish 21.

(l) Each player at the table shall be responsible for correctly computing the point count of his hand, and no player shall rely on the point counts announced by the dealer.

§ 551.12. Splitting pairs.

(a) Whenever the initial two cards dealt to a player are identical in value, the player may elect to split the hand into two separate hands, provided that he makes a wager on the second hand so formed in an amount equal to his original wager. For example, if a player has two 7's or a king and a jack, he may elect to split the hand.

(b) When a player splits pairs, the dealer shall deal a card to and complete the player's decisions with respect to the first incomplete hand on the dealer's left before proceeding to deal any cards to the second hand.

(c) After a second card is dealt to a split pair hand, the dealer shall announce the point total of the hand and the player shall indicate his decision to stand, draw or double down with respect to that hand. A player may split one more pair if the second card dealt is identical in value to a card of the split pair, for a total of three hands. A player may not split another identical value pair.

(d) If the dealer obtains Blackjack after a player splits pairs, the dealer shall only collect the amount of the original wager of the player, and may not collect the additional amount wagered in splitting pairs.

(e) The additional payouts provided in § 551.6(h) (relating to wagers; payout odds) are not applicable to a winning wager on a split hand.

§ 551.15. Continuous shuffling shoe or device.

In lieu of the dealing and shuffling requirements in §§ 551.5 and 551.8 (relating to shuffle and cut of the cards; and procedure for dealing cards), a certificate holder may utilize a dealing shoe or other device designed

to automatically reshuffle the cards, provided that the shoe or device is approved by the Bureau of Gaming Laboratory Operations and the procedures for dealing and shuffling the cards through use of this device are approved by the Bureau of Gaming Operations.

CHAPTER 553. POKER

§ 553.5. Opening of the table for gaming.

(a) After receiving two decks of cards at the table, the dealer shall inspect the cards for any defects.

(b) Following the inspection of the cards by the dealer and the verification by a floorperson or higher, the cards shall be spread out face up on the table for visual inspection by the first two players to be seated at the table. The cards shall be spread out according to suit and in sequence.

(c) Immediately prior to the commencement of play and after a minimum of two players are afforded an opportunity to visually inspect the cards from each deck at the table, each deck shall be separately turned face down on the table, mixed thoroughly by a washing of the cards and stacked. Each deck of cards shall then be shuffled in accordance with § 553.6 (relating to shuffle and cut of the cards).

(d) If an automated card shuffling device is not being used, one of the decks shall be cut in accordance with § 553.6 and the other deck shall be placed in the area designated under § 553.2(c) (relating to poker table physical characteristics). In the alternative, a certificate holder may wash, shuffle and cut only the deck intended for immediate use and place the other deck in the area designated under § 553.2(c). Upon rotation of the decks of cards as required under § 553.3 (relating to cards; number of decks), the other deck shall be washed, shuffled and cut in accordance with the requirements in this section.

(e) If an automated card shuffling device is being used, one of the decks shall be cut in accordance with § 553.6 and the other deck shall be placed or left in the automated shuffler for the next round of play.

(f) If the decks of cards received at the table are preinspected and preshuffled in accordance with § 523.16(u) or (v) (relating to cards; receipt, storage, inspections and removal from use), the requirements in subsections (a)—(c) do not apply.

§ 553.6. Shuffle and cut of the cards.

(a) Immediately prior to commencement of play, unless the cards were preshuffled in accordance with § 523.16(u) or (v) (relating to cards; receipt, storage, inspections and removal from use), and after the completion of each round of play, the dealer shall shuffle the entire deck of cards, either manually or by use of an automated card shuffling device, so that they are randomly intermixed. Upon completion of the shuffle, the dealer or device shall place the deck of cards in a single stack.

(b) After the cards have been shuffled, stacked, and placed on the table in front of the dealer, the dealer shall, using one hand, cut the deck by:

(1) Placing the cover card on the table in front of the deck of cards.

(2) Taking a stack of at least 10 cards from the top of the deck and placing them on top of the cover card.

(3) Placing the cards remaining in the deck on top of the stack of cards that were cut and placed on the cover card.

(c) After the cards have been cut and before any cards have been dealt, a floorperson or above may require the cards to be recut if he determines that the cut was performed improperly or in any way that might affect the integrity or fairness of the game.

(d) If there is no gaming activity at the Poker table, each deck of cards at the table shall be spread out on the table face up. After the first two players who arrive at the table are afforded an opportunity to visually inspect both of the decks, the procedures required under § 553.5(c) (relating to opening the table for gaming) shall be completed.

CHAPTER 555. CARIBBEAN STUD POKER

§ 555.4. Opening of the table for gaming.

(a) After receiving one or more decks of cards at the table, the dealer shall inspect the cards for any defects.

(b) Following the inspection of the cards by the dealer and the verification by the floorperson assigned to the table, the cards shall be spread out face up on the table for visual inspection by the first player to arrive at the table. The cards shall be laid out according to suit and in sequence.

(c) After the first player arriving at the table is afforded an opportunity to visually inspect the cards, the cards shall be turned face down on the table, mixed thoroughly by a washing of the cards and stacked. Once the cards have been stacked, they shall be shuffled in accordance with § 555.5 (relating to shuffle and cut of the cards).

(d) If a certificate holder uses an automated card shuffling device to play the game and two decks of cards are received at the table as permitted under § 555.3(b) (relating to cards; number of decks), each deck of cards shall be separately spread, inspected, verified, laid out, inspected, mixed, stacked and washed in accordance with subsections (a), (b) and (c).

(e) If the decks of cards received at the table are preinspected and preshuffled in accordance with § 523.16(u) or (v) (relating to cards; receipt, storage, inspections and removal from use), the requirements in subsections (a)—(d) do not apply.

§ 555.5. Shuffle and cut of the cards.

(a) Immediately prior to commencement of play, unless the cards were preshuffled in accordance with § 523.16(u) or (v) (relating to cards; receipt, storage, inspections and removal from use), and after each round of play has been completed, the dealer shall shuffle the cards, either manually or by use of an automated card shuffling device, so that the cards are randomly intermixed. Upon completion of the shuffle, the dealer or device shall place the deck of cards in a single stack; provided, however, that nothing herein prohibits the use of an automated card shuffling device which, upon completion of the shuffling of the cards, inserts the stack of cards directly into a dealing shoe.

(b) If an automated card shuffling device that counts the number of cards in the deck after the completion of each shuffle and indicates whether 52 cards are present is being used and reveals that an incorrect number of cards are present, the deck shall be removed from the table.

(c) After the cards have been shuffled and stacked, the dealer shall:

(1) If the cards were shuffled using an automated card shuffling device, deal the cards in accordance with the

procedures in § 555.8, § 555.9 or § 555.10 (relating to procedures for dealing the cards from a manual dealing shoe; procedures for dealing the cards from the hand; and procedures for dealing the cards from an automated dealing shoe).

(2) If the cards were shuffled manually or were preshuffled, cut the cards in accordance with subsection (d).

(d) If a cut of the cards is required, the dealer shall:
 (1) Cut the deck, using one hand, by:

(i) Placing the cover card on the table in front of the deck of cards.

(ii) Taking a stack of at least 10 cards from the top of the deck and placing them on top of the cover card.

(iii) Placing the cards remaining in the deck on top of the stack of cards that were cut and placed on the cover card.

(2) Deal the cards in accordance with § 555.8, § 555.9 or § 555.10.

(e) Notwithstanding subsection (d), after the cards have been cut and before any cards have been dealt, a floorperson or above may require the cards to be recut if he determines that the cut was performed improperly or in any way that might affect the integrity or fairness of the game.

(f) Whenever there is no gaming activity at a Caribbean Stud Poker table which is open for gaming, the cards shall be spread out on the table either face up or face down. If the cards are spread face down, they shall be turned face up once a player arrives at the table. After the first player is afforded an opportunity to visually inspect the cards, the procedures in § 555.4(c) (relating to opening of the table for gaming) and this section shall be completed.

CHAPTER 557. FOUR CARD POKER

§ 557.4. Opening of the table for gaming.

(a) After receiving one or more decks of cards at the table, the dealer shall inspect the cards for any defects.

(b) Following the inspection of the cards by the dealer and the verification by the floorperson assigned to the table, the cards shall be spread out face up on the table for visual inspection by the first player to arrive at the table. The cards shall be spread out according to suit and in sequence.

(c) After the first player arriving at the table has been afforded an opportunity to visually inspect the cards, the cards shall be turned face down on the table, mixed thoroughly by a washing of the cards and stacked. Once the cards have been stacked, the cards shall be shuffled in accordance with § 557.5 (relating to shuffle and cut of the cards).

(d) If a certificate holder uses an automated card shuffling device to play the game and two decks of cards are received at the table as permitted under § 557.3(b) (relating to cards; number of decks), each deck of cards shall be separately spread, inspected, verified, spread, inspected, mixed, stacked and shuffled in accordance with subsections (a), (b) and (c).

(e) If the decks of cards received at the table are preinspected and preshuffled in accordance with § 523.16(u) or (v) (relating to cards; receipt, storage, inspections and removal from use), the requirements in subsections (a)—(d) do not apply.

§ 557.5. Shuffle and cut of the cards.

(a) Immediately prior to commencement of play, unless the cards were preshuffled in accordance with § 523.16(u) or (v) (relating to cards; receipt, storage, inspections and removal from use), and after each round of play has been completed, the dealer shall shuffle the cards, either manually or by use of an automated card shuffling device, so that the cards are randomly intermixed. Upon completion of the shuffle, the dealer or device shall place the deck of cards in a single stack; provided, however, that nothing in this section prohibits the use of an automated card shuffling device which, upon completion of the shuffling of the cards, inserts the stack of cards directly into a dealing shoe.

(b) If an automated card shuffling device that counts the number of cards in the deck after the completion of each shuffle and indicates whether 52 cards are present is being used and reveals that an incorrect number of cards are present, the deck shall be removed from the table.

(c) After the cards have been shuffled and stacked, the dealer shall:

(1) If the cards were shuffled using an automated card shuffling device, deal the cards in accordance with § 557.8, § 557.9 or § 557.10 (relating to procedures for dealing the cards from a manual dealing shoe; procedures for dealing the cards from the hand; and procedures for dealing the cards from an automated dealing shoe).

(2) If the cards were shuffled manually or were preshuffled, cut the cards in accordance with the procedures in subsection (d).

(d) If a cut of the cards is required, the dealer shall:

(1) Cut the deck, using one hand, by:

(i) Placing the cover card on the table in front of the deck of cards.

(ii) Taking a stack of at least 10 cards from the top of the deck and placing them on top of the cover card.

(iii) Placing the cards remaining in the deck on top of the stack of cards that were cut and placed on the cover card.

(2) Deal the cards in accordance with § 557.8, § 557.9 or § 557.10.

(e) Notwithstanding subsection (d), after the cards have been cut and before any cards have been dealt, a floorperson or above may require the cards to be recut if he determines that the cut was performed improperly or in any way that might affect the integrity or fairness of the game.

(f) Whenever there is no gaming activity at a Four Card Poker table which is open for gaming, the cards shall be spread out on the table either face up or face down. If the cards are spread face down, the cards shall be turned face up once a player arrives at the table. After the first player arriving at the table is afforded an opportunity to visually inspect the cards, the procedures in § 557.4(c) (relating to opening of the table for gaming) and this section shall be completed.

CHAPTER 559. LET IT RIDE POKER

§ 559.4. Opening of the table for gaming.

(a) After receiving one or more decks of cards at the table, the dealer shall inspect the cards for any defects.

(b) Following the inspection of the cards by the dealer and the verification by the floorperson assigned to the

table, the cards shall be spread out face up on the table for visual inspection by the first player to arrive at the table. The cards shall be spread out according to suit and in sequence.

(c) After the first player arriving at the table has been afforded an opportunity to visually inspect the cards, the cards shall be turned face down on the table, mixed thoroughly by a washing of the cards and stacked. Once the cards have been stacked, they shall be shuffled in accordance with § 559.5 (relating to shuffle and cut of the cards).

(d) If a certificate holder uses an automated card shuffling device to play the game and two decks of cards are received at the table as permitted under § 559.3(b) (relating to cards; number of decks), each deck of cards shall be separately spread, inspected, verified, spread, inspected, mixed, stacked and shuffled in accordance with the provisions of subsections (a), (b) and (c).

(e) If the decks of cards received at the table are preinspected and reshuffled in accordance with § 523.16(u) or (v) (relating to cards; receipt, storage, inspections and removal from use), the requirements in subsections (a)—(d) do not apply.

§ 559.5. Shuffle and cut of the cards.

(a) Immediately prior to commencement of play, unless the cards were reshuffled in accordance with § 523.16(u) or (v) (relating to cards; receipt, storage, inspections and removal from use), and after each round of play has been completed, the dealer shall shuffle the cards, either manually or by use of an automated card shuffling device, so that the cards are randomly intermixed. Upon completion of the shuffle, the dealer or automated shuffling device shall place the deck of cards in a single stack; provided, however, that nothing herein prohibits the use of an automated card shuffling device which, upon completion of the shuffling of the cards, inserts the stack of cards directly into a dealing shoe.

(b) If an automated card shuffling device that counts the number of cards in the deck after the completion of each shuffle and indicates whether 52 cards are present is being used and reveals that an incorrect number of cards are present, the deck shall be removed from the table.

(c) After the cards have been shuffled and stacked, the dealer shall:

(1) If the cards were shuffled using an automated card shuffling device, deal the cards in accordance with § 559.10, § 559.11 or § 559.12 (relating to procedure for dealing the cards from a manual dealing shoe; procedure for dealing the cards from the hand; and procedure for dealing the cards from an automated dealing shoe).

(2) If the cards were shuffled manually or were reshuffled, cut the cards in accordance with the procedures in subsection (d).

(d) If a cut of the cards is required, the dealer shall:

(1) Cut the deck, using one hand, by:

(i) Placing the cover card on the table in front of the deck of cards.

(ii) Taking a stack of at least 10 cards from the top of the deck and placing them on top of the cover card.

(iii) Placing the cards remaining in the deck on top of the stack of cards that were cut and placed on top of the cover card.

(2) Deal the cards in accordance with § 559.10, § 559.11 or § 559.12.

(e) Notwithstanding subsection (d), after the cards have been cut and before any cards have been dealt, a floorperson or above may require the cards to be recut if he determines that the cut was performed improperly or in any way that might affect the integrity or fairness of the game.

(f) Whenever there is no gaming activity at a Let It Ride Poker table which is open for gaming, the cards shall be spread out on the table either face up or face down. If the cards are spread face down, the cards shall be turned face up once a player arrives at the table. After the first player arriving at the table is afforded an opportunity to visually inspect the cards, the procedures in § 559.4(c) (relating to opening of the table for gaming) shall be completed.

CHAPTER 561. PAI GOW POKER

§ 561.4. Opening of the table for gaming.

(a) After receiving a deck of cards at the table, the dealer shall inspect the cards for any defects.

(b) If the deck of cards used by the certificate holder contains two jokers, the dealer and a floorperson shall ensure that only one joker is utilized and that the other joker is torn in half and placed in the box, envelope or container that the deck came from. Following the inspection of the cards by the dealer and the verification by the floorperson assigned to the table, the cards shall be spread out face up on the table for visual inspection by the first player to arrive at the table. The cards shall be spread out according to suit and in sequence and include the one joker.

(c) After the first player is afforded an opportunity to visually inspect the cards, the cards shall be turned face down on the table, mixed thoroughly by a washing of the cards and stacked. Once the cards have been stacked, they shall be shuffled in accordance with § 561.5 (relating to shuffle and cut of the cards).

(d) If a certificate holder uses an automated card shuffling device to play the game of Pai Gow Poker and two decks of cards are received at the table as permitted under § 561.3(b) (relating to cards; number of decks), each deck of cards shall be separately spread, inspected, verified, spread, mixed, stacked and shuffled in accordance with subsections (a)—(c).

(e) If the decks of cards received at the table are preinspected and reshuffled in accordance with § 523.16(u) or (v) (relating to cards; receipt, storage, inspections and removal from use), the requirements in subsections (a)—(d) do not apply.

§ 561.5. Shuffle and cut of the cards.

(a) Immediately prior to commencement of play, unless the cards were reshuffled in accordance with § 523.16(u) or (v) (relating to cards; receipt, storage, inspections and removal from use), and after each round of play has been completed, the dealer shall shuffle the cards either manually or by use of an automated card shuffling device so that the cards are randomly intermixed. Upon completion of the shuffle, the dealer or device shall place the deck of cards in a single stack; provided, however, that nothing herein prohibits the use of an automated card shuffling device which, upon completion of the shuffling of the cards, inserts the cards directly into an automated or manual dealing shoe.

(b) After the cards have been shuffled and stacked, the dealer shall:

(1) If the cards were shuffled using an automated card shuffling device, deal or deliver the cards in accordance with § 561.9, § 561.10 or § 561.11 (relating to procedures for dealing the cards from a manual dealing shoe; procedures for dealing the cards by hand; and procedures for dealing the cards from an automated dealing shoe).

(2) If the cards were shuffled manually or were pre-shuffled, cut the cards in accordance with the procedures in subsections (c)—(e).

(c) Upon completion of a manual shuffle, the dealer shall place the stack of cards on top of one of the cover cards. The dealer shall offer the stack of cards to be cut, with the backs facing up, to the player determined under subsection (d). If no player accepts the cut, the dealer shall cut the cards.

(d) The cut of the cards shall be offered to players in the following order:

(1) The first player arriving at the table, if the game is just beginning.

(2) The player at the farthest position to the right of the dealer. If this player refuses, the offer to cut the cards shall rotate to each player in a counterclockwise manner.

(e) The player or dealer making the cut shall place the second cover card in the stack at least 10 cards from the top or the bottom of the deck. Once the second cover card has been inserted, the dealer shall take the second cover card and all the cards on top of the second cover card and place them on the bottom of the stack. The dealer shall then remove the first cover card and place it on the bottom of the stack. The dealer shall remove one of the cover cards and either place it in the discard rack or use it as an additional cover card to be inserted four cards from the bottom of the deck. The dealer shall then deal the cards in accordance with § 561.9, § 561.10 or § 561.11.

(f) After the cards have been cut and before any cards have been dealt, a floorperson or higher may require the cards to be recut if he determines that the cut was performed improperly or in any way that might affect the integrity or fairness of the game. If a recut is required, the cards shall be recut either by the player who last cut the cards, or by the next person entitled to cut the cards, as determined under subsection (d).

(g) Whenever there is no gaming activity at a Pai Gow Poker table which is open for gaming, the cards shall be spread out on the table either face up or face down. If the cards are spread face down, the cards shall be turned face up once a player arrives at the table. After the first player arriving at the table is afforded an opportunity to visually inspect the cards, the table may be opened and the cards shuffled and cut in accordance with § 561.4 (relating to opening of the table for gaming) and this section.

CHAPTER 563. TEXAS HOLD 'EM BONUS POKER

§ 563.4. Opening of the table for gaming.

(a) After receiving the cards at the table, the dealer shall inspect the cards for any defects.

(b) Following the inspection of the cards by the dealer and the verification by the floorperson assigned to the table, the cards shall be spread out face up on the table for visual inspection by the first player to arrive at the table. The cards shall be spread out by deck according to suit and in sequence.

(c) After the first player arriving at the table is afforded an opportunity to visually inspect the cards, the cards shall be turned face down on the table, mixed thoroughly by a washing of the cards and stacked. Once the cards have been stacked, they shall be shuffled in accordance with § 563.5 (relating to shuffle and cut of the cards).

(d) If a certificate holder uses an automated card shuffling device to play the game and two decks of cards are received at the table as permitted under § 563.3(b) (relating to cards; number of decks), each deck of cards shall be separately spread, inspected, verified, spread, inspected, mixed, stacked and shuffled in accordance with subsections (a), (b) and (c).

(e) If the decks of cards received at the table are preinspected and reshuffled in accordance with § 523.16(u) or (v) (relating to cards; receipt, storage, inspections and removal from use), the requirements in subsections (a)—(d) do not apply.

§ 563.5. Shuffle and cut of the cards.

(a) Immediately prior to commencement of play, unless the cards were reshuffled in accordance with § 523.16(u) or (v) (relating to cards; receipt, storage, inspections and removal from use), and after each round of play has been completed, the dealer shall shuffle the cards, either manually or by use of an automated card shuffling device, so that the cards are randomly intermixed. Upon completion of the shuffle, the dealer or device shall place the deck of cards in a single stack; provided, however, that nothing in this section prohibits the use of an automated card shuffling device which, upon completion of the shuffling of the cards, inserts the stack of cards directly into a dealing shoe.

(b) If an automated card shuffling device that counts the number of cards in the deck after the completion of each shuffle and indicates whether 52 cards are present is being used and reveals that an incorrect number of cards are present, the deck shall be removed from the table.

(c) After the cards have been shuffled and stacked, the dealer shall:

(1) If the cards were shuffled using an automated card shuffling device, deal or deliver the cards in accordance with the procedures in § 563.8, § 563.9 or § 563.10 (relating to procedure for dealing the cards from a manual dealing shoe; procedure for dealing the cards from the hand; and procedure for dealing the cards from an automated dealing shoe).

(2) If the cards were shuffled manually or were pre-shuffled, cut the cards in accordance with subsection (d).

(d) If a cut of the cards is required, the dealer shall:

(1) Cut the deck, using one hand, by:

(i) Placing a cover card on the table in front of the deck of cards.

(ii) Taking a stack of at least 10 cards from the top of the deck and placing them on top of the cover card.

(iii) Placing the cards remaining in the deck on top of the stack of cards that were cut and placed on the cover card.

(2) Deal the cards in accordance with § 563.8, § 563.9 or § 563.10.

(e) Notwithstanding subsection (d), after the cards have been cut and before any cards have been dealt, a floorperson or higher may require the cards to be recut if

he determines that the cut was performed improperly or in any way that might affect the integrity or fairness of the game.

(f) Whenever there is no gaming activity at a Texas Hold 'Em Bonus Poker table that is open for gaming, the cards shall be spread out on the table either face up or face down. If the cards are spread face down, the cards shall be turned face up once a player arrives at the table. After the first player arriving at the table is afforded an opportunity to visually inspect the cards, the procedures in § 563.4(c) (relating to opening of the table for gaming) and this section shall be completed.

CHAPTER 565. THREE CARD POKER

§ 565.4. Opening of the table for gaming.

(a) After receiving one or more decks of cards at the table, the dealer shall inspect the cards for any defects.

(b) Following the inspection of the cards by the dealer and the verification by the floorperson assigned to the table, the cards shall be spread out face up on the table for visual inspection by the first player to arrive at the table. The cards shall be spread out according to suit and in sequence.

(c) After the first player arriving at the table has been afforded an opportunity to visually inspect the cards, the cards shall be turned face down on the table, mixed thoroughly by a washing of the cards and stacked. Once the cards have been stacked, they shall be shuffled in accordance with § 565.5 (relating to shuffle and cut of the cards).

(d) If a certificate holder uses an automated card shuffling device to play the game and two decks of cards are received at the table as permitted under § 565.3(b) (relating to cards; number of decks), each deck of cards shall be separately spread, inspected, verified, spread, inspected, mixed, stacked and shuffled in accordance with the subsections (a), (b) and (c).

(e) If the decks of cards received at the table are preinspected and reshuffled in accordance with § 523.16(u) or (v) (relating to cards; receipt, storage, inspections and removal from use), the requirements in subsections (a)—(d) do not apply.

§ 565.5. Shuffle and cut of the cards.

(a) Immediately prior to commencement of play, unless the cards were reshuffled in accordance with § 523.16(u) or (v) (relating to cards; receipt, storage, inspections and removal from use), and after each round of play has been completed, the dealer shall shuffle the cards, either manually or by use of an automated card shuffling device, so that the cards are randomly intermixed. Upon completion of the shuffle, the dealer or device shall place the deck of cards in a single stack; provided, however, that nothing in this section prohibits the use of an automated card shuffling device which, upon completion of the shuffling of the cards, inserts the stack of cards directly into a dealing shoe.

(b) If an automated card shuffling device that counts the number of cards in the deck after the completion of each shuffle and indicates whether 52 cards are present is being used and reveals that an incorrect number of cards are present, the deck shall be removed from the table.

(c) After the cards have been shuffled and stacked, the dealer shall:

(1) If the cards were shuffled using an automated card shuffling device, deal the cards in accordance with

§ 565.8, § 565.9 or § 565.10 (relating to procedures for dealing the cards from a manual dealing shoe; procedures for dealing the cards from the hand; and procedures for dealing the cards from an automated dealing shoe).

(2) If the cards were shuffled manually or were reshuffled, cut the cards in accordance with the procedures in subsection (d).

(d) If a cut of the cards is required, the dealer shall:

(1) Cut the deck, using one hand, by:

(i) Placing the cover card on the table in front of the deck of cards.

(ii) Taking a stack of at least 10 cards from the top of the deck and placing them on top of the cover card.

(iii) Placing the cards remaining in the deck on top of the stack of cards that were cut and placed on the cover card.

(2) Deal the cards in accordance with § 565.8, § 565.9 or § 565.10.

(e) Notwithstanding subsection (d), after the cards have been cut and before any cards have been dealt, a floorperson or above may require the cards to be recut if he determines that the cut was performed improperly or in any way that might affect the integrity or fairness of the game.

(f) Whenever there is no gaming activity at a Three Card Poker table which is open for gaming, the cards shall be spread out on the table either face up or face down. If the cards are spread face down, the cards shall be turned face up once a player arrives at the table. After the first player arriving at the table is afforded an opportunity to visually inspect the cards, the procedures in § 565.4(c) (relating to opening of the table for gaming) and this section shall be completed.

CHAPTER 567. WAR

§ 567.4. Opening of the table for gaming.

(a) After receiving six or more decks of cards at the table, the dealer shall sort and inspect each deck of cards separately, face down, and the floorperson assigned to the table shall verify the inspection.

(b) Following the inspection of the cards by the dealer and the verification by the floorperson assigned to the table, the cards shall be spread out face up on the table for visual inspection by the first player to arrive at the table. The cards shall be spread out according to suit and in sequence.

(c) After the first player is afforded an opportunity to visually inspect the cards, the cards shall be turned face down on the table, mixed thoroughly by a washing of the cards and stacked.

(d) If an automated shuffling device is utilized, all the decks in one batch of cards shall be spread for inspection on the table separate from the decks in the other batch of cards. After the first player to arrive at the table is afforded an opportunity to visually inspect the cards, each batch of cards shall separately be turned face downward on the table and stacked.

(e) If the decks of cards received at the table are preinspected and reshuffled in accordance with § 523.16(u) or (v) (relating to cards; receipt, storage, inspections and removal from use), the requirements in subsections (a)—(d) do not apply.

§ 567.5. Shuffle and cut of the cards.

(a) Immediately prior to commencement of play, unless the cards were reshuffled in accordance with § 523.16(u) or (v) (relating to cards; receipt, storage, inspections and removal from use), and after each dealing shoe of cards is dealt or when directed by a floorperson or above, the dealer shall shuffle the cards, either manually or by use of an automated card shuffling device, so that the cards are randomly intermixed. Upon completion of the shuffle, the dealer or device shall place the deck of cards in a single stack.

(b) After the cards have been shuffled and stacked, the dealer shall offer the stack of cards to be cut, with the backs facing away from the dealer, to players in the following order:

(1) The first player to the table, if the game is just beginning.

(2) The player on whose betting area the cover card appeared during the last round of play.

(3) The player at the farthest point to the right of the dealer if the cover card appeared on the dealer's hand during the last round of play.

(4) The player at the farthest point to the right of the dealer if the reshuffle was initiated at the discretion of a floorperson or above.

(c) If the player designated in subsection (b) refuses to cut, the dealer shall offer the cut to each other player moving clockwise around the table until a player accepts the cut. If no player accepts the cut, the dealer shall cut the cards.

(d) The player or dealer making the cut shall place a cover card in the stack at least 10 cards in from the top or the bottom of the stack.

(e) Once the cover card has been inserted, the dealer shall take all cards above the cover card and the cover card and place them on the bottom of the stack. The dealer shall then insert the second cover card in the stack at a position at least approximately one-quarter of the way in from the bottom of the stack. The stack of cards shall then be inserted into the dealing shoe for commencement of play.

(f) After the cards have been cut and before the cards have been placed in the dealing shoe, a floorperson or above may require the cards to be recut if the floorperson or above determines that the cut was performed improperly or in any way that might affect the integrity or fairness of the game. If a recut is required, the cards shall be recut by the next person entitled to cut the cards, as determined under subsection (b)(4).

(g) A reshuffle of the cards in the shoe shall take place after the cover card is reached in the shoe as required under § 567.8(d) (relating to procedure for dealing the cards).

(h) If there is no gaming activity at the War table, the cards shall be removed from the dealing shoe and the discard rack, and spread out on the table either face up or face down. If the cards are spread face down, they shall be turned face up once a player arrives at the table. After the first player is afforded an opportunity to visually inspect the cards, the cards shall be turned face downward on the table and:

(1) If there is no automated shuffling device in use, the cards shall be mixed thoroughly by a washing of the cards, stacked, then shuffled and cut in accordance with this section.

(2) If an automated shuffling device is in use, the cards shall be stacked and placed into the automated shuffling device to be shuffled. The batch of cards already in the shuffler shall then be removed. Unless a player so requests, the batch of cards removed from the shuffler need not be spread for inspection and reshuffled prior to being dealt, if:

(i) The automated card shuffling device stores a single batch of shuffled cards inside the shuffler in a secure manner approved by the Bureau of Gaming Operations.

(ii) The shuffled cards have been secured, released and prepared for play in accordance with procedures approved by the Bureau of Gaming Operations.

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