

205 CMR 137.00: GAMING SCHOOLS

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137.01: Certification of School

(1) No person shall offer a course of instruction in Massachusetts designed to prepare an individual for employment at a gaming facility as a dealer, slot machine technician, or surveillance personnel, without first obtaining certification as a gaming school from the commission in accordance with 205 CMR 137.00. Training provided by a gaming licensee to its employees shall be exempt from 205 CMR 137.00 so long as no fee or tuition is charged to the employees. Further, 205 CMR 137.00 shall not be construed so as to preclude a vendor to the gaming licensee from providing a demonstration of its equipment or training for the use of its equipment to a gaming licensee or the licensee's employees.

(2) The commission shall maintain a list of all certified gaming schools on its website at www.massgaming.com.

(3) To become a certified gaming school a person shall submit an application to the commission's Division of Licensing on a form provided by the commission that contains at least the following information:

- (a) Name of applicant;
- (b) Location where course(s) is to be offered;
- (c) Name and contact information for responsible individual;
- (d) The titles of all courses to be offered;
- (e) Proof of licensure by the Division of Professional Licensure in accordance with M.G.L. c. 112, § 263 and 230 CMR: *Division of Professional Licensure* or proof of approval by either the Massachusetts Department of Labor and Workforce Development, in order to receive state and federal training dollars administered by the Commonwealth, the Board of Higher Education or the Massachusetts Department of Elementary and Secondary Education;
- (f) The curriculum outlining the particulars of all courses to be offered as specified in 205 CMR 137.02 along with the methods of instruction and other details as required and approved by the entity referenced in 205 CMR 137.01(3)(e);
- (g) An itemized list of all gaming equipment in accordance with 205 CMR 137.05;
- (h) A description or documentation of a system designed to document successful placement of students with employers in the commonwealth;
- (i) Attestation that the applicant has reviewed and understands 940 CMR 31.00: *For-profit and Occupational Schools*;
- (j) Statement signed under the pains and penalties of perjury as to the truthfulness of the contents of the application including any attachments; and
- (k) A \$100 certification fee.

(4) Applications shall be submitted to the commission's Division of Licensing. The Division

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of Licensing shall issue a certification to the applicant upon a finding that the application contains all of the elements described in 205 CMR 137.01(3). In the event that the Division of Licensing deems an application to be incomplete it shall notify the applicant in writing and specify the deficiency. The applicant may either remedy the issue or appeal the finding to the commission in writing. The commission shall then conduct an adjudicatory hearing on the matter in accordance with 205 CMR 101.00: *M.G.L. c. 23K Adjudicatory Proceedings*. Any person aggrieved by a decision of the Commission may appeal such decision in conformance with M.G.L. c. 30A, § 14.

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(5) A certification issued in accordance with 205 CMR 137.00 shall be coterminous with the underlying licensure or approval referenced in 205 CMR 137.01(3)(e), as applicable. In order to maintain its certification upon expiration of its underlying licensure or approval, a school shall submit proof to the commission's Division of Licensing of renewal of its underlying licensure or approval along with an update as to whether any of the elements described in 205 CMR 137.01(3) have changed since the application was submitted.

(6) A gaming school that is certified in accordance with 205 CMR 137.00 shall be subject to the requirements of 205 CMR 112.00: *Required Information and Applicant Cooperation* and shall have an ongoing duty to provide updated information to the commission relative to any material change in facts or circumstances from those contained in its application. The commission, or its designee, may inspect the premises, attend a course, or review the records of a gaming school at any time.

137.02: Curriculum

(1) A gaming school curriculum, which shall be subject to review by the commission, shall include the following:

- (a) a brief description of each course that meets the minimum requirements provided in 205 CMR 137.02(2);
- (b) the total number of instructional hours in each course consistent with the minimum requirements set forth in 205 CMR 137.02(4) and (5);
- (c) the tuition charged for each program and course;
- (d) the minimum entrance requirements;
- (e) a description of the off-campus training experiences and the number of off-campus training hours required in each program and course;
- (f) a list of occupations for which each program will prepare students;
- (g) the estimated number of students anticipated to be enrolled in each course;
- (h) The number of work stations in the school, including the number and type of gaming tables and equipment to be used;
- (i) The nature of the skill and knowledge students are expected to have upon completion of the course or program and the testing program to be used to test the students' competency levels;
- (j) The student-teacher, student-table, and table-teacher ratios for each course or program;
- (k) A copy of all written material to be utilized in the course or program; and
- (l) A description of the method and frequency by which the course will be evaluated in relation to its goals and objectives.

(2) Depending upon the nature of the course, a curriculum must include instruction on the following:

- (a) Table Games. A curriculum for a course of instruction for a table game shall at a minimum include instruction in the following:
 1. Rules and techniques of the game;
 2. Basic industry standards for opening and closing tables for gaming, including the proper security procedures regarding table chip inventories;
 3. Basic industry standards for distributing and removing gaming chips and plaques from gaming tables;
 4. The proper use, control and shuffling of playing cards for authorized games that involve the use of cards;

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5. The proper use and control of dice for authorized games that involve the use of dice;
6. The proper use and control of tiles for authorized games that involve the use of tiles;
7. Basic industry standards for accepting cash at gaming tables;
8. Basic industry standards for the acceptance of tips and gratuities from patrons;
9. Basic industry standards for shift changes at gaming tables;
10. Basic industry standards for the proper placement of wagers by patrons and the proper collection of losing wagers and payment of winning wagers;
11. Training in responsible gaming in accordance with 205 CMR 137.02(3); and
12. Training in cardio pulmonary resuscitation (CPR).

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(b) Slot Machine Repair and Maintenance. A curriculum for a course of instruction in slot machine repair and maintenance shall at a minimum include the following:

1. Understanding the a slot machine including modes of operation, basic electricity, digital circuitry, progressive units, electronics, power supplies, meters, peripheral devices including printing systems;
2. Testing, inspecting, and repairing slot machines;
3. Evaluation and diagnosis of slot machine validation systems;
4. CRT and LCD monitor assessment and repair;
5. Assessing and solving microprocessor, system routing and networking issues;
6. Understanding 205 CMR 143.00: *Gaming Devices and Electronic Gaming Equipment*, 205 CMR 144.00: *Approval of Slot Machines and Electronic Gaming Equipment and Testing Laboratories*, and 205 CMR 145.00: *Possession of Slot Machines*;
7. Proper safety precautions;
8. Recording transaction information and maintaining records of maintenance and repair; and
9. Adjusting meters and replacing defective mechanical and electrical parts, using hand tools, soldering irons, and diagrams.

(c) Surveillance. A curriculum for a course of instruction in surveillance shall at a minimum include the following:

1. General role of the surveillance officer in the gaming industry;
2. Basic industry standards and procedures for surveillance officers;
3. Basic industry standards for emergency procedures relative to surveillance;
4. Overview of 205 CMR and other relevant law and regulations pertaining to surveillance;
5. Overview of general gaming establishment operations and employee actions;
6. Customer Service procedures and protocols;
7. Business and security ethics and legal concepts;
8. Effective communication with in the employees of the gaming establishment;
9. Evaluating information to determine compliance with standards and laws;
10. Identifying objects, actions, and events;
11. Managing emergency situations; and
12. Documenting/recording information.

(3) Training relative to responsible gaming shall be for minimum of 90 minutes and address the following topics:

- (a) Gambling in Massachusetts;
- (b) Definition of problem gambling and gambling disorder, including how this has changed over time;
- (c) Levels of gambling involvement;
- (d) Identifying and responding to persons exhibiting problem gambling behaviors; and
- (e) Responsible gambling strategies.

(4) Training Hours. A course of instruction shall provide the following minimum number of hours of training prior to completion of a course:

- (a) 200 hours to deal craps.
- (b) 150 hours to deal roulette.
- (c) 130 hours to deal blackjack.
- (d) 80 hours to deal baccarat.

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- (e) 200 hours to deal poker.
- (f) 100 hours in slot machine maintenance or repair.
- (g) For any course or program not listed in 205 CMR 137.02(4), the required minimum hours of training and instruction shall be determined by the commission or its designee on a case-by-case basis. The required minimum hours should be based on the number of hours the necessary to ensure the student will possess the level of skill, experience, and knowledge necessary to perform the job.

(5) For a student being trained to deal a second or subsequent game, curriculum shall provide for the following number of hours of training prior to completion of a course:

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- (a) 120 hours to deal craps.
- (b) 90 hours to deal roulette.
- (c) 80 hours to deal blackjack.
- (d) 50 hours to deal baccarat.
- (e) 120 hours to deal poker.
- (f) For any course or program not listed 205 CMR 137.02(5), the required minimum hours of training and instruction shall be determined by the commission or its designee on a case-by-case basis. The required minimum hours should be based on the number of hours the necessary to ensure the student will possess the level of skill, experience, and knowledge necessary to perform the job.

137.03: Consumer Protection

- (1) All gaming schools certified in accordance with 205 CMR 137.00 shall be subject to the applicable provisions of 940 CMR 31.00: *For-profit and Occupational Schools*.
- (2) At least 72 hours prior to entering into an enrollment agreement a gaming school shall engage in an intake with each prospective student that, at a minimum, includes the following:
 - (a) an explanation of the commission's application process contained in 205 CMR 134.00: *Licensing and Registration of Employees, Vendors, Junket Enterprises and Representatives, and Labor Organizations* including specific mention of the automatic disqualifying convictions described in 205 CMR 134.10(3)(a) and M.G.L. c. 23K, § 16(b), and any prerequisites for course completion and employment; and
 - (b) explicit notice that successful completion of the course of instruction does not assure an individual that they will be licensed by the commission as a gaming employee or that they will be hired by a gaming licensee; and
 - (c) a written outline of each gaming related program offered by the school. The outline shall contain:
 - 1. course descriptions;
 - 2. entrance requirements;
 - 3. the total number of instructional hours required to obtain a certificate or diploma;
 - 4. the earliest possible completion date;
 - 5. a list of occupations for which each program will prepare students;
 - 6. the costs of the courses and program; and
 - 7. all prerequisites for program completion and employment in the occupation, including, but not limited to, an explanation of the commission's licensing process set forth in 205 CMR 134.00: *Licensing and Registration of Employees, Vendors, Junket Enterprises and Representatives, and Labor Organizations*.

137.04: Instructors

All course instructors shall be approved by the approving entity referenced in 205 CMR 137.01(3)(e). In order to be approved, an instructor must demonstrate at least five years of fulltime or equivalent part-time practical experience in the area they seek to instruct in addition to other requirements imposed by the approving entity.

137.05: Equipment

- (1) Gaming equipment used for training purposes in a certified school shall conform to the

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requirements set forth in 205 CMR and shall be subject to commission approval.

(2) A certified gaming school shall keep an itemized list of all gaming equipment including dealing shoes, card shufflers, gaming tables, roulette wheels, electronic gaming equipment, and slot machines. Slot machines must be transported in accordance with 205 CMR 145.00: *Possession of Slot Machines*. The school or applicant shall submit its itemized list of equipment to the commission as part of its application. The itemized list shall be updated within ten days of a change in the inventory of gaming equipment. If any of the equipment is sold or no longer used, the school shall advise the Division of Licensing, in writing, that the equipment is no longer used and what happened to the equipment. The itemized list shall have additions and omissions made as they occur.

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- (3) A certified gaming school shall use chips and tokens that are distinctly dissimilar to chips and tokens used by gaming licensees.
- (4) The certified gaming school must have its name permanently imprinted or affixed to gaming equipment.

137.06: Discipline

- (1) Concurrent Obligations. Any school approved in accordance with 205 CMR 137.00 shall continue to be subject to all applicable laws and regulations enforced by its approving entity in accordance with 205 CMR 137.01(3)(e) including the Division of Professional Licensure and Board of Higher Education.
- (2) Notice of Action. Any gaming school certified in accordance with 205 CMR 137.00 must report any disciplinary action commenced by its approving entity, accreditor, any other governing agency, identified in accordance with 205 CMR 137.01(3)(e), the Office of the Attorney General, or any other law enforcement agency to the commission within ten days of such notice being received and shall have an affirmative obligation to advise the commission as to the outcome promptly upon determination.
- (3) Any certification issued in accordance with 205 CMR 137.00 may be suspended or revoked, or the school reprimanded, for any of the following reasons:
 - (a) failure to abide by any provision of 205 CMR 137.00;
 - (b) failure to provide updated information relative to its application in accordance with 205 CMR 137.01(6);
 - (c) disciplinary action has been taken or pursued against the school by its governing agency or entity as identified in 205 CMR 137.01(3)(e), the Office of the Attorney General, or any other law enforcement agency;
 - (d) the school is unable to provide the proper education required to prepare individuals for employment at a gaming establishment or facility as a dealer, slot machine technician, or surveillance personnel or is otherwise unsuitable in accordance with M.G.L. c. 23K, § 12;
- (4) Complaints. Any person may file a complaint with the commission against any school certified in accordance with 205 CMR 137.00. All complaints must be in writing on a form provided by the commission. All complaints must be received by the commission within one year of the date of the alleged wrongdoing. The commission or Bureau may itself initiate a complaint at any time notwithstanding the date of the alleged wrongdoing.
- (5) Basis of Complaint. A complaint must allege wrongdoing by the school in the form of a violation of 205 CMR 137.06(3) and/or M.G.L. c. 23K.
- (6) Review and Investigation of Complaints. Every complaint filed shall be reviewed by the commission's Division of Licensing. A hearing may be convened, the complaint may be forwarded to the Bureau, or the complaint may be dismissed in the discretion of the Division of Licensing. Failure of a complainant to cooperate in the investigation may be grounds for dismissal of a complaint.
- (7) Notice of Hearing. If the commission's Division of Licensing determines that a hearing shall be held to resolve a complaint, reasonable notice shall be provided to the complainant and

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the school. Mailing of notice to the address on record with the commission, or emailing the notice to the address provided by the school on their application for licensure or registration, shall be deemed satisfactory notice. The notice of hearing shall contain:

- (a) The name of the complainant;
- (b) The date, time and place of said hearing;
- (c) A description, including the location, of the incident giving rise to the complaint.

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(8) Hearing. Hearings convened pursuant to 205 CMR 137.00 shall be conducted pursuant to 801 CMR 1.02: *Informal/Fair Hearing Rules* and M.G.L. c. 30A. Any party may be represented by legal counsel. All parties shall be permitted to present an opening statement, testify on their own behalf, cross-examine all witnesses, present any relevant witness testimony, present any relevant documentary evidence, and offer a closing argument. The commission's Division of Licensing may question any witness and include any records kept by the commission as exhibits. The Division of Licensing may conclude the hearing at any time and issue a decision based on the evidence presented.

If a school does not appear for the hearing, the commission's Division of Licensing may conduct a hearing in its absence and render a decision based upon the evidence presented, but only after making a finding that the school was provided notice as required by 205 CMR 137.06(7).

The commission's Division of Licensing may designate a hearing officer to convene a hearing and either make a recommendation or issue a decision on its behalf.

(9) Subpoenas. The commission's Division of Licensing may issue a subpoena in accordance with M.G.L. c. 30A, § 12 requiring the attendance and testimony of witnesses and the production of any evidence, including books, records, correspondence or documents, relating to any matter in question in the proceeding.

(10) Decisions and Discipline of License and Registration Holders. The commission's Division of Licensing shall issue a written decision after the hearing. Decisions shall be issued in a reasonably prompt manner. The Division of Licensing may suspend the certification of a school for a fixed period of time, revoke a certification permanently, or issue a reprimand to the school. In conjunction with or in *lieu* of these disciplinary measures, the Division of Licensing may assess a fine pursuant to M.G.L. c. 23K, § 4(15), and recoup the costs of investigation. A school that has its certification revoked may apply in writing to the commission for reinstatement no sooner than five years from the date of the revocation.

(11) Appeals.

(a) Any person aggrieved by a decision of the commission's Division of Licensing may, in writing, request review of said decision by the commission. The filing of such a petition shall not serve to stay any disciplinary action taken by the Division of Licensing.

(b) Upon the filing of a petition in accordance with 205 CMR 137.06(11)(a) the commission may review such decision at its discretion. Such review is an administrative review that shall be based solely on the administrative record and is not to be construed as a second hearing on the same complaint(s). After review, the commission may either deny the petition or remand the matter to the commission's Division of Licensing for further proceedings as directed. The filing of an appeal with the commission shall serve to toll the timing provisions of M.G.L. c. 30A, § 14 until such time as a final decision is rendered by the commission.

(c) Any person aggrieved by a decision of the commission's Division of Licensing or the commission may appeal such decision in conformance with M.G.L. c. 30A, § 14.

137.07: Annual Report

A school certified as a gaming school in accordance with 205 CMR 137.00 shall submit an annual report to the commission detailing the following:

(a) completion or graduation rates for each program;

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- (b) success rates of graduates in obtaining employment;
- (c) relevant employment statistics if the school is required to maintain such information in order to receive federal or state funding or if the school refers to employment prospects or job placement in advertising;
- (d) student loan default rates; and
- (e) such other information designated by the commission.

The first report shall be submitted no later than one year after the date of initial certification by the commission and on an annual basis thereafter.

REGULATORY AUTHORITY

205 CMR 137.00: M.G.L. c. 23K, §§ 4(28), 5(a)(11) and (12).