

ADMINISTRATIVE PROCEDURES FILING NOTICE

Agency Mississippi Insurance Department Person to Contact Kimberly Gilmer

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Phone 601/359-3569 Transmittal Date July 18, 2005

Copy Attached: Yes No

Name or Number of Rule(s) Regulation No. MSCB-1

Terms or Substance of the Actions or Description of the Subject and Issues:

The purpose of this Regulation is to establish the minimum education training standard and process for the certification of fire personnel in the State of Mississippi.

Printed Name and Title of Person Authorized to File Rules: Kimberly Gilmer Special Assistant Attorney General

Name Kimberly Gilmer
Signature

Title

EMERGENCY RULES	PROPOSED ACTION ON RULES	FINAL ACTION ON RULES
<input type="checkbox"/> Original Filing <input type="checkbox"/> Renewal of Effectiveness To Be In Effect <input type="checkbox"/> Days Effective Date: <input type="checkbox"/> Immediately on <input type="checkbox"/> Other (Specify):	Action Proposed: <input checked="" type="checkbox"/> New Rule(s) <input type="checkbox"/> Amendment to Existing Rule(s) <input type="checkbox"/> Repeal of Existing Rule(s) <input type="checkbox"/> Adoption by Reference Proposed Date of Adoption: <input checked="" type="checkbox"/> 30 Days after Filing <input type="checkbox"/> Other (Specify):	Action Taken: <input type="checkbox"/> Adopted with No Changes in Text <input type="checkbox"/> Adopted with Changes <input type="checkbox"/> Adopted by Reference <input type="checkbox"/> Withdrawn Date Action Taken _____ Effective Date <input type="checkbox"/> 30 Days After Filing <input type="checkbox"/> Other (Specify):

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**NOTICE OF PROPOSED RULE ADOPTION BY THE
MISSISSIPPI FIRE PERSONNEL MINIMUM STANDARDS
AND CERTIFICATION BOARD**

Notice is hereby given that the Mississippi Fire Personnel Minimum Standards and Certification Board (hereinafter "MSCB" or "Board") has filed with the Secretary of States office a proposed Mississippi Fire Personnel Minimum Standards and Certification Board Regulation Number MSCB-1, entitled "Rules and Regulations for Minimum Standards Certification".

The purpose of this Regulation is to establish the minimum educational training standards for and the process for the certification of fire personnel in the State of Mississippi.

The Regulation is promulgated in accordance with the authority granted by the Legislature to the MSCB pursuant to Miss. Code Ann. §§ 45-11-251 and 45-11-253.

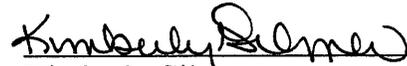
Pursuant to Miss. Code Ann. § 25-43-3.104, any interested person may within twenty-five (25) days within the date of this Notice may submit, in writing, argument, data and views on the proposed Regulation. Said written response may be sent to Minimum Standards and Certification Board, c/o Pat Smallwood, Mississippi Fire Academy, 1 Fire Academy, Jackson, MS 39208.

Should, within twenty (20) days of the date of this Notice, the Board be notified in writing sent to the above address, that a written request for an oral proceeding is submitted by a political subdivision, an agency or ten (10) interested persons, a public hearing will be scheduled to allow these persons who feel they will be adversely affected by the adoption of the proposed Regulation.

Copies of the proposed regulation may be obtained from the Secretary of State of the State of Mississippi or by mail from the Mississippi Fire Personnel Minimum Standards and Certification Board, c/o Mississippi Fire Academy, 1 Fire Academy, Jackson, MS 39208. Copies may also be

obtained from the Mississippi Department of Insurance's website address at
<http://www.doi.state.ms.us/whatnew.html>.

Submitted this the 18th day of July, 2005.



Kimberly Gilmer
Attorney for MSCB

**MISSISSIPPI FIRE PERSONNEL MINIMUM STANDARDS
AND CERTIFICATION BOARD**

REGULATION MSCB-1

**RULES AND REGULATIONS FOR
MINIMUM STANDARDS CERTIFICATION**

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I. Purpose and Scope

The purpose of this Regulation is to establish the minimum educational and training standards for, and the process for the certification of, fire personnel in the State of Mississippi.

II. Authority

This Regulation is promulgated in accordance with the authority granted by the Legislature to the Minimum Standards and Certification Board (hereinafter "MSCB" or "Board") pursuant to Miss. Code Ann. §§ 45-11-251 and 45-11-253.

III. Certification

In accordance with Miss. Code Ann. § 45-11-253(b), the term "certify" shall imply the testing of an individual candidate's knowledge and skill or the review of their training and education credentials through a standardized process of evaluation and approval. As such, the minimum standard established for fire personnel within the scope of the MSCB is the National Fire Protection Association (NFPA)

1001 Standard for Fire Fighter Professional Qualifications Levels I and II. The MSCB may grant state certification to fire personnel who meet the requirements of this standard.

Under state law, the Mississippi State Fire Academy is the principle agency responsible for providing fire fighter training. Also, the Mississippi State Fire Academy is the only entity in Mississippi accredited by the International Fire Service Accreditation Congress (IFSAC) to provide certification-testing services. Based on these facts, the MSCB shall recognize the NFPA-based professional certifications issued by the Mississippi State Fire Academy as being equivalent to the minimum standards established by the Board.

IV. Scope of Certification

The requirement for MSCB certification applies to Mississippi fire personnel employed after January 1, 1991 in a full-time or less than full time capacity by a local governmental fire fighting unit and working in a cumulative time of two thousand eight hundred (2800) compensated hours. The term fire personnel shall be apply to any employee whose primary job function involves the delivery of fire suppression and rescue services. This definition does not include employees whose principle fire service duties involve the driving and operation of apparatus, supervision of other personnel, training, or department administration. A local governmental fire fighting unit shall be defined as any organization established or contracted by a city, county, or state political authority to provide fire suppression and rescue services within a specific jurisdiction, district, or other legally recognized geographic boundary.

Miss. Code Ann. § 45-11-203 provides an exclusion or "grandfather clause" for fire personnel employed with a local fire fighting unit prior to January 1, 1991. Such personnel are not required to meet the requirements of the MSCB. As the sole qualifying factor, this act does not provide for any exemption based on prior years of service. The local fire fighting unit may request grandfather status for fire personnel employed prior to January 1, 1991, who worked a minimum of two thousand eight hundred (2800) compensated hours per year, for state certification equivalent to the appropriate level of NFPA Professional Qualification Standard. Grandfather status is not applicable to personnel employed after January 1, 1991.

The exclusion offered through the grandfather clause is valid so long as the eligible person does not have a break in service with a fire service agency for more than two (2) years. If a grandfathered or previously MSCB certified person leaves the fire service and does not serve with a fire service agency within two (2) years but no more than five (5) years, the person must successfully complete the CPAT program and the MSCB approved certification examination. If a grandfathered or previously MSCB certified person leaves the fire service and does not serve with a fire service agency within five (5) years, the person will be

considered as a new entry and must successfully complete the entire minimum standards training and certification process.

Mississippi fire personnel who serve in a non-paid capacity may choose to voluntarily meet the MSCB certification requirements through the same procedures established for compensated fire personnel.

All Mississippi fire personnel meeting the minimum standard certification requirements shall be certified by the Board provided they have not been convicted of a felony. However, a felon may petition the Board for certification by providing evidence to demonstrate that such illegal act(s) are no longer detrimental to the public trust or create an adverse perception of the fire fighter's ability to perform his or her sworn duties.

V. Probationary Period for Completing Certification Requirements

In accordance with Miss. Code Ann. § 45-11-203, fire personnel eligible for MSCB certification must complete all certification requirements within one (1) year from their original date of hire. Under extraordinary circumstances, the MSCB may grant an extension of up to one (1) additional year beyond the original probationary period. Such request for extension shall be submitted in writing by the executive fire officer of the local fire fighting unit with an explanation of circumstance and need.

Full-time Employees called to active military duty by Presidential order during their one-year probationary period may request a temporary suspension of the probationary period. If granted by the MSCB, the temporary suspension shall begin on the first official day of active military duty and extend to the last day of the employee's one-year probationary period or conclusion of military duty whichever comes first. In the event active military service extends beyond the employee's probationary period, an additional request for temporary suspension may be submitted for consideration by the Board. No single suspension period shall exceed one-year and all requests must be supported by official military documentation. Notification to the MSCB shall be made within 15 calendar days of an employee's completion of military duty. Any temporary suspension granted by the MSCB shall be rendered void upon completion of military service and the employee's remaining probationary period reinstated.

If the number of days remaining in the employee's original probationary period are insufficient to complete the MSCB certification process, the employee's fire chief may request a one-year extension as authorized by 45-11-203 (1).

Full-time Employees who have been granted a suspension of their probationary period for military service and who have completed CPAT before starting active military duty shall also receive a suspension of the time their CPAT results are valid. Such suspension shall begin on the first official day of active military duty

and extend to the last day of the employee's 180-day CPAT period or conclusion of military duty whichever comes first. In the event active military service extends beyond the 180-day CPAT period, an additional request for temporary suspension may be submitted for consideration by the board.

If the number of days remaining in the employee's original 180-day CPAT period are insufficient to complete the MSCB certification process, the employee's fire chief may request a one-year extension as authorized by Miss. Code Ann. § 45-11-203 (1).

VI. Certification Testing

In lieu of MSCB administered testing, the Board shall recognize all accredited NFPA-based Fire Fighter I and II certificates issued by the Mississippi Fire Academy after September 1, 2005 as being equivalent to the MSCB certification requirements. Furthermore, the MSCB shall adopt the same edition of the NFPA 1001 standard and similar fire fighter training curriculum used by the Mississippi Fire Academy as the official state standard and curriculum for fire fighter certification training. Policies regarding the delivery of certification testing shall be delegated to the Mississippi State Fire Academy and established in accordance with criteria set forth by the International Fire Service Accreditation Congress.

Departments authorized to deliver certification training to their own employees must contract with the Mississippi State Fire Academy to complete the certification examination process. In general, Mississippi Fire Academy entrance requirements set forth for minimum standard certification (Fire Fighter I and II) shall be established by the MSCB as recommended by the Academy's Executive Director. Such entrance requirements shall not apply to fire personnel who fall outside the scope of Miss. Code Ann. § 45-11-203 and therefore, are not within the jurisdiction of the MSCB. Academy entrance requirements established for non-minimum standard courses and other programs shall be set by the Executive Director in conjunction with the Academy's Advisory Board.

The minimum standards certification process requires all candidates to successfully complete the Candidate Physical Abilities Test (CPAT) prior to entering an approved Fire Fighter I and II training program. In order to meet the entrance requirements for certification training and testing, the CPAT exam must be administered at the Mississippi State Fire Academy or monitored by qualified Academy personnel at locations approved to by the Board to conduct the CPAT exam. The validity of any CPAT qualification shall expire one hundred and eighty (180) days after successful completion of the exam. Candidates must have officially started an approved certification-training program within the 180-day period. Should any candidate's CPAT credentials expire before entering an approved certification-training program, the candidate must retake and successfully complete the CPAT exam. All subsequent CPAT qualifications shall

remain valid for one hundred and eighty (180) days from the most recent test date.

Miss. Code Ann. § 45-11-7 provides the Mississippi State Fire Academy with the authority to assess a reasonable fee to account for the cost providing off-campus certification testing and monitoring services. Such fees shall be directed to and paid by the entity or governing authority requesting the additional testing services.

VII. Process of Certification

All Mississippi fire personnel eligible for state certification must meet the following criteria by the starting date of any MSCB approved minimum standard certification-training program.

- Be a minimum of eighteen (18) years of age,
- Be a high school graduate or possess a valid GED,
- Be in good physical condition and capable of performing the duties of a fire fighter under conditions inherent to the profession as verified by a licensed physician,
- Have met the minimum physical fitness requirements of the MSCB, and
- Have met the minimum emergency medical care training requirements as set forth by the Board.

Qualified Mississippi fire personnel shall be deemed certified by the MSCB under Miss. Code Ann. § 45-11-203 and 45-11-251 by presenting their IFSAC accredited NFPA Fire Fighter I and II credentials as issued by the Mississippi Fire Academy and a valid MSCB Personnel Action Form (MSCB Form #). The executive fire officer or director of the local fire fighting unit shall submit all required documentation to the MSCB within thirty (30) days following a candidate's successful completion of an approved minimum standards certification training program. The possession of any certificate other than one issued by the MSCB for NFPA 1001 Level I and II does not grant the holder automatic state minimum standard certification.

Upon verification of a candidate's credentials, a state certificate will be issued by the MSCB to the qualified fire fighter. Furthermore, the Board will maintain a registry of all Mississippi fire personnel certified under this and any previous certification system at its physical office location. All Board actions made in accordance with Miss. Code Ann. § 45-11-253 and their applicable dates will be noted in this registry. A printed copy of the Mississippi Fire Personnel Certification Registry will be published at the conclusion of each calendar year and made available for public review at the MSCB office. An additional printed copy will be transferred annually to the Mississippi State Archives for permanent storage.

VIII. Equivalency

In accordance with Miss. Code Ann. § 45-11-253(b), the MSCB may grant certification based on a review of an individual's training and education credentials through a standardized process of evaluation and approval. Should such documentation demonstrate that the training and education is valid and meets or exceeds the appropriate NFPA Professional Qualification Standard, then equivalent certification may be granted. While only the NFPA Fire Fighter 1001 standard has been established as the minimum standard required for certification, the MSCB may grant equivalent state certification upon successful completion of any NFPA Professional Qualification Standard and level.

Mississippi fire personnel who possess an associate of applied science degree in Fire Protection Technology as conferred by an accredited Mississippi community or junior college may apply for equivalent MSCB certification for NFPA 1021 Fire Officer Level I, II, and III. Likewise, those possessing a Bachelor of Science degree in Professional Studies with emphasis in Fire Protection Administration as conferred by the University of Memphis may apply for equivalent MSCB certification for NFPA 1021 Fire Officer Level III and IV. The awarding of equivalent certification shall be based on the candidate's ability to provide proof of employment with a local fire service unit, a photocopy of their diploma, and an official copy of their college transcript.

IX. Reciprocity

In accordance with Miss. Code Ann. § 45-11-253(b), the MSCB may grant reciprocity to Mississippi fighters who possess valid certification credentials issued by other approved fire service training entities. Such reciprocity may allow direct entry into the MSCB certification system or may require additional testing. A denial for reciprocity will require the candidate to successfully complete all existing requirements for certification.

Any candidate seeking reciprocity must show evidence that all required training was completed prior to employment with a Mississippi fire fighting unit, or consisted of a course not offered by the Mississippi State Fire Academy that was completed out of state, or completed while serving in the armed forces. Fire service agencies are prohibited from sending employees to out-of-state training entities for the purpose of gaining individual MSCB certification through reciprocity.

Under this policy, Mississippi fire personnel that possess valid certifications from fire service training entities accredited by the International Fire Service Accreditation Congress (IFSAC) shall be granted reciprocity and allowed direct entry into the MSCB certification system. Candidates with certificates issued by entities accredited by other organizations or not accredited at all may seek MSCB certification through an approved challenge testing system administered

by the Mississippi State Fire Academy. Upon successful completion of the examination process and proper submission of all required documentation, qualified candidates shall be granted MSCB certification.

X. Validity of Certification

Certifications issued by the MSCB shall remain valid for the life of the individual provided there is not a break in service with a fire service agency for a period greater than two (2) years.

In cases where a certified individual separates from a local fire fighting unit and does not serve with a fire service agency within two (2) years but no more than five (5) years, the person would be eligible for recertification by completing the MSCB approved examination process including CPAT. If a previously certified individual separates from a local fire fighting unit and does not serve with a fire service agency for more than five (5) years, the person will be considered a new entry and required to meet all training and examination requirements established for minimum standards certification.

Certified Mississippi Fire Fighters called to active military duty by Presidential order for a period of time greater than two years shall not be considered to have a break in service provided the employer does not terminate the employee during the period of separation. The MSCB shall be notified of such circumstances by the employee's governing authority (i.e. human resource or personnel office) and be provided with official military documentation to validate the separation. Likewise, the MSCB shall be notified within 15 calendar days of an employee's completion of military duty.

XI. Recognition of Certification and Transportability

In regards to fire fighter certification in Mississippi, there are two primary documents that fire personnel may possess. The successful completion of fire fighter training and testing in accordance with NFPA Fire Fighter 1001 Standard level I and II is noted by a certificate issued by the Mississippi State Fire Academy and validated by the seal of the International Fire Service Accreditation Congress. Likewise, a certificate issued by the MSCB to the individual fire fighter documents recognition of this accomplishment for the purpose of minimum standard certification. The official status of an individual's certification is maintained by the Board through the Mississippi Fire Personnel Certification Registry.

Fire service agencies that employ MSCB certified fire personnel must notify the Board within thirty (30) days of the individual's date of hire. Such notification shall be made available by submitting a Personnel Action Form (MSCB Form#). The Board will review the certification status of the individual presented and

notify the fire service agency of its findings. Fire personnel whose certification status is valid shall be eligible for continued employment.

XII. Revocation of Certification

The act of certification is based upon the testing of an individual candidate's knowledge and skill or the review of their training and education credentials through a standardized process of evaluation and approval. As such, the individual effort required to meet a given standard will be documented in the form of a state certificate issued by the MSCB to the qualified fire fighter. However, the official record of all Board actions pertaining to certification shall be documented in the Mississippi Fire Personnel Certification Registry

All Board actions made in accordance with Miss. Code Ann. 45-11-253 and their applicable dates will be noted in this registry. The Board reserves the right to either reprimand a certified fire personnel, suspend their certification upon conditions imposed by the Board, or nullify their certification when:

- The certification was issued through an administrative error
- The certification was obtained through misrepresentation or fraud
- The recipient has been convicted of any crime involving moral turpitude
- The recipient has been convicted of a felony; or
- Other due cause as determined by the Board

While an individual may possess a physical certificate, the official verification of certification or other Board action is made available through the Mississippi Fire Personnel Certification Registry. In all cases, local fire fighting units must submit a Personnel Action Form or Change in Status Form within thirty (30) days of a certified individual's separation from the department. Should the fire fighter transfer to another Mississippi fire fighting unit, the new department must submit a Personnel Action Form within thirty (30) days of the certified individual's date of hire. The process of notification allows the Board to verify the status and validity of any certificate issued. Verification of an individual's certification shall be forwarded to the new employer within thirty (30) days following receipt of the Personnel Action Form.

XIII. Notifications and Status Changes

In order to maintain reliable certification records, fire service agencies must notify the MSCB of any changes in employment or training. Mandatory notifications shall be made within thirty (30) days of any specific occurrence. Such notifications shall be made by submitting a Personnel Action Form and any other required documentation. Mandatory notifications include:

- The hiring of a compensated employee as a fire fighter by any local fire fighting unit

- The successful completion of an approved minimum standard course of training
- The separation of any non-certified fire fighter from a local fire fighting unit
- The separation of any Certified Mississippi Fire Fighter from a local fire fighting unit
- The hiring or transfer of any Certified Mississippi Fire Fighter by a local fire fighting unit

XIV. Appeals Process

Appeals to any certification issue shall be made to the Board in writing and submitted within one (1) year of the date of the original action. Such appeals may be initiated by an individual or through the executive fire officer of the local fire fighting unit. Once a written appeal has been filed, the individual may petition the Board in person at a regularly scheduled meeting of the MSCB. Upon hearing the basis of the appeal, the chair may forward the appeal to appropriate committee for further investigation and a recommendation for action. The Board will communicate its final decision in writing within thirty (30) days following any action taken on the issue.

XV. Effective Date

The effective date for this Regulation shall be September 1, 2005. This Regulation shall supersede any previous Guidelines, Regulations and/or Bulletins issued by the MSCB regarding minimum standards certification for fire personnel in the State of Mississippi.