

Title 19: Department of Insurance

Part 101: Mississippi Fire Personnel Minimum Standards and Certification Board

Part 101 Chapter 1: Rules and Regulations for Minimum Standards Certification (MSCB-1)

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Rule 1.01 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.

Source: *Miss. Code § 45-11-253 (Supp. 2020)*

Rule 1.02 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 §§ 45-11-251 and 45-11-253*.

Source: *Miss. Code § 45-11-253 (Supp. 2020)*

Rule 1.03 Certification

In accordance with *Miss. Code § 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.

Source: *Miss. Code §§ 45-11-253; 45-11-201; 45-11-7 (Supp. 2020)*

Rule 1.04 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 applied 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 § 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 firefighting 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 Mississippi Trainee Agility Test (MSTAT) 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 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 nor create an impairment or adverse perception of the fire fighter’s ability to perform his or her sworn duties, and are otherwise not specifically and directly related to the duties and responsibilities for the performance of fire-fighting and rescue services. After receipt of complete and appropriate

documentation related to the felony conviction, to be provided by the petitioner, the Board shall make a determination whether certification of the individual would be detrimental to the public trust or create an impairment or adverse perception of the fire fighter's ability to perform his or her sworn duties. The Board shall use the "clear and convincing standard of proof" in examining the following factors:

- (a) The nature and seriousness of the crime for which the individual was convicted;
- (b) The passage of time since the commission of the crime;
- (c) The relationship of the crime to the ability, capacity, and fitness required to perform the duties and discharge the responsibilities of the occupation of fire-fighting and rescue services; and
- (d) Any evidence of rehabilitation or treatment undertaken by the individual that might mitigate against a direct relationship to the occupation of fire-fighting and rescue services.

Documentation for the felony criminal conviction(s) which must be provided to the Board by the petitioner should normally include, at a minimum, a copy of the felony indictment, order of conviction and sentencing, and evidence showing the successful completion of the sentence including any terms of probation or parole.

Source: *Miss. Code §§ 45-11-203; 45-11-253; (Supp. 2020)*

Rule 1.05 Probationary Period for Completing Certification Requirements

In accordance with *Miss. Code § 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 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 *Miss. Code § 45-11-203(1)*.

Full-time Employees who have been granted a suspension of their probationary period for military service and who have completed the Mississippi Trainee Agility Test (MSTAT) before starting active military duty shall also receive a suspension of the time their MSTAT 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 365-day MSTAT period or conclusion of military duty whichever comes first. In the event active military service

extends beyond the 365-day MSTAT 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 365-day MSTAT 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 § 45-11-203(1)*.

Source: *Miss. Code §§ 45-11-203; 45-11-253 (Supp. 2020)*

Rule 1.06 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 utilize current NFPA fire service professional qualification standards and the basic fire fighter training curriculum (NFPA 1001 1&2) as used by the Mississippi Fire Academy and approved by MSCB as the official state standard and curriculum for basic fire fighter certification training. Policies regarding delivery of curriculum and certification testing shall be established by the Mississippi State Fire Academy in accordance with criteria set forth by the International Fire Service Accreditation Congress, subject to approval by MSCB.

Departments administering basic fire fighter training to their own employees must contract with the Mississippi State Fire Academy for delivery of curriculum materials and the certification examination process. In general, Mississippi Fire Academy entrance requirements set forth for minimum standards 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 § 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 Mississippi Trainee Agility Test (MSTAT) 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 MSTAT exam must be administered at the Mississippi State Fire Academy or monitored by qualified Academy personnel at locations approved by the Board to conduct the MSTAT exam. The validity of any MSTAT qualification shall expire three hundred and sixty-five (365) days after successful completion of the exam. Candidates must have officially started an approved certification-training program within the 365-day period. Should any candidate's MSTAT credentials expire before entering an approved certification-training program, the candidate must retake and successfully complete the MSTAT exam. All subsequent MSTAT qualifications shall remain valid for three hundred and sixty-five (365) days from the most recent test date.

Miss. Code § 45-11-7 provides the Mississippi State Fire Academy with the authority to assess a reasonable fee to account for the cost of 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.

Source: *Miss. Code §§ 45-11-7; 45-11-203; 45-11-253 (Supp. 2020)*

Rule 1.07 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:

1. Be a minimum of eighteen (18) years of age;
2. Have obtained a standard high school diploma or possess a valid GED;
3. 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;
4. Have met the minimum physical fitness requirements of the MSCB; and
5. 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 §§ 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 #02). 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 § 45-11-253* and their applicable dates will be noted in the 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.

Source: *Miss. Code §§ 45-11-251; 45-11-253 (Supp. 2020)*

Rule 1.08 Equivalency

In accordance with *Miss. Code § 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. Only the NFPA Fire-Fighter 1001 standard has been established as the minimum standard required for certification, and the MSCB shall limit its' certifications to those relevant to a determination whether the minimum standards have been met. The minimum standard certifications shall include only NFPA 1001 (Levels I and II) and NFPA 472 (Hazardous Materials Awareness Operations).

Source: *Miss. Code § 45-11-253 (Supp. 2020)*

Rule 1.09 Reciprocity

A. In accordance with *Miss. Code § 45-11-253(b)*, the MSCB may grant reciprocity to Mississippi fire 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.

1. 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.
2. 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. The MSCB also has discretion to grant reciprocity and allow direct entry into the MSCB certification system for candidates with certificates issued by out-of-state fire service training entities accredited by other organizations which the MSCB deems sufficiently reliable to ensure training in compliance with the minimum standards, however, if the Board does not deem the accrediting organization sufficiently reliable, then candidates' certificates shall be treated as being issued by non-accredited entities. Candidates with certificates issued by non-accredited entities 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.

B. Alternate Reciprocity Process pursuant to the Universal Recognition of Occupational Licenses Act:

1. Applicant Certified in Another State: The Board shall issue MSCB certification to a person who establishes residence in this state if, upon application to the Board, the applicant satisfies the following conditions:

- a. The applicant holds a current and valid license or certificate in good standing in another state authorizing them to engage on a full time basis as a fire fighter who delivers fire suppression and rescue services, and that the applicant has held such license / certification for at least one (1) year;
- b. The other state where licensed / certified had minimum education requirements and examination requirements in effect, and the other state verifies that the applicant met those requirements in order to be licensed / certified in that state; and
- c. The applicant has not committed any act in the other state that would have constituted grounds for refusal, suspension or revocation of a license to practice that occupation in Mississippi at the time the act was committed, and the applicant does not have a disqualifying criminal record as determined by the MSCB under Mississippi law; and

- d. The applicant did not surrender a license because of negligence or intentional misconduct related to the applicant's work as a fire fighter in the other state; and
- e. The applicant does not have a complaint, allegation or investigation pending before an occupational licensing board or other board in another state that relates to unprofessional conduct or an alleged crime. If the applicant has a complaint, allegation or investigation pending, the MSCB shall not issue or deny a license to the applicant until the complaint, allegation or investigation is resolved, or the applicant otherwise satisfies the criteria for licensure in Mississippi to the satisfaction of the MSCB; and
- f. The applicant pays all applicable fees in Mississippi.

2. Reciprocity Based Upon Work Experience in Another State: The MSCB shall issue minimum standards certification to an applicant who establishes residence in this state based on work experience in another state, if all the following apply:

- a. The applicant worked in a state that does not use a license / certification to regulate fire fighters who deliver fire suppression and rescue services;
- b. The applicant worked for at least three (3) years in the lawful occupation on a full time basis; and
- c. The applicant has not committed any act in the other state that would have constituted grounds for refusal, suspension or revocation of a license to practice that occupation in Mississippi at the time the act was committed, and the applicant does not have a disqualifying criminal record as determined by the MSCB under Mississippi law; and
- d. The applicant did not have his employment as a fire fighter terminated because of negligence or intentional misconduct related to the applicant's work as a fire fighter in the other state; and
- e. The applicant does not have a complaint, allegation or investigation pending before an occupational licensing board or other board in another state that relates to unprofessional conduct or an alleged crime. If the applicant has a complaint, allegation or investigation pending, the MSCB shall not issue or deny a license to the applicant until the complaint, allegation or investigation is resolved, or the applicant otherwise satisfies the criteria for licensure in Mississippi to the satisfaction of the MSCB; and
- f. The applicant pays all applicable fees in Mississippi.

3. Jurisprudential Examination: For persons applying based upon another state's licensing / certification or work experience, where the other state did not utilize the National Fire Protection Association (NFPA) fire service professional qualification standards, the MSCB may require candidates seeking reciprocity to pass a knowledge and skills based examination to specifically establish competency in NFPA 1001 Fire Fighter Professional Qualification Levels I and II, which have been established by Miss. Code § 45-11-203 and 19 Miss. Admin. Code Part 101, Chapter 1, Rule 1.03, as the minimum knowledge and skills based educational standard for fire fighters in Mississippi.

4. For persons applying for certification under the alternate reciprocity provisions of the Universal Recognition of Occupational Licenses Act, residence may be established by demonstrating proof of a state-issued identification card or one (1) of the following:

- a. Current Mississippi residential utility bill with the applicant's name and address;
- b. Documentation of the applicant's current ownership or current lease of a residence in Mississippi;
- c. Documentation of current in-state employment or notarized letter of promise of employment of the applicant or his or her spouse; or
- d. Any verifiable documentation demonstrating Mississippi residency.

5. The MSCB shall issue or deny the license to the applicant within one hundred twenty (120) days after receiving an application. An application shall be deemed "received" by the MSCB upon the Board's receipt from the applicant all completed application documentation, to include satisfactory evidence of compliance with all requirements of paragraphs (B)(1) or (B)(2) herein, as may be applicable. Pursuant to Miss. Code § 45-11-203, "no person shall be employed as a full-time fire fighter by any local government fire fighting unit for a period exceeding one (1) year, nor for a cumulative time exceeding two thousand eight hundred (2,800) compensated hours, unless that person is certified as completing the mandatory training requirements"

6. Appeal:

- a. Applicants seeking reciprocity under the Universal Recognition of Occupational Licenses Act may appeal any of the following decisions of the MSCB to a court of general jurisdiction:
 - i. Denial of a license;
 - ii. Determination of the occupation;
 - iii. Determination of the similarity of the scope of practice of the license issued; or
 - iv. Other determinations under this section.
- b. The court shall determine all questions of law, including the interpretation of a constitutional or statutory provision or a rule adopted by the MSCB, without regard to any previous determination that may have been made on the question in any action before the MSCB.

Source: *Miss. Code §§ 45-11-203; 45-11-253 (Supp. 2020); Miss. Code § 73-50-2 as codified in HB No. 1263 (2021 Session)*

Rule 1.10 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 MSTAT. 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.

Source: *Miss. Code §§ 45-11-203; 45-11-253 (Supp. 2020)*

Rule 1.11 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 #02). 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.

Source: *Miss. Code §§ 45-11-203; 45-11-253 (Supp. 2020)*

Rule 1.12 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 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 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:

1. The certification was issued through an administrative error;
2. The certification was obtained through misrepresentation or fraud;
3. The recipient has been convicted of a felony or a crime involving moral turpitude and the Board, through application of the factors set forth in Rule 1.04, determines that continued certification would be detrimental to the public trust or create an impairment or an adverse perception of the fire fighter's ability to perform his or her sworn duties; or
4. 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 the receipt of the Personnel Action Form.

Source: *Miss. Code §§ 45-11-203; 45-11-253 (Supp. 2020)*

Rule 1.13 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:

1. The hiring of a compensated employee as a fire fighter by any local fire-fighting unit;
2. The successful completion of an approved minimum standard course of training;
3. The separation of any non-certified fire fighter from a local fire-fighting unit;
4. The separation of any Certified Mississippi Fire Fighter from a local fire-fighting unit;
5. The hiring or transfer of any Certified Mississippi Fire Fighter by a local fire-fighting unit.

Source: *Miss. Code §§ 45-11-203; 45-11-253 (Supp. 2020)*

Rule 1.14 Appeals Process

Appeals to any certification issue shall be made to the Board 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.

Source: *Miss. Code §§ 45-11-203; 45-11-253 (Supp. 2020)*

Rule 1.15 Effective Date

This Regulation supersedes prior versions of Mississippi Administrative Code Title 19, Part 101, Chapter 1, and shall become effective thirty (30) days after final filing in the Office of the Mississippi Secretary of State.

Source: *Miss. Code §§ 45-11-253 and 25-43-3.113 (Supp. 2020)*