

**RULES  
OF  
THE TENNESSEE COMMISSION ON FIRE FIGHTING  
PERSONNEL STANDARDS AND EDUCATION**

**CHAPTER 0360-05-01  
REVOCATION OF CERTIFICATION**

**TABLE OF CONTENTS**

0360-05-01-.01	Failure to Meet Certain Conditions	0360-05-01-.03	Applicability of the Uniform
0360-05-01-.02	Separation from Active Fire Service		Administrative Procedures Act

**0360-05-01-.01 FAILURE TO MEET CERTAIN CONDITIONS.**

- (1) The Commission may revoke, modify, suspend or condition its certification of an individual, a training course, or a training program if it finds, after appropriate notice and hearing, that:
  - (a) The requirements for certification had not been met prior to certification;
  - (b) Any continuing responsibilities associated with certification are not being fulfilled;
  - (c) Any fraud, collusion, misrepresentation or substantial mistake was involved in the procurement of the certification; or
  - (d) Any involvement of a certified individual who engages in fraud, collusion, or conspiracy to subvert the certification qualification process or procure a certification for another person.

**Authority:** T.C.A. § 4-24-107. **Administrative History:** Original rule filed August 27, 1979; effective October 10, 1979. Amendment filed November 8, 1990; effective December 23, 1990. Amendments filed July 27, 2018; effective October 25, 2018.

**0360-05-01-.02 SEPARATION FROM ACTIVE FIRE SERVICE.**

- (1) An individual's certification(s) shall automatically terminate upon the expiration of three (3) years after such person ceases to be an active member of a fire department. It shall be the responsibility of each individual fire department to notify the Commission of any fire service personnel leaving the fire department due to separation, termination, retirement, death, etc.
- (2) Work for the Commission as a Commission Member or Commission staff shall constitute continued work in the fire service and shall not be considered as a separation from active fire service if that individual is no longer employed by a fire department.
- (3) Personnel leaving the fire service for active military duty shall not be subject to termination of certification while on active duty as stated in this part. It shall be the responsibility of each individual fire department's Chief of Training to notify the Commission in writing of any fire service personnel leaving the fire department on active military duty for more than twelve (12) months. This notification shall be submitted at the end of each twelve (12) month period.
- (4) The Fire Fighter I/Hazardous Materials Awareness/Hazardous Materials Operations Certificates shall terminate three (3) years from the date of certification if the candidate has not become affiliated with a department. If the candidate does become affiliated with a department, it is the responsibility of the candidate to have the Chief of the Fire Department notify the Commission Office, in writing, of the date of said affiliation.

(Rule 0360-05-01-.02, continued)

- (5) Work as a full- or part-time employee of a unit of government (local, state, or federal) in the State of Tennessee, where the job responsibilities include, but are not limited to, the training of fire fighters, fire investigations, fire inspections or significant interaction with the fire services, shall not be considered to be a separation from active fire service. It is the responsibility of the fire fighter to provide proof to the Commission that his/her new job duties include training of fire fighters, fire investigations, fire inspections or significant interaction with the fire services in the State of Tennessee.

**Authority:** T.C.A. §§ 4-24-101 and 4-24-107. **Administrative History:** Original rule filed August 27, 1979; effective October 10, 1979. Amendment filed November 8, 1990; effective December 23, 1990. Amendment filed October 14, 1994; effective February 28, 1995. Repeal and new rule filed April 25, 2005; effective July 9, 2005. Amendment filed December 14, 2009; effective March 14, 2010. Amendment filed October 27, 2014; effective January 25, 2015. Amendments filed July 27, 2018; effective October 25, 2018.

### **0360-05-01-.03 APPLICABILITY OF THE UNIFORM ADMINISTRATIVE PROCEDURES ACT.**

The Uniform Administrative Procedures Act, compiled in T.C.A. Title 4, Chapter 5, shall govern all matters and procedures respecting the hearing and judicial review of any contested case arising under this chapter.

**Authority:** T.C.A. § 4-24-107. **Administrative History:** Original rule filed July 27, 2018; effective October 25, 2018.