



PERMANENT ADMINISTRATIVE ORDER

DPSST 6-2022
CHAPTER 259
DEPARTMENT OF PUBLIC SAFETY STANDARDS AND TRAINING

FILED
04/28/2022 1:18 PM
ARCHIVES DIVISION
SECRETARY OF STATE
& LEGISLATIVE COUNSEL

FILING CAPTION: Relating to the minimum standards for DPSST-issued fire service professional certifications.

EFFECTIVE DATE: 05/01/2022

AGENCY APPROVED DATE: 04/28/2022

CONTACT: Jennifer Howald
503-551-3258
jennifer.howald@dpsst.oregon.gov

DPSST
4190 Aumsville HWY SE
Salem, OR 97317

Filed By:
Jennifer Howald
Rules Coordinator

AMEND: 259-009-0059

NOTICE FILED DATE: 02/24/2022

RULE SUMMARY: OAR 259-009-0059 (1) (d) - This rule change amends the rule to include all grounds for denial or revocation by citing the range of rule numbers that cover all of the denial and revocation standards and processes that apply to fire service professional certifications. Referencing these rules not only identifies which criminal convictions impact certification, but also defines what would be included as "other background."

For reference, the following list identifies each rule and how it applies to the amended minimum standard.

OAR 259-009-0115, Surrendering Certifications. A surrender of certification related to a professional standards case is completed as a stipulated order revoking certification. A fire service professional revoked under this rule is permanently ineligible for certification.

OAR 259-009-0120, Grounds for Denial or Revocation. Defines the mandatory and discretionary grounds for denial or revocation. Includes the mandatory criminal convictions and discharge for cause (as defined in the rule for certification purposes), and the discretionary criminal convictions and falsification.

OAR 259-009-0125, Denial/Revocation - Initiation and Review of a Professional Standards Case. Defines the case review process and includes the process to apply for certification after a discretionary denial or revocation. A fire service professional denied or revoked for discretionary grounds may apply for certification after a minimum of one year has passed since the Board's approval of the denial or revocation.

OAR 259-009-0130, Issuance of Notice of Intent, Request for Hearing and Contested Case Procedures. Included for procedural references to the due process steps for a denial or revocation.

CHANGES TO RULE:

259-009-0059
Minimum Standards for Certification as a Fire Service Professional ¶

(1) To be eligible for a DPSST fire certification, fire service professionals must:¶

(a) Be utilized or employed by an Oregon fire service agency;¶

(b) Be at least 18 years of age;¶

(c) Have been fingerprinted for the purpose of DPSST-issued fire service professional certifications;¶

(d) ~~Not have a~~ criminal history or other background that would preclude the person from holding DPSST-issued fire service professional certifications pursuant to OAR 259-009-0115 through OAR 259-009-0130;¶

(e) Successfully complete the training requirements adopted for each level of certification applied for; and¶

(f) Submit an application for certification through a Department-approved submission process.¶

(2) Training used to meet the requirements for a DPSST fire service professional certification must have been completed after the fire service professional has reached the age of 16.¶

(3) Fingerprints.¶

(a) The Department requires fingerprinting at the time of application for certification for any individual employed or utilized by a fire service agency if the applicant has not previously been fingerprinted for the purpose of DPSST-issued fire service professional certifications.¶

(b) A fire service agency may submit fingerprints with an application for personnel affiliation with subsequent certification at the time of utilization or employment if the fire service agency requires the fire service professional to obtain DPSST fire service professional certifications as a condition of their utilization or employment by the fire service agency.¶

(c) Fingerprints must be submitted to the Department on a standard applicant fingerprint card or through a Department-approved vendor of electronic fingerprint capture services, with the appropriate processing fee.¶

(4) When a fire service professional submits an application for certification or a fire service agency submits an application for personnel affiliation with subsequent certification, the Department will verify that the applicant meets the minimum standards for training and certification as defined in these rules.¶

(5) Denials of an application for certification or an application for personnel affiliation with subsequent certification will be processed in accordance with OAR 259-009-0120 through OAR 259-009-0130 and the applicable provisions of the Attorney General's Model Rules of Procedure adopted under OAR 259-005-0015.¶

(6) Notification of Conviction. A certified fire service professional who is convicted of a crime must notify the Department within 10 calendar days of the conviction. Notification must be in writing and include the specific charges of the conviction, the county and state where the conviction occurred, the investigating agency and the date of the conviction.

Statutory/Other Authority: ORS 181A.355, ORS 181A.410

Statutes/Other Implemented: ORS 181A.355, ORS 181A.410