

## 739 KAR 2:010. Commission meetings and proceedings.

RELATES TO: KRS 95A.040, 95A.050(1)

STATUTORY AUTHORITY: KRS 95A.050(3)

NECESSITY, FUNCTION, AND CONFORMITY: This administrative regulation sets forth definitions as well as rules and procedures governing the manner and form of meetings and proceedings initiated and conducted by the Commission on Fire Protection Personnel Standards and Education, and to clarify by what means the commission will provide training for firefighters and conduct its meetings.

Section 1. Definitions. (1) "Commission" means commission as defined by KRS 95A.210(1).

(2) "Commissioner" means the Commissioner of the Department of Housing, Buildings and Construction.

(3) "Department" means the Department of Housing, Buildings and Construction.

(4) "Division" means the Division of Fire Prevention, State Fire Marshal's Office.

(5) "Fire department" means and includes a fire department organized under KRS Chapter 75, a fire protection district, a volunteer fire department, a municipal, county or urban-government fire department or other agency or organization recognized by the commission.

(6) "Fire protection personnel" means an employee or member of a "fire department" whether paid or unpaid, who is engaged in any of the following:

(a) Fire prevention;

(b) Inspecting buildings for compliance with building, fire, energy and life-safety codes and compliance with the Architectural Barriers Act;

(c) Fire suppression;

(d) Fire and arson investigation;

(e) Fire-related emergency medical and rescue work;

(f) Other allied fields recognized and approved by the commission.

(7) "Fire protection instructor" or "fire service training officer" means any person certified, pursuant to KRS 95A.040(2)(b) as qualified to instruct fire protection personnel.

(8) "KCTCS" means the Kentucky Community and Technical College System.

Section 2. (1) Voting on reports, recommendations, and contracts. In order for any of the following decisions or actions to be made, a majority of the commission members shall have cast affirmative votes.

(a) Recommending administrative regulations to the commissioner pursuant to KRS 95A.050(3) to establish procedures for certification that training and education programs meet minimum standards pursuant to KRS 95A.040(2)(a);

(b) Entering into contracts with other agencies or persons pursuant to KRS 95A.050(2);

(c) Recommending to the commissioner administrative regulations prescribing the qualifications and certification procedures for fire protection instructors pursuant to KRS 95A.040(2)(b); or

(d) Making studies, recommendations and reports to the governor or legislature pursuant to KRS 95A.040(1).

(2) Public meetings. It shall be the policy of the commission that all its proceedings shall be open to the public and to the press and other news media representatives, unless forbidden by law. This policy shall also apply to the proceedings of any subcommittee of the commission.

(3) Parliamentary rules. The commission shall be governed by Roberts Rules of Order for the orderly conduct of commission meetings or subcommittee meetings.

(4) Complaints; advisory opinions. At any regular meeting, the commission may receive complaints, render decisions, deliver advisory opinions, or authorize or request studies and reports by

personnel in the State Fire Marshal's Office for any of the purposes set forth in KRS 95A.040, 95A.050, and any administrative regulation adopted thereunder.

(5) Subcommittees. The commission may establish and govern the subcommittees of its members as it may deem advisable or desirable for the orderly conduct of its business.

Section 3. Administrative Support for Commission. (1) Staff services. Personnel of the division shall provide administrative and technical services to the commission as the commissioner deems necessary or desirable, upon the request of the commission.

(2) Training services. The commission may contract with whom it deems necessary as approved by the commission for the entire range of local fire department duties, technology and activities. In addition, KCTCS may furnish school facilities in and among the vocational and technical schools under its jurisdiction for this training. (20 Ky.R. 3155; Am. 21 Ky.R. 18; eff. 7-7-94; 25 Ky.R. 1196; 1603; eff. 1-8-99; recodified from 815 KAR 45:025, 3-27-2002; Crt eff. 2-24-2020; Crt eff. 2-27-2020.)

**Technical Amendment**  
**February 27, 2020**

**739 KAR 2:020. Education incentive.**

RELATES TO: KRS Chapter 95A

STATUTORY AUTHORITY: KRS 95A.240

NECESSITY, FUNCTION, AND CONFORMITY: KRS 95A.240(1) authorizes the Commission on Fire Protection Personnel Standards and Education to establish administrative regulations necessary to properly administer the Firefighters Foundation Program Fund. This administrative regulation establishes the procedures and criteria which shall be utilized to determine the eligibility of local governments and individual paid firefighters to share in the fund, and to clarify the eligibility requirements for a qualified firefighter who has been off duty for illness or other reasons to return to the service and receive incentive pay without having to be treated as a new firefighter.

Section 1. Definitions. (1) "Allowable sickness, injury or other medical causes" means reasons for which time off the job is granted by the local government for sickness, injury, or other medical causes.

(2) "Certified training" means firefighter training given by a certified instructor and approved and recorded by the commission.

(3) "Commission" means commission as defined by KRS 95A.210(1).

(4) "Department" means the Department of Housing, Buildings and Construction.

(5) "Fiscal year" means the period July 1 through June 30 of each twelve (12) month period.

(6) "Fund" means fund as defined by KRS 95A.210(2).

(7) "Professional firefighters" means an individual described in KRS 95A.210(4) who work a minimum of 2,080 hours per year as a member of a fire department or fire protection district. This definition is intended to cover jobs involving the suppression, investigation, inspection and prevention of emergency situations, but does not include a public safety officer or a peace officer who has responsibility for the prevention and detection of crime other than arson.

(8) "Incentive pay" means monies from the fund used to supplement compensation paid to professional firefighters.

(9) "Leave of absence" means a leave granted by the local government for which the firefighter is employed and for which leave the fire department or its workers' compensation carrier provides a form of compensation.

(10) "Local government" means local government as defined by KRS 95A.210(3).

Section 2. Eligibility. (1) A local government which meets the following requirements shall be eligible to participate and share in the distribution of funds if it has made application on Form KPF-1, July 14, 1998, and if the commission has determined that the local government has met the eligibility criteria as stated in KRS 95A.230.

(a) The commission shall review the qualifications of firefighters employed by local fire department units after the effective date of this administrative regulation to determine the basic training, if any, which the firefighter may be required to successfully complete prior to being eligible to participate in the fund;

(b) The fire department shall comply with all rules and administrative regulations issued by the commission to facilitate the administration of the fund and further the provisions of KRS Chapter 95A;

(c) The fire department shall comply with all provisions of law applicable to local firefighters;

and

(d) A firefighter who does not possess a high school degree or its equivalent and who has been deemed eligible to participate in the fund pursuant to KRS Chapter 95A who terminates firefighter service, forfeits his eligibility and shall meet the minimum educational requirement to reparticipate in the fund.

(2) A firefighter who possesses sufficient training to meet the basic training requirements established by the commission and who terminates or is granted a leave of absence from firefighter service for a period exceeding one (1) year (365 days) shall forfeit his eligibility. Eligibility shall be reestablished for a firefighter who returns to service upon completion of 100 hours of training and meets the minimum training requirements set forth in subsection (6) of this section. If his separation or leave of absence does not exceed one (1) year, he shall be considered eligible for participation in the fund. After the first year, a firefighter shall also have the additional amount of time equal to his time off to acquire his 100 hours of required annual training to maintain his eligibility.

(3) If a firefighter is off duty due to allowable sickness, injury, or other medical cause in his first year of employment, he shall have an additional amount of time equal to the required time off to acquire the balance of his initial 400 hours of required training. After the first year, a firefighter shall also have the additional amount of time equal to his time off to acquire his 100 hours of required training to maintain his eligibility. The firefighter shall be eligible to receive incentive pay upon completion of 100 make-up hours.

(4) A copy of the high school diploma or GED certificate for each firefighter, if required, shall be maintained by the local unit and shall be available for review by appropriate commission personnel.

(5) If, after having successfully completed a certified basic training course, a firefighter transfers from one (1) participating local unit to another, he shall be eligible to receive payments from the fund if he continues to meet the requirements of the fund as established by the commission.

(6) If a firefighter transfers from one (1) fire department to another, paid or volunteer, all certified training he has received shall be recognized by the fire department to which he has transferred and shall be credited toward his eligibility for participation in the fund.

(7) A firefighter shall not receive monies from this fund for employment with more than one (1) employer and shall not receive dual payment.

Section 3. Participation Requirements. (1) Application shall be made by local governments for new participation. Applications shall be filed on Form KPF 1, July 14, 1998, and shall be accepted from February 1 through April 30 of each year for payment to begin July 1 of that fiscal year. A local government failing to make application within the specified dates shall not be considered for participation until the next application filing period.

(2) The commission shall determine which local governments are eligible to share in the fund and may withhold or terminate payments to a local government that does not comply with the requirements of KRS Chapter 95A or the rules and administrative regulations issued by the commission.

(3) If the commission finds, upon audit or by any other means that a local government has received funds in violation of the provisions of this administrative regulation and applicable statutes, the commission shall require reimbursement for all payments erroneously or falsely made, or it may refuse to grant future eligible incentive pay awards until the amount owed is recovered by the commission.

Section 4. Local Unit Distribution of Funds. (1) The local unit shall submit a monthly incentive

request on Form KPF-2, July 1, 1998, requesting incentive pay for their eligible firefighters. Upon receipt of the incentive check, the local unit shall return Form KPF-2A, July 1, 1998, to the commission to acknowledge receipt of the monthly incentive pay.

(2) The local unit shall include the incentive compensation paid to each firefighter from the fund as a part of the firefighter's salary in determining all payroll deductions.

(3) The local unit shall provide each firefighter with a check stub or separate receipt upon which the gross amount of incentive funds paid to the firefighter shall be identified.

(4) The local unit shall disburse incentive funds during the month for which the funds are requested.

(5) The local unit shall maintain records to document that each participant devotes sufficient hours performing fire service training to qualify him for incentive pay.

(6) The local unit shall submit to the commission a quarterly report on Forms KPF-3 and 3A, July 1, 1998, to reconcile disbursement of incentive pay.

Section 5. Local Audits. (1) The local unit may be audited by the department pursuant to established procedures.

(2) For audit purposes, the local unit shall maintain accurate financial records. These records shall include, but are not limited to, the following:

- (a) Books of original entry;
- (b) Source documents supporting accounting transactions;
- (c) The general ledger;
- (d) Subsidiary ledgers;
- (e) Personnel and payroll records;
- (f) Cancelled checks; and
- (g) Any related document and record.

(3) These records shall be retained by the local unit until destruction is authorized by the commission or applicable requirements of the Department of Libraries and Archives.

Section 6. Incorporation by Reference. (1) The following material is incorporated by reference:

(a) Application for Incentive Pay, Form KPF-1, July 14, 1998.

(b) Paid Firefighters Foundation Incentive Program Form, Form KPF-2, July 1, 1998.

(c) Professional Firefighters Foundation Incentive Program Check Verification, Form KPF-2A, July 1, 1998.

(d) Quarterly Fiscal Report, Form KPF-3, July 1, 1998.

(e) Professional Firefighters Foundation Incentive Program Form KPF-3A, July 1, 1998 (to be used with Form KPF-3).

(2) This material may be inspected, copied, or obtained at the Commission on Fire Protection Personnel Standards and Education, 118 James Court, Lexington, Kentucky 40505~~[1049 U.S. 127 South, Suite #5, Frankfort, Kentucky 40604]~~, Monday through Friday, 8 a.m. to 4:30 p.m. (7 Ky.R. 73; Am. 448; eff. 11-6-80; 9 Ky.R. 51; eff. 8-11-82; 1053; eff. 4-6-83; 14 Ky.R. 2230; eff. 8-5-88; 16 Ky.R. 1498; 2140; eff. 4-12-90; 19 Ky.R. 2122; 2427; eff. 5-10-93; 25 Ky.R. 1197; 1604; eff. 1-8-99; Recodified from 815 KAR 45:035, 3-27-2002; Crt eff. 2-24-2020; TAm eff. 2-27-2020; Crt eff. 2-27-2020.)

**Technical Amendment  
February 27, 2020**

**739 KAR 2:030. Requirements for obtaining firefighter's training facility grants.**

RELATES TO: KRS 95A.040, 95A.262(3), (4)

STATUTORY AUTHORITY: KRS 95A.260(1), 95A.262

NECESSITY, FUNCTION, AND CONFORMITY: KRS 95A.262 requires that prior to the expenditure of funds for the purpose of constructing new or upgrading existing training facilities for firefighters, plans shall be submitted to and reviewed by the Commission on Fire Protection Personnel Standards and Education. The purpose of this administrative regulation is to set out standards and procedures for determining the amount and use of the funds to be expended from the Firefighter's Training Facility Fund. This amendment is necessary to comply with KRS Chapter 13A drafting rules as requested by LRC staff and to add the forms to apply for firefighters training facility grants.

Section 1. Definitions. (1) "Commission" means commission as defined by KRS 95A.210(1).

(2) "Cost estimate or quotation or bids" means an itemized list of labor, items or materials needed and their estimated cost at the time of bidding. It may also mean the estimated cost of land or buildings to be purchased.

(3) "Training facility" means a mechanism fixed or mobile where firefighters may be trained.

Section 2. Eligibility. To qualify to receive aid under the Firefighter Training Facility Fund, all fire departments recognized by the commission or groups or associations of fire departments operated and maintained on a nonprofit basis in the interest of the health, safety, prosperity and security of the inhabitants of the Commonwealth, shall be eligible.

Section 3. Participation Requirements. (1) Application shall be made to the commission on Form TFG-1, July 14, 1998. The application shall contain, but not be limited to the following:

- (a) A letter of application, containing a general statement of intent;
- (b) A list of fire departments and agencies that will use the facility;
- (c) A list of what is available to the applicant, such as land, free labor or materials, etc.;
- (d) The name of an agent or contact person;
- (e) A drawing or sketch of the proposed training facility, as well as building drawing if applicable; and

(f) A cost estimate.

(2) All applications shall comply with KRS 45.750 through 45.800 applicable to capital construction projects statutes and the requirements stated in subsection (1) of this section.

(a) Quotations or bids shall be obtained from at least three (3) suppliers for all expenditures of less than \$10,000.

(b) Expenditures exceeding \$10,000 or in excess of the requirements of KRS 424.260, whichever applies, shall require advertisement in newspapers prior to letting the bid to inform the public and suppliers of the needs of the recipient and assure that purchases will be at the lowest cost.

(c) Capital construction exceeding the cost of \$25,000, shall require bidding, advertisement and the services of an architect or professional engineer registered in the state of Kentucky.

(d) Equipment expenditures exceeding \$50,000 shall comply with paragraphs (a), (b) and (c) of this subsection and shall be submitted to and approved by the Capital Construction and Equipment Oversight Committee.

(3) Permits shall be obtained for all electrical installations; all plumbing installations; all fuel installations; and boiler and pressure vessel installations.

Section 4. Processing Applications. (1) The commission shall review the applications and, subject to funds available, shall determine which applications shall be funded and at what levels, together with any terms and conditions the commission deems necessary.

(2) Funds shall not be expended for any purpose other than that for which it is approved without the approval of the commission.

(3) If funds are granted to an applicant and are not to be used for the purpose granted, the applicant's agent shall contact the commission through its administrator directly, giving the reason any change is required or desired in the original plan; and resubmit new plans and cost estimates which shall be approved by the commission; or return the funds.

(4) Granted funds shall not be held longer than twelve (12) calendar months after the date of the grant check without reasonable progress toward the purpose of the grant. If no progress has been made or there is insufficient progress in the consideration of a majority of the commission members after twelve (12) months, the remaining funds shall be returned.

(5) If expenditures or progress is made during the quarter, receipts for funds expended or progress made shall be forwarded to the commission by the 15th of the following month. Progress shall be reported on Form TFG-2, July 14, 1998, and expenditures shall be reported on Form TFG-3, July 14, 1998. Receipts for January, February and March shall be in the hands of the Commission Administrator by the 15th of April and so on.

(6) Maintenance of the training facilities and equipment purchased with the granted funds shall be the responsibility of the applicant. A reasonable fee may be charged for use of the facilities by others than the applicant's members. These fees are to be used for the maintenance of the facilities or equipment.

(7) Any false statements made knowingly by an applicant shall call for refund of grant monies and prosecution under existing statutes.

Section 5. Incorporation by Reference. (1) The following material is incorporated by reference:

(a) Training Facility Grant Application, Form TFG-1, July 14, 1998 (2 pages).

(b) Quarterly Progress Report, Form TFG-2, July 14, 1998.

(c) Quarterly Financial Status Report, Form TFG-3, July 14, 1998.

(2) This material may be inspected, copied or obtained at the Commission on Fire Protection Personnel Standards and Education, 118 James Court, Lexington, Kentucky 40505~~[1049 U.S. 127 South, Suite #5, Frankfort, Kentucky 40604]~~, Monday through Friday, 8 a.m. to 4:30 p.m. (10 Ky.R. 511; Am. 760; eff. 11-2-83; 11 Ky.R. 805; eff. 12-11-84; 16 Ky.R. 1503; eff. 3-8-90; 19 Ky.R. 2125; 2429; eff. 5-10-93; 25 Ky.R. 1200; 1606; eff. 1-8-99; Recodified from 815 KAR 45:050, 3-27-2002; Crt eff. 2-24-2020; TAm eff. 2-17-2020; Crt eff. 2-27-2020.)

### 739 KAR 2:040. Survivor benefits for death of a firefighter.

RELATES TO: KRS 95A.210, KRS 61.315

STATUTORY AUTHORITY: KRS 61.315(3)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 61.315(3) authorizes the Kentucky Fire Commission to promulgate administrative regulations establishing criteria and procedures applicable to the administration of survivor benefits for death of a firefighter. This administrative regulation establishes these requirements.

Section 1. Definitions. (1) "Child or children" means a:

- (a) Biological child or children, including a child or children born after the firefighter's death;
- (b) Stepchild or stepchildren; and
- (c) Legally adopted child or children.

(2) "Commission" means commission as defined by KRS 95A.210(1).

(3) "Death in the line of duty" means death that occurs as a direct result of an act or acts in the "performance of duty" as defined in subsection (6) of this section and includes death that results from a heart or circulatory malfunction that is treated within forty-eight (48) hours after participation in the performance of these duties or as the result of illness, cancer as established in KRS 61.315(11), or other sickness or injury caused by the performance of these duties that result in death within twelve (12) months of the activities as established in this administrative regulation, if death is not caused by suicide or self-inflicted injury.

(4) "Firefighter" means firefighter as defined by KRS 61.315(1)(b).

(5) "Heart or circulatory malfunction" means myocardial infarction, angina pectoris, coronary thrombosis, cardiac arrest, or a cerebral vascular accident that is first medically treated within forty-eight (48) hours after participation in the performance of the duties of a paid firefighter as established in subsection (6) of this section.

(6) "Performance of duty" means a firefighter acting in the performance of his or her duties while engaged in the following activities if the activities are performed at the direction or with the knowledge of an officer of the fire department or if immediate action is required at the scene of an emergency not involving his department or other emergency organization:

- (a) Firefighting;
- (b) Fire drills or other related training;
- (c) Rescue or emergency activities;
- (d) Repairing or doing other work about or in the fire or emergency apparatus or building and grounds of the fire department;
- (e) Traveling to or from a call for service;
- (f) Riding in or upon the fire or emergency apparatus that is owned or used by the fire department;
- (g) Performing other activities of the fire department as authorized by the jurisdiction that the department serves; or
- (h) Attending meetings related to the fire service and travel to and from the meetings, as long as he or she is representing his or her local, state, or national fire related organization.

Section 2. Requirements for Eligibility. (1)(a) If death occurs after twelve (12) months and is related to the causes established in KRS 61.315(11)(b), the commission shall review the conditions to determine if the death constituted death in the performance of duty.

(b) Survivors. Benefits shall be paid to the surviving spouse, surviving child or children or both; or the surviving parents, as set forth in KRS 61.315(2).

(2) Heart or circulatory malfunction limitations.



- (a) Eligible survivors shall receive benefits through KRS 61.325 if the firefighter:
1. Becomes an active member of a fire department;
  2. Has not been medically diagnosed as having had, or has not been prescribed any medication for, the following conditions within 5 years prior to the date of membership:
    - a. Myocardial infarction;
    - b. Angina pectoris;
    - c. Coronary thrombosis;
    - d. Cardiac arrest; or
    - e. Cerebral vascular incident; and
  3. Dies in the line of duty.

(b) Eligible survivors shall receive the benefits granted through KRS 61.315 if the firefighter dies in the line of duty and:

1. The firefighter has been medically diagnosed as having had, or having been prescribed medication for, an illness listed in paragraph (a) of this subsection within five (5) years prior to becoming an active member of a fire department; and

2. The commission has been presented with a medical statement from the firefighter's doctor that the firefighter has recovered or been medically rehabilitated sufficiently to meet the physical demands of firefighting.

(c) 1. Survivors shall not be eligible to receive benefits from this program until the medical statement required by paragraph (b) of this subsection is supplied to the commission in the following circumstances. The firefighter:

a. Has been medically diagnosed as having had, or having been prescribed medication for, an illness listed in paragraph (a) of this subsection;

b. Returns to active fire service; and

c. Dies as a result of a heart or circulatory malfunction.

2. Upon the commission's review and approval of the medical statement, pursuant to KRS Chapter 61 and this administrative regulation, the firefighter's survivors shall become eligible to receive benefits from this program.

(d) A deceased firefighter's survivors shall not be eligible for benefits under this administrative regulation if the deceased firefighter was mistakenly or fraudulently included on a fire department's roster, or did not actively serve as a firefighter for a minimum of five (5) years prior to diagnosis of the cause of death.

(3)(a) Autopsy. The commission shall reserve the right to request an autopsy if sufficient cause is shown for this request.

(b) If an autopsy is performed for any reason, a copy of the report signed by the individual who performs the autopsy and a notary public shall be submitted to the commission.

Section 3. Application. (1)(a) The fire department shall notify the commission's administrator immediately upon the death in the line of duty of a firefighter who is a member of the department.

(b) Upon receipt of the notification, the administrator shall submit the Report of Firefighter's Death, Form KPF-4, to the notifying fire department in care of the chief; Claim for Survivor Benefits Form KPF-5, to the known survivors of the deceased firefighter; and the Requirements for Cancer Death Benefits form to both the notifying fire department in care of the chief and the known survivors of the deceased firefighter.

(2) Upon receipt of the forms required by subsection (1) of this section, the chief and survivors or their representative shall complete the forms and return them to the commission in care of the administrator.

(3) Upon the receipt of the completed forms established in subsection (1) of this section, a

licensed physician shall review all pertinent medical records and forms submitted on behalf of the deceased firefighter and make a medical determination as to whether the conditions surrounding the death qualify the family members for benefits pursuant to this administrative regulation.

(a) Upon the licensed physician's determination that the requirements of KRS 61.315 and this administrative regulation have been met, a committee of the commission appointed by the chair of the commission shall review the forms and forward the forms with the committee's recommendations to the full commission for determination of eligibility.

(b) If there are questions about the forms, the committee and the administrator may seek clarification of the questions on behalf of the commission.

Section 4. Certification of Payment of Benefits. Upon certification of survivorship rights to the Firefighter's Death Benefit, the sum of \$80,000 shall be paid in check by the state treasurer from the general expenditure fund of the state treasury, as required by KRS 61.315(2) and the treasurer shall transmit the check to the commission's administrator for payment to the eligible survivor or survivors.

Section 5. Incorporation by Reference. (1) The following material is incorporated by reference:

- (a) "Report of Firefighter's Death" Form KPF-4, November 7, 2016;
- (b) "Claim for Survivor Benefits" Form KPF-5, December 1, 2014; and
- (c) "Requirements for Cancer Death Benefits", July 2016.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Commission on Fire Protection Personnel Standards and Education, 118 James Court, Suite 50, Lexington, Kentucky 40505, Monday through Friday, 8 a.m. to 4:30 p.m. (11 Ky.R. 912; eff. 12-11-1984; Am. 16 Ky.R. 1505; eff. 3-8-1990; 19 Ky.R. 2127; eff. 5-10-1993; 25 Ky.R. 1202; 1608; eff. 1-8-1999; Recodified from 815 KAR 45:060, 3-27-2002; 43 Ky.R. 327, 981; eff. 1-6-2017; Crt eff. 2-24-2020; 47 Ky.R. 380, 954; Eff. 11-17-2020.)

## **739 KAR 2:050. Volunteer fire department aid.**

RELATES TO: KRS Chapter 75, 95A.262, 273.401

STATUTORY AUTHORITY: KRS 95A.050(3), 95A.055(13)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 95A.055(13) requires the Commission to promulgate administrative regulations to implement KRS 75.430 and KRS 95A.055. This administrative regulation establishes requirements for volunteer fire departments aid.

Section 1. Definition. "Fire apparatus" means a motorized vehicle specifically designed to perform firefighting operations, with a minimum rated pump capacity of 750 gallons per minute (gpm), and which met or meets the associated National Fire Protection Association (NFPA) standard at the time of manufacture.

Section 2. Eligibility. (1) To qualify for aid, a volunteer fire department shall meet the requirements established in KRS 95A.262 and submit to the commission proof of the required annual twenty (20) hours of recognized training for each firefighter by June 30.

(2) Even if all volunteer firefighters have not yet become certified volunteer firefighters, as defined by 739 KAR 2:060, a new fire department shall be eligible for aid if the fire department has:

- (a) Been recognized by the commission;
- (b) Been established for less than two (2) years;
- (c) A staff consisting of at least fifty (50) percent certified volunteer firefighters; and
- (d) Twelve (12) or more firefighters and a chief who have not qualified another fire department for volunteer department aid.

Section 3. Applying for Aid. The chief officer or the appointed representative of the department shall submit a Volunteer Fire Department State-Aid Application.

Section 4. Eligible Items and Report of Purchase. (1) Funds may be used:

- (a) To purchase items such as firefighting and special operations equipment;
- (b) To purchase fire apparatus;
- (c) To purchase a fire station; or
- (d) For the maintenance or repair of a fire station.

(2)(a) Funds shall not be expended for ineligible items unless the commission receives a written request from the chief explaining the need for the items and the request is approved by the commission staff, in accordance with this section.

(b) If the request is denied and the volunteer department does not desire to use the funds for approved items, the allotment shall be refunded to the commission.

(3) Each fire department receiving aid shall submit the State-Aid Report of Purchase form to the commission staff by July 31 of the following year the aid was granted. Failure to do so shall disqualify the department from receiving aid the following year.

(a) The commission or its designee may make an inspection of the applicant's fire department to determine comparative needs within the department before making the allotment.

(b) The inspection may include an accounting to assure that equipment previously purchased is currently in the possession of the fire department.

Section 5. Holding of Funds. (1)(a) If the approved allotment is insufficient to cover the cost of equipment or other approved purpose, the full aid granted for a fiscal year may be held by the fire department for a period not to exceed five (5) years from the initial granting of funds.

(b) If the funds will be held, a written explanation for the holding request shall be submitted to the commission upon receiving the funds.

(c) The funds shall be held in a special and separate bank account marked "Fire Department Aid Fund."

(2)(a) Upon the expenditure of funds, the chief or appointed representative shall submit the State-Aid Report of Purchase to the commission.

(b) If the funds are used toward the retirement of a preexisting debt for purchase of land, buildings, or equipment, proof of the expenditure in the form of an affidavit or cancelled note shall be submitted to the commission.

(c) An applicant who knowingly makes a false statement regarding volunteer fire department aid shall subject the grant to refund and prosecution for fraud.

Section 6. Incorporation by Reference. (1) The following material is incorporated by reference:

(a) Volunteer Fire Department State-Aid Application, 8/2017; and

(b) State-Aid Report of Purchase, 8/2017.

(2) This material may be inspected, copied, or obtained subject to applicable copyright law, at the Kentucky Fire Commission, 118 James Court, Lexington, Kentucky 40505, Monday through Friday, 8 a.m. to 4:30 p.m. (19 Ky.R. 2189; Am. 2431; eff. 5-10-93; 25 Ky.R. 1205; 1610; eff. 1-8-99; 26 Ky.R. 220; 618; eff. 9-16-99; Recodified from 815 KAR 45:080, 3-27-2002; 44 Ky.R. 570, 928; eff. 12-1-2017; Crt eff. 2-24-2020; 47 Ky.R. 573, 1216; eff. 3-2-2021.)

### 739 KAR 2:060. Certification and qualifications of fire protection instructors.

RELATES TO: KRS 75.400(2), 95.010(1)(c), 95A.040(3)(b)1, 95A.210(1)

STATUTORY AUTHORITY: KRS 95A.050(3)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 95A.040(3)(b) authorizes the Commission on Fire Protection Personnel Standards and Education to certify fire protection instructors. This administrative regulation sets forth the criteria for instructor certification, including the training and educational requirements of applicants for certification.

Section 1. Definitions. (1) "Bridge course" means an educational program provided by the commission to update out-of-state fire protection instructors seeking Kentucky instructor certification through reciprocity on paperwork and legal requirements specific to fire protection instructors certified in the Commonwealth of Kentucky.

(2) "Certified professional firefighter" means a firefighter who meets the requirement of KRS 95A.210 and 95A.230.

(3) "Certified volunteer firefighter" means an individual who has received at least 150 hours of certified training as recognized by the Commission on Fire Protection Personnel Standards and Education and who receives at least twenty (20) hours of certified training annually to maintain certification.

(4) "Commission" means the Commission on Fire Protection Personnel Standards and Education as defined by KRS 95A.210(1).

(5) "Fire protection instructor" means an individual trained and certified pursuant to KRS 95A.040(2)(b), this administrative regulation, and the International Fire Service Training Association, as a person qualified to instruct fire protection personnel or supervise the training of fire protection personnel. This term is synonymous with the term "fire service instructor" as referenced in the International Fire Service Training Association curricula and the National Fire Protection Association 1041 standard.

(6) "Fire department" means a fire department recognized by the commission as defined by KRS 75.400(2) and 95.010(1)(c).

(7) "Firefighter I" means an individual who has demonstrated the knowledge and skills to function as an integral member of a firefighting team under direct supervision in hazardous conditions and is certified by the commission through the International Fire Service Accreditation Congress in the Commonwealth of Kentucky.

(8) "Firefighter II" means an individual who has demonstrated the skills and depth of knowledge to function under general supervision and is certified by the commission through the International Fire Service Accreditation Congress in the Commonwealth of Kentucky.

(9) "IFSAC" means the International Fire Service Accreditation Congress.

(10) "KCTCS" means the Kentucky Community and Technical College System.

(11) "MOI" means an educational methodology course meeting the objectives of NFPA 1041 and conducted by:

(a) KCTCS;

(b) A Kentucky college or university;

(c) The National Fire Academy;

(d) A governmental entity authorized by the National Fire Academy to train within its jurisdiction and approved by the commission; or

(e) An agency approved by the commission to train within its jurisdiction.

(12) "Reciprocity" means the recognition of an IFSAC certification from another state, territory, province, or nation following verification that the certification is current, valid, and without restriction.

(13) "Train the Trainer course" means a pedagogy program intended to educate certified fire protection instructors on the primary highlights and uses of courses taught to fire protection personnel.

Section 2. Levels of Certification and Scope. (1) The commission shall certify fire protection instructors at the following levels:

- (a) Instructor Level I;
- (b) Instructor Level II; and
- (c) Instructor Level III.

(2) An instructor shall only teach a fire protection subject upon meeting all requirements for certification mandated by this administrative regulation. A certified fire protection instructor may only teach subjects within the scope of the instructor's respective fire protection instructor level, subject to the conditions set forth in this section of this administrative regulation.

(3) An instructor certified as a Level I fire protection instructor shall be authorized to conduct firefighter training at any fire department or agency located in the Commonwealth pursuant to paragraphs (a) and (b) of this subsection.

(a) Training shall only be conducted at the request of a fire department or agency.

(b) Upon invitation, a person certified as a Level I fire protection instructor shall conduct training using curricula approved by the commission.

(4) A person certified as a Level II fire protection instructor shall be authorized to conduct firefighter training at any fire department or agency located in the Commonwealth pursuant to paragraphs (a) through (c) of this subsection.

(a) Training shall only be conducted at the request of a fire department or agency.

(b)1. At a fire department of which the Level II fire protection instructor is not a member, the Level II fire protection instructor may personally conduct training using lesson plans that he or she has developed; or

2. At a fire department of which the Level II fire protection instructor is a member, the Level II fire protection instructor may allow a Level I fire protection instructor to conduct training under the Level II fire protection instructor's direction, using lesson plans developed by the Level II fire protection instructor.

(5) A Level III fire protection instructor shall be authorized to:

(a) Develop comprehensive training curricula and programs for use by single or multiple organizations;

(b) Conduct organization needs analysis;

(c) Design record keeping and scheduling systems;

(d) Develop training goals and implementation strategies; and

(e) Conduct firefighter training and Level I and II fire protection instructor training at any fire department or agency located in the Commonwealth. Training shall only be conducted at the request of a fire department or agency.

(6) An instructor shall successfully complete the commission's Train the Trainer course and shall thereafter teach only from lesson plans developed by the commission or State Fire Rescue Training, or curricula approved by the commission prior to instruction.

Section 3. Instructor Certification Requirements. (1) An instructor shall not be authorized to teach without first meeting all requirements for certification established in this administrative regulation.

(2) An applicant for initial certification as a Level I fire protection instructor shall complete and submit:

(a) A completed Level I Fire Service Instructor Application signed by the applicant's fire chief

or designee;

(b) Verification of two (2) years' continuous experience as a certified professional or volunteer firefighter in the Commonwealth of Kentucky, or in another state, preceding the application date for Level I fire protection instructor certification;

(c) Copies of IFSAC accredited Kentucky, or IFSAC accredited Kentucky reciprocity, Firefighter I and II certificates on which the applicant's:

1. Certification seal numbers shall be denoted in the designated portion of the instructor Level I application; and

2. IFSAC accredited Kentucky, or IFSAC accredited Kentucky reciprocity, certification shall provide documentation of successful completion of both written and skills performance tests; or

(d) A copy of the applicant's high school diploma or general equivalency diploma (GED), and one (1) of the following MOI:

1. First MOI: Certification as an IFSAC accredited Kentucky, or IFSAC accredited Kentucky Reciprocity, Instructor I;

2. Second MOI: A Bachelor's degree in education issued by an accredited institution of higher education; or

3. Third MOI: Holds a position as an instructor or instructional faculty member of an institution of higher education in the subject of fire service, or a related field.

(3) An applicant for initial certification as a Level II fire protection instructor shall submit:

(a) A completed Level II Fire Service Instructor Application signed by the applicant's fire chief or designee, with the applicant's IFSAC accredited Kentucky, or IFSAC accredited Kentucky Reciprocity certification seal number or numbers denoted as indicated;

(b) Verification of four (4) years' continuous experience as a certified professional or volunteer firefighter in the Commonwealth of Kentucky, or in another state, preceding the application date for Level I fire protection instructor certification;

(c) Proof of two (2) years' experience as a Level I fire protection instructor; and

(d) Verification of completion of all Level I fire protection instructor renewal requirements as set forth in this administrative regulation.

(4) An individual desiring initial certification as a Level III fire protection instructor shall submit:

(a) A Level III Fire Service Instructor Application completed on the applicant's behalf by the fire department for which the applicant has served as an active member for at least six (6) consecutive years and signed by the applicant's fire chief or designee, with the applicant's IFSAC accredited Kentucky, or IFSAC accredited Kentucky Reciprocity certification seal number(s) denoted as indicated;

(b) Service as a fire protection Level II instructor for a minimum of two (2) years prior to the application date for fire protection Level III instructor certification;

(c) Positive recommendations following interviews with the commission, the Fire Commission Division Director of Operations, and the State Fire Rescue Training Division Director, or the director's designee;

(d) Verification of completion of all Level II fire protection instructor renewal requirements as set forth in this administrative regulation; and

(e) Evidence of previous assistance with the delivery of at least two (2) MOI approved by the commission.

Section 4. Reciprocity. Individuals seeking certification as a Level I, II, or III fire protection instructor through reciprocity from any state or territory in the United States shall be granted approval by the commission if the applicant meets all certification requirements for Level I, II, or III instructor certification pursuant to Section 3 of this administrative regulation, if:

(1) The two (2), four (4), or six (6) year continuous work periods mandated by Section 3(2)(b), (3)(b), and (4)(a) of this administrative regulation shall have been completed while certified by and in good standing with the certifying agency of the state in which the firefighter served for the period of time necessary to qualify for reciprocity in the Commonwealth of Kentucky;

(2) The applicant's continuous work periods mandated by Section 2(2)(b), (3)(b), and (4)(a) of this administrative regulation shall immediately precede the date on which the applicant applies for Level I, II, or III fire protection instructor certification in the Commonwealth of Kentucky; or

(3) The individual shall complete the commission's bridge course prior to certification as a fire protection instructor by the commission.

Section 5. Instructor Certification Terms and Renewal. (1) Unless renewed, certification for Levels I, II, and III fire protection instructors shall expire after a period of two (2) years in a cyclical pattern based upon the last number of the instructor's Kentucky fire instructor number. All instructors with a Kentucky fire instructor number ending in zero (0) or an even number shall recertify by January 1, 2017, and all instructors with a Kentucky fire protection instructor number ending in an odd number shall recertify by January 1 of the subsequent year.

(2) The commission shall grant certification renewal for Level I and II instructors who submit:

(a) Documentation of twenty (20) hours of instructional time using curricula developed or approved by the commission and completed prior to the expiration of the instructor's current certification period;

(b) Verification of attendance of at least twenty (20) student training hours, at least four (4) hours of which shall consist of an MOI approved by the commission; and

(c) A Fire Service Renewal Application provided by the commission and signed by both the applicant and the applicant's fire chief or designee.

(3) The forty (40) instructional and student training hours mandated by subsection (2)(a) and (b) of this section may also be used to complete the instructor's firefighter recertification hours.

(4) The commission shall grant certification renewal for Level III instructors who submit:

(a) A Fire Service Renewal Application provided by the commission and signed by both the applicant and the applicant's fire chief or designee;

(b) Documentation that the applicant has instructed a minimum of one (1) MOI or instructional technique class during the two (2) year certification period; and

(c) Verification of completion of a minimum of one (1) instructor training workshop lasting at least eight (8) hours and approved by the commission.

(5) A fire protection instructor who obtained instructor certification prior to the effective date of this administrative regulation shall be required to meet the renewal requirements as set forth in this administrative regulation subsequent to the completion of one (1) full recertification period.

Section 6. Suspension or Revocation of Certification and Appeal. (1) The commission's Education and Eligibility/State-Aid Committee shall revoke an instructor's certification if, after reasonable notice and a hearing, it is determined that the instructor committed misconduct with regard to fire protection instructor certification or job duties. Examples include, for example:

(a) A material misstatement or misrepresentation in any document furnished to the commission to obtain the issuance or renewal of certification;

(b) Falsification of training records; or

(c) An act of negligence or malfeasance.

(2) A fire protection instructor whose certification is subject to revocation shall be entitled to



thirty (30) days' notice and a hearing before the commission's Education and Eligibility/State-Aid Committee.

(3) If the commission's Education and Eligibility/State-Aid Committee hearing results in a decision to revoke an instructor's certification, the instructor shall be notified in writing of the action and the right to appeal before the commission no later than ten (10) days following the hearing.

(4) An instructor shall request an appeal in writing within fifteen (15) days of receipt of the notification of the commission's intent to revoke the instructor's certification.

(5) If the individual appeals the commission's intent to revoke his or her instructor certification, a hearing shall be conducted at the next regular meeting of the commission, or within thirty (30) days of the appeal request, whichever is first.

(6) If the commission's hearing results in a decision to revoke an instructor's certification, the instructor shall be notified in writing of the action and the right to appeal pursuant to KRS Chapter 13B no later than ten (10) days following the hearing of the appeal.

(7) The certification of an instructor who fails to maintain active status with a Kentucky fire department or Kentucky State Fire Rescue Training shall be automatically suspended until active status with a Kentucky fire department or Kentucky State Fire Rescue Training is reinstated and all requirements for recertification are met.

Section 7. Reinstatement of Certification. (1) The commission shall reinstate the certification of an instructor whose certification has lapsed for a period not exceeding one (1) year, unless the applicant has been subjected to discipline that would prevent reinstatement upon application.

(2) The commission shall reinstate the certification of an instructor whose certification has lapsed for a period of more than one (1) year but not exceeding three (3) years, provided the instructor meets all recertification requirements and has attend a commission recognized bridge course.

(3) The commission shall not reinstate the certification of an instructor whose certification has lapsed for a period exceeding three (3) years.

Section 8. Incorporation by Reference. (1) The following material is incorporated by reference:

- (a) "Fire and Emergency Services Instructor, Eighth Edition", 2012;
- (b) "Kentucky Fire Service Instructor Level 1 Certification Application", 2014;
- (c) "Kentucky Fire Service Instructor Level 2 Certification Application", 2014;
- (d) "Kentucky Fire Service Instructor Level 3 Certification Application", 2014; and
- (e) "Kentucky Fire Service Instructor Certification Renewal Application", 2014.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Commission on Fire Protection Personnel Standards and Education, 1049 U.S. 127 South, Suite #5, Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. to 4:30 p.m. (19 Ky.R. 2192; Am. 2434; eff. 5-10-93; 25 Ky.R. 1209; 1613; 2374; eff. 2-24-99; Recodified from 815 KAR 45:090, 3-27-2002; 41 Ky.R. 1146; 1787; eff. 3-6-2015; Crt eff. 2-24-2020.)

# Title 739 | Chapter 002 | Regulation 070

---

739 KAR 2:070. Volunteer fire department loan fund.

RELATES TO: KRS 95A.262(4), (5), (13), (14)

STATUTORY AUTHORITY: KRS 95A.240, 95A.262

NECESSITY, FUNCTION, AND CONFORMITY: KRS 95A.240 authorizes the Kentucky Fire Commission to promulgate administrative regulations to facilitate the administration of the fund and further the purposes of KRS 95A.200 to 95A.300. KRS 95A.262 authorizes the Kentucky Fire Commission to make low interest loans for the purchase of major equipment and construction of facilities to properly trained volunteer fire departments which do not have other sources of funds at rates which are favorable given their financial resources. This administrative regulation establishes criteria for qualifying for the loan and the mandatory procedures to be followed in obtaining and repaying the loan.

## Section 1. Definitions.

- (1) "Accessory equipment" means ladders, hoses, self-contained breathing apparatus, portable pump and hard suction hoses, nozzles, power extrication tools, and protective equipment necessary to carry out the ordinary functions of supporting firefighting activities.
- (2) "Apparatus equipment" means NFPA-complaint pumpers, rescue pumpers, tankers, aerial equipment, rescue equipment, specialty fire apparatus equipment, and other large equipment used for firefighting operations.
- (3) "Approved" means approved by the commission or its authorized designee for a particular purpose.
- (4) "Commission" is defined by KRS 95A.210(1).
- (5) "Committee" means the loan committee of the Kentucky Fire Commission.
- (6) "Communications equipment" means equipment or system, or both, necessary for the transmission and reception of signals, by voice, required to support the operations of the volunteer fire department.
- (7) "Eligible" means a volunteer fire department that has met the training requirements and is in good standing for receipt of state aid pursuant to 739 KAR 2:050 and the loan request requirements of this administrative regulation.
- (8) "Emergency" means fire department equipment, apparatus, or facilities have been damaged, destroyed or rendered inoperable and established firefighting capacity is reduced to a level affecting public safety.
- (9) "Facilities" means any structure or portion of a structure intended for storage or protection of firefighting equipment including rooms or spaces designed and used for firefighting training.
- (10) "Local government" is defined by KRS 95A.210(5).
- (11) "NFPA" means the National Fire Protection Association.

(12) "Protective equipment" means clothing or equipment used by firefighters which affords protection from injury to the wearer or user including items such as fire coats, boots, helmets, and turnout pants meeting current NFPA standards.

(13) "Specialty fire apparatus equipment" means command, chief, first response, and other specialty equipment used for firefighting equipment.

(14) "Volunteer fire department" means a fire department recognized by the Kentucky Fire Commission as having a membership of more than fifty (50) percent of its members being full-time volunteer firefighters.

(15) "Volunteer fire department loan fund" means the fund established pursuant to KRS 95A.262(14).

## Section 2. Eligibility.

(1) A volunteer fire department may apply to the commission to receive low interest loans for the purchase of major equipment and facility construction pursuant to the requirements of this administrative regulation.

(2) Eligibility to participate in the loan fund shall be limited to those volunteer fire departments meeting the training requirements of KRS 95A.262(2) and that continue to be in good standing to receive state aid.

(3) A loan shall be considered from only one (1) fire department when more than one (1) department resides at the same physical location.

## Section 3. Loan Purposes and Prohibitions.

(1) Purposes. The commission shall consider a loan for the following purposes:

(a) The acquisition of apparatus equipment;

(b) The acquisition of communication equipment;

(c) The acquisition of accessory equipment or protective equipment;

(d) The construction of new facilities;

(e) The modernization of existing facilities; and

(f) The repair or rehabilitation of apparatus equipment where it has been determined that existing apparatus equipment no longer meets the standards of the NFPA and where the repair or rehabilitation, or both, of the equipment will bring it in compliance with NFPA standards.

(2) Prohibitions. A loan granted under this administrative regulation shall not be used for the following:

(a) Operating expenses;

(b) For payment of fees for the designing or planning of facilities or preparation of application;  
or

(c) For investment or reinvestment.

## Section 4. General Loan Requirements.

(1) Loan period. A loan period shall not exceed fifteen (15) years. The period of time for repayment of the loan shall depend upon the amount of the loan and shall be set forth in the loan agreement.

(2) Title of property. Any apparatus equipment or facilities financed by a loan from the fund shall be titled in the name of the volunteer fire department or in the name of the political subdivision with the commission as lien holder for the property. If the commission is supplying secondary funding, the commission shall become holder of a secondary encumbrance.

(3) Financial responsibility. A copy of the last twelve (12) monthly bank statements shall accompany the loan application.

(4) Repayment of loans.

(a) Interest on the principal amount of the loan shall accrue at the rate of three (3) percent per annum and shall be due and payable on the unpaid balance annually.

(b) The principal of the loan shall be repaid proportionally over the period of the loan. The principal may be reduced at any time through advanced payment.

(c) The principal and interest of the loan shall be payable at the office designated on the loan approval form, with the payment being deducted from the state aid allotment for that year with any additional payment due or desired be made by check made payable to the Kentucky Fire Commission.

(d) A payment shall be made before the close of business on the due date or it shall be considered delinquent.

(e) Delinquent accounts shall not receive further loans or grants for state aid or training facilities until the delinquency is cured. If the delinquency of the account extends beyond three (3) months of distribution of the state aid check, foreclosure or repossession procedures shall begin.

(f) The volunteer fire department shall make yearly payments equal to its full state-aid allotment unless otherwise requested and approved by the commission.

(g) Insurance. The volunteer fire department shall provide to the commission proof of insurance for the apparatus, equipment, and facility construction sufficient to secure and protect the loan.

(5) Emergency loans. An eligible volunteer fire department may be granted an approved emergency loan pursuant to this administrative regulation.

Section 5. Loan Requirements for Fire Department Facility Construction. A request for a construction loan for fire department facilities shall meet the requirements of this section and other applicable requirements of this administrative regulation.

(1) A facility loan shall be granted for establishing or modernizing those facilities that house firefighting equipment.

(2) A facility loan shall not exceed \$125,000.

(3) A facility loan shall not be used for land acquisition.

(4) Land title. The title to the land upon which facilities are to be constructed or modernized under the loan shall be in the name of the volunteer fire department or the local government which the volunteer fire department serves.

(5) Clear title. The volunteer fire department or the political subdivision for which the volunteer fire department provides service shall have clear title to the land upon which the facility is to be

constructed or modernized.

(6) Real property liens. Concurrent with the receipt of the loan, the volunteer fire department shall provide a copy of the deed and execute a lien document to be filed in the county court clerk's office in which the property is located.

(7) Plans approval. Final plans for construction shall be submitted for approval to the Department of Housing, Buildings and Construction or to an authorized local building official with a copy to the commission. The volunteer fire department shall be responsible for complying with the Kentucky Building Code, 815 KAR 7:120, the Americans with Disabilities Act, 42 U.S.C. 12101 et seq., and other applicable laws. If any change to the plans or specifications is desired or required, the volunteer fire department shall furnish all additional labor and materials necessary to complete the project and the improvements in compliance with the changes to the plans and specifications.

(8) A certificate of occupancy shall be submitted to the commission by the volunteer fire department upon completion of construction.

## Section 6. Apparatus Equipment.

(1) Loan limits.

(a) The amount of a loan for the purchase of a single apparatus equipment shall not exceed \$125,000. The volunteer fire department shall submit to the commission:

1. A completed vehicle inspection report from a mechanic with an Automotive Service Excellence (ASE) or Emergency Vehicle Technician (EVT) certification; and
2. A copy of a pump test conducted within the last year.

(b) The amount of a loan for the repair or rehabilitation for a single apparatus equipment shall not exceed \$125,000. The volunteer fire department shall submit to the commission a completed vehicle inspection report from a mechanic with an Automotive Service Excellence (ASE) or Emergency Vehicle Technician (EVT) certification.

(2) Apparatus loans. An apparatus loan shall be for the purpose designated in the loan request and approved by the commission for the following purposes:

- (a) The purchase of firefighting apparatus equipment;
- (b) The rehabilitation of existing apparatus equipment for the purpose of upgrading the apparatus to meet applicable National Fire Protection Association standards; and
- (c) Repair of existing apparatus.

(3) Mandatory description or specification of equipment.

(a) New apparatus. The volunteer fire department shall submit one (1) complete set of specifications of the new apparatus.

(b) Repairs and rehabilitation. For the repair or rehabilitation of existing apparatus equipment, the volunteer fire department shall submit one (1) complete set of specifications along with one (1) estimate from a qualified manufacturer for the repair or rehabilitation.

(c) Purchase of used apparatus equipment. For used apparatus equipment, the volunteer fire department shall submit documentation of the type and quality of the equipment.

- (d) Refurbished fire apparatus. For refurbished fire apparatus, the volunteer fire department shall submit the following:
1. Certification of refurbished equipment;
  2. Pump test at time of purchase; and
  3. Any additional information which the committee may request.
- (4) Compliance with National Fire Codes. The apparatus shall have met the NFPA 1901 standard at the time it was manufactured.
- (5) Prerequisite materials. The volunteer fire department shall record a lien on the affected vehicle title documents in the local county court clerk's office.

#### Section 7. Protective, Accessory, and Communication Equipment.

- (1) An equipment loan shall be used for the purchase of protective, accessory, or communication equipment.
- (2) Equipment compliance.
- (a) A volunteer fire department shall select protective and accessory equipment that shall be labeled as having been tested and listed by an approved nationally recognized testing agency.
  - (b) A volunteer fire department shall select communications equipment identified as meeting Federal Communications Commission regulations, 47 C.F.R. Part 0 et seq.
- (3) The amount of a loan for the purchase of equipment shall not exceed \$125,000.
- (4) Security interest. The commission shall retain a security interest in the property for the life of the loan.

#### Section 8. Loan Request Procedure.

- (1) An applicant seeking a low interest loan shall submit a Low Interest Loan Application to the commission.
- (2) The commission administrator shall review the application and status of the volunteer fire department to determine if the minimum criteria for obtaining the loan has been met.
- (3) The commission administrator shall notify the volunteer fire department of the disposition of the loan application, forwarding final forms to those eligible volunteer fire departments whose applications are satisfactory.

#### Section 9. Formal Application and Qualification Procedure.

- (1) To qualify for a loan, an eligible volunteer fire department shall submit a Low Interest Loan Application to the commission.
- (2) The commission shall render its decision at its next regularly scheduled meeting. Approved emergency loans may be granted prior to the regularly scheduled meeting.
- (3) An eligible volunteer fire department aggrieved by a decision of the commission, may petition the commission, in writing, for reconsideration and the commission, upon receiving the request, shall provide the applicant with an opportunity to be heard at its next meeting.

#### Section 10. Incorporation by Reference.

- (1) "Low Interest Loan Application", September 2022, is incorporated by reference.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Kentucky Fire Commission, 110 Cleveland Drive, Paris, Kentucky 40361, Monday through Friday, 8:30 a.m. to 4:30 p.m. This material is also available on the agency's Web site at [https://kyfirecommission.kctcs.edu/about/forms\\_and\\_regulations.aspx](https://kyfirecommission.kctcs.edu/about/forms_and_regulations.aspx).

---

HISTORY: (19 Ky.R. 2577; Am. 20 Ky.R. 85; eff. 7-12-93; 25 Ky.R. 1213; 1616; 2377; eff. 2-24-99; Recodified from 815 KAR 45:100, 3-27-2002; Crt eff. 2-24-2020; TAm eff. 2-27-2020; Crt eff. 2-27-2020; 49 Ky.R. 96, 787; eff. 11-15-2022.)

---

FILED WITH LRC: September 13, 2022

CONTACT PERSON: Jonathan L. Gay, Board Counsel, 163 E. Main Street, Suite 200, Lexington, Kentucky 40507, phone (859) 225-4714, fax (859) 225-1493, email [administrativeregulations@wgmfirm.com](mailto:administrativeregulations@wgmfirm.com).

## 739 KAR 2:090. Candidate Physical Ability Test.

RELATES TO: KRS Chapter 67, 75.010, 95A.040

STATUTORY AUTHORITY: KRS 95A.040(2)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 95A.040(2) requires the commission to establish and implement a candidate physical ability test to be administered to all candidates for professional firefighter positions. This administrative regulation establishes the candidate physical ability test to be used for candidates seeking professional firefighter positions.

Section 1. Definitions. (1) "Candidate means any individual, including a volunteer firefighter, who shows interest in, or has applied for, a career position within a fire department.

(2) "CPAT" means the most current version of the Candidate Physical Ability Test Program copyrighted by the IAFF.

(3) "CPAT Administration" means the IAFF's secure web-based tool for all IAFF licensees to collect and provide aggregate and redacted data in support of all aspects of administering the CPAT program.

(4) "IAFC" means the International Association of Fire Chiefs.

(5) "IAFF" means the International Association of Fire Fighters.

(6) "Professional firefighter":

(a) Means a full-time employee of a fire department or fire protection district, as established in KRS 95A.040(2)(a), whose job involves the active suppression of fires as part of the regular course of the employee's duty; and

(b) Does not mean a part-time employee or an employee whose job:

1. Is administrative or supervisory; and

2. Does not involve the active suppression of fires as part of the regular course of the employee's duty.

(7) "SFRT area offices" means State Fire Rescue Training area offices.

Section 2. Licensure Requirements. (1) Each candidate applying for full-time employment as a firefighter with a Kentucky fire department on or after January 1, 2013 shall have successfully completed the CPAT.

(2) A fire department may accept a CPAT certification obtained in a state other than the Commonwealth of Kentucky to fulfill the requirements of this administrative regulation.

(3) A fire department established pursuant to KRS 75.010 shall be fully licensed with the IAFF to implement the CPAT and may administer the CPAT independently of the Kentucky Fire Commission with thirty (30) days prior notification to the Kentucky Fire Commission. The Kentucky Fire Commission shall assist each fire department in obtaining the licensure upon written request and shall be responsible for all costs associated with IAFF licensure. The Kentucky Fire Commission shall assume all liability for compliance with the CPAT program.

(a) The Kentucky Fire Commission shall agree, on behalf of all licensees, to collect and provide to the IAFF and the IAFC data regarding number of male, female, and minority applicants that have taken the CPAT and the pass and fail rates of each. The CPAT Administration shall be used by the Kentucky Fire Commission as the sole means for collecting and providing data as well as for the administration of the CPAT.

(b) All licensees shall use the CPAT in whole and only for the purpose of candidate testing in accordance with the most current copyrighted version of the CPAT Manual, 2nd Edition. This includes, but is not necessarily limited to, recruiting, mentoring, preparatory programs, orientation programs, and proper program administration including using specified equipment, test parameters, qualified proctors, and test personnel.



1. The Kentucky Fire Commission shall provide the staff necessary for all CPAT mentoring, orientation, and practice testing, unless a fire department administers the CPAT independently of the Kentucky Fire Commission.

2. The Kentucky Fire Commission shall complete the transportability studies and licensure requirements established in Chapter 3 of the CPAT Manual.

3. The Kentucky Fire Commission shall provide all candidates with the pre-test materials and preparation guides required in Chapter 4 of the CPAT Manual.

4. Consistent with Chapter 4 of the CPAT Manual, a candidate may opt to take the CPAT examination during either of the mandatory practice sessions.

a. If a candidate opts to take the CPAT examination during a practice session, the candidate shall not re-take the examination during the same administration period.

b. Any candidate applying for re-certification within one (1) year of initial certification may opt out of the orientation session.

(c) The CPAT shall be administered by the Kentucky Fire Commission continually in two (2) separate permanent locations. One (1) permanent location shall be located in Louisville, Kentucky, and the other shall be located in Winchester, Kentucky.

(d) The Kentucky Fire Commission shall administer the CPAT and the required orientation and practice sessions throughout the Commonwealth of Kentucky in the manner established in subparagraphs 1. through 9. of this paragraph. In conducting the CPAT exam and required orientation and practice sessions, the Kentucky Fire Commission shall attempt to locate the facilities in closest proximity to the fire department with the majority of potential candidates.

1. The CPAT shall be administered at least once per year in the region comprised of Areas 1 and 2, combined.

2. The CPAT shall be administered at least once per year in Area 4.

3. The CPAT shall be administered at least once per year in the region comprised of Areas 9, 10, 11, and 12, combined.

4. The CPAT shall be administered at least once per year in the region comprised of Areas 13 and 14, combined.

5. The CPAT shall be administered at least two (2) times per year in Area 3.

6. The CPAT shall be administered at least two (2) times per year in Areas 5 and 6, combined.

7. The CPAT shall be administered at least two (2) times per year in Area 7.

8. The CPAT shall be administered at least two (2) times per year in Area 15.

9. Any of the trainings required pursuant to subparagraphs 1 through 8 of this paragraph may be cancelled if no more than fifteen (15) candidates have registered within ninety (90) days prior to the scheduled examination.

(e) The Kentucky Fire Commission shall administer the CPAT using mobile equipment within an SFRT area office area upon written request from a fire department located within that SFRT area office area, on the conditions that:

1. The CPAT has not been administered within that SFRT area office area during the four (4) months prior to the request; and

2. There are a minimum of fifteen (15) candidates registered for the examination. The CPAT shall be administered within ninety (90) days of receipt of the request if all of the resources required to administer the CPAT are anticipated to be available on the date requested.

(f) The Kentucky Fire Commission, with the assistance of local fire departments, shall be responsible for securing the location of the regional examinations established in paragraph (d)2 and 3 of this subsection. In the event that the Kentucky Fire Commission and local fire departments are unable to secure an appropriate location within thirty (30) days of the scheduled examination, the examination shall be cancelled.

(g) The responsibility for securing a CPAT examination site upon fire department request shall be shared jointly between the Kentucky Fire Commission and the requesting local fire department.

1. The requesting fire department shall suggest a location that meets the requirements detailed in the CPAT Manual for a testing site.

2. If the property is owned by a city, county, or state government, the Kentucky Fire Commission shall secure the property.

3. In the event that the Kentucky Fire Commission and the requesting fire department are unable to secure an appropriate location within thirty (30) days of the scheduled examination, the examination shall be cancelled.

4. The Kentucky Fire Commission may inspect the site up to thirty (30) days prior to the scheduled examination.

(h) The Kentucky Fire Commission shall establish a schedule for the administration of the CPAT on an annual basis. This schedule shall be published on the Kentucky Fire Commission Web site at least thirty (30) days prior to January 1 of each year. Any additional administrations of the CPAT shall also be publicized and communicated to all fire departments located within the SFRT area office area in which the CPAT is being administered.

(i) A CPAT certification obtained in the Commonwealth of Kentucky shall remain valid for one (1) year if the candidate is not hired by the fire department on whose behalf the CPAT is administered. The CPAT certification shall be considered to have fulfilled the requirements of this administrative regulation by another fire department with whom the candidate applies for full-time employment for the year following the date of initial certification.

(4) A third party testing organization may obtain a limited CPAT license for the purpose of testing the physical capability of firefighter candidates. The limited license shall be granted only upon the express condition that the licensee shall only administer the CPAT for a fire department that already possesses a valid full license from the IAFF. As a condition of receiving a limited license, an applicant shall agree that it shall only administer the CPAT in accordance with the IAFF's licensing requirements, which include full compliance with the EEOC conciliation agreement and utilization of the CPAT Administration.

(a) A limited licensee shall not administer the CPAT to any person without first obtaining a written Fire Department Agreement with the fire department to which the person is applying. The agreement shall comply with the following:

1. The fire department shall certify that it has a valid CPAT license and that it agrees to recognize and accept proof of completion of the CPAT from the limited licensee;

2. The fire department shall certify that it shall utilize the CPAT only in the context of an overall implementation of the CPAT program that complies with its CPAT license;

3. The limited licensee shall have the capability and agree to assist the fire department in meeting the terms of compliance, including the pre-test orientation and mentoring requirements;

4. The limited licensee shall have the capability and staff to validate the CPAT for jurisdictions through a transportability study, assist the fire department in obtaining CPAT licensure, provide consistent CPAT testing administration, and legally defend their validation and CPAT administration;

5. The limited licensee shall have the capability and agree to provide candidates continuously available practice tests and orientations. It shall assist the CPAT licensed fire department in establishing candidate mentoring programs. The limited licensee shall have purchased all CPAT equipment and verify that the equipment and props conform to all requirements outlined in the CPAT Manual and that it has the ability to administer the CPAT in conformity with the specifications of the CPAT Manual;

6. Cost shall not be imposed upon a Kentucky resident for the administration of the CPAT by a limited licensee located in the Commonwealth of Kentucky. The fee shall be paid by the Kentucky Fire Commission; and

7. If the limited licensee provides CPAT certifications for a candidate's use in applying for employment in multiple fire departments, it shall notify the IAFF of the CPAT licensed fire departments for which the certification is provided. The Kentucky Fire Commission shall provide an electronic system to transmit this information. CPAT licensed fire departments that accept the certifications can verify an applicant's results and the date upon which the results are no longer valid.

(b) Limited licensees shall agree to fully cooperate with the IAFF in its conduct of on-site reviews and audits of any facility holding a limited license. The on-site review and audit shall include:

1. Verification of written agreements with fire departments;
2. Verification of test administration procedures;
3. Verification of proctors;
4. Facility inspection in accordance with the CPAT requirements on size, environmental conditions, floor composition;
5. Equipment inspection to ensure that all equipment and props meet the CPAT specifications;
6. Verification that course layout is in accordance with the CPAT specifications; and
7. Verification that the CPAT Administration is being properly used and data reported.

(c) Limited license holders shall be charged an annual licensing fee of \$5,000 to be paid to the IAFF. Limited licenses shall be non-transferable, nonexclusive, and revocable at will for any reason.

(d) Limited license holders shall confirm their license with the Kentucky Fire Commission prior to administering the CPAT.

(5) From August 1, 2014 through July 1, 2015, the Kentucky Fire Commission shall issue a notice of violation via United States Postal Service to any individual, organization, or governmental entity in violation of any provision of this administrative regulation. Prior to July 1, 2015, the Kentucky Fire Commission may impose all penalties authorized by law on any individual, organization, or governmental entity found to be committing fraud or providing false information to the Kentucky Fire Commission. After July 1, 2015, the Kentucky Fire Commission may impose any penalty authorized by law on any individual, organization, or governmental entity in violation of any provision of this administrative regulation.

Section 3. Incorporation by Reference. (1) The following material is incorporated by reference:

(a) "CPAT Manual, 2nd Edition", 2007; and

(b) "Fire Department Agreement", 2013, is incorporated by reference.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Office of the Kentucky Fire Commission, 118 James Ct., Suite 50, Lexington, Kentucky 40505, Monday through Friday, 8 a.m. to 4:30 p.m. (40 Ky.R. 2798; 41 Ky.R. 41; eff. 8-1-2014; Crt eff. 2-24-2020.)

## 739 KAR 2:100. Volunteer firefighter requirements.

RELATES TO: KRS 67.083, Chapter 75, 95A.040, 95A.990, Chapter 273

STATUTORY AUTHORITY: KRS 95A.040(1)(d)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 95A.040(1)(d) requires the commission to promulgate administrative regulations establishing the minimum requirements for a volunteer firefighter in the Commonwealth of Kentucky. This administrative regulation establishes the minimum requirements for a volunteer firefighter in the Commonwealth of Kentucky.

Section 1. Definitions. (1) "Volunteer fire department" means a fire department with a minimum of twelve (12) members and a chief, at least one (1) operational fire apparatus or one (1) on order, with fewer than fifty (50) percent of its firefighters being full-time paid firefighters.

(2) "Volunteer firefighter" means an individual who receives either no salary or a salary of less than \$8,000 annually for the provision of firefighting services to a volunteer fire department.

Section 2. Volunteer Firefighter Requirements. Each volunteer fire department that operates in a city of any class as a fire protection district organized pursuant to KRS Chapter 75, as a county district established under authority of KRS 67.083, or as a nonprofit corporation created pursuant to KRS Chapter 273 shall require and ensure that each volunteer firefighter providing services on its behalf is:

(1) Able to read, write, and understand the English language based on educational attainment or experience;

(2) Not in violation, and has not been in violation within the last five (5) years, of driving under the influence or public intoxication;

(3) Not convicted of a felony offense;

(4) A citizen of the United States, a permanent resident of the United States, or otherwise lawfully present in the United States, as evidenced by submission to the Kentucky Fire Commission of a driver's license, birth certificate, a United States Permanent Resident Card (form I-551), or other legal authorization to live and work in the United States; and

(5) Eighteen (18) years of age or older, as evidenced by submission to the Kentucky Fire Commission of proof of age in the form of a driver's license, birth certificate, or other government-issued identification card. (42 Ky.R. 2298; 2575; eff. 5-6-2016; Crt eff. 2-24-2020.)

## 739 KAR 2:110. Acceptance of out-of-state and military training and service.

RELATES TO: KRS 95A.050, 95A.090, 95A.210(4), 95A.230

STATUTORY AUTHORITY: KRS 95A.050(3), 95A.090(2)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 95A.050(3) requires the commission to promulgate administrative regulations relating to fire protection personnel. KRS 95A.090 requires the commission to promulgate administrative regulations to implement a policy for reviewing and accepting the training and service of any member of the United States military who served as a firefighter towards certification as a firefighter in the Commonwealth of Kentucky. This administrative regulation establishes a policy for reviewing and accepting the training and service of any member of the United States military who served as a firefighter, and the training and service of a firefighter certified in another state, territory, province, or nation, towards certification as a firefighter in the Commonwealth of Kentucky.

Section 1. Definitions. (1) "Certified professional firefighter" means:

(a) "Professional firefighter" as defined by KRS 95A.210(4); and

(b) A firefighter who meets the requirements of KRS 95A.230.

(2) "Certified volunteer firefighter" means an individual who has received at least 150 hours of certified training as recognized by the commission and who receives at least twenty (20) hours of certified training annually to maintain certification.

(3) "IFSAC" means the International Fire Service Accreditation Congress.

(4) "ProBoard" means the National Board on Fire Service Professional Qualifications.

Section 2. Review and Acceptance Procedure. (1)(a) Each certified professional firefighter shall produce documentation of completion of a basic training course of a minimum of 400 hours duration as established in the Firefighter Certification Minimum Required Course Categories and Hours Chart, within one (1) year of the date of employment at a school or method certified by the commission.

(b) Except as established in subsection (4) of this section and unless serving on active duty in the United States Armed Forces, each certified professional firefighter shall produce documentation each calendar year of completion of an in-service training program appropriate to the firefighter's rank and responsibility, of at least 100 hours' duration at a school certified or recognized by the commission pursuant to the List of Approved Curricula for Level I Fire Instructors. A Level II fire instructor may write and teach a lesson plan within the employing or affiliated department.

(2) Except as established in subsection (4) of this section, each certified volunteer firefighter shall produce documentation of completion of at least 150 hours of certified training as recognized by the commission as established in subsection (1) of this section to receive certification and at least twenty (20) hours of certified training annually to maintain certification.

(3) The commission shall consider the IFSAC or ProBoard accreditation of a firefighter's out-of-state certification as the fulfillment of subsections (1) and (2) of this section and shall certify that a firefighter's out-of-state certification has been accredited by IFSAC or ProBoard by reciprocity.

(4) The commission may contact the division of the U.S. Armed Forces or the state in which the firefighter received training to confirm that the training or service is comparable to the requirements of this administrative regulation.

(5) A candidate for certification as a firefighter in the Commonwealth of Kentucky who is certified in another state, territory, province, or nation or who has served as a firefighter in the United States Armed Forces shall submit all documentation required in subsections (1) through

(4) of this section, as applicable, to the division director of the commission. The candidate may submit required documentation to the commission through the fire department or agency by which the candidate is hired or employed.

(6) The division director of the commission or the division director's designee shall review the submitted documentation to ensure that the candidate has fulfilled the requirements of either subsection (1) or (2) of this section as applicable.

(7) For a candidate certified in another state, territory, province, or nation, the commission shall send to the hiring agency, and the hiring agency shall complete, the Out-of-State Training Hour Transfer, the Out-of-State Transfer Worksheet, and the Kentucky Fire Commission Out-of-State Transfer chart.

Section 3. Incorporation by Reference. (1) The following material is incorporated by reference:

(a) "Out-of-State Training Hour Transfer", 2016;

(b) "Out-of-State Transfer Worksheet", 2015;

(c) "Kentucky Fire Commission Out-of-State Transfer", 2015;

(d) "Firefighter Certification Minimum Required Course Categories and Hours Chart", 2016;  
and

(e) "List of Approved Curricula for Level I Fire Instructors", 2016.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Office of the Kentucky Fire Commission, 118 James Ct., Suite 50, Lexington, Kentucky 40505, Monday through Friday, 8 a.m. to 4:30 p.m. (42 Ky.R. 2299; 2575; eff. 5-6-2016; Crt eff. 2-24-2020.)

**739 KAR 2:120. Notification of merger or splitting of volunteer fire districts.**

RELATES TO: KRS 65.182, 95A.530

STATUTORY AUTHORITY: KRS 95A.530

NECESSITY, FUNCTION, AND CONFORMITY: KRS 95A.530 requires the commission to promulgate an administrative regulation describing the manner in which volunteer fire districts shall notify the commission of a merger or splitting of a volunteer fire district. This administrative regulation establishes the manner in which volunteer fire districts shall notify the commission of a merger or splitting of a volunteer fire district.

Section 1. Definition. "Volunteer fire district" means a fire protection district or a volunteer fire department district created in accordance with the procedures of KRS 65.182.

Section 2. Notification Procedure. (1) Prior to the merger or split of two (2) or more volunteer fire departments, each volunteer fire district involved in the merger or split shall submit to the division director of the commission:

(a) A letter of agreement between the two (2) or more volunteer fire districts involved in the merger or split to either merge or split, as applicable;

(b) A detailed description and map of the new volunteer fire district boundaries created as a result of the merger or split;

(c) A letter of agreement from or between each county judge executive of the jurisdiction or jurisdictions of the departments involved in the merger or split;

(d) A completed Application for Fire Department Merger and Separation;

(e) A list of the operational apparatus owned by each fire department;

(f) Each fire department's verified tax identification number;

(g) Inactivation letters for firefighters, if applicable; and

(h) Each department's mission statement.

(2) The merger or split shall not be effective until approved in writing by the commission. The eligibility committee of the commission shall review and report to the commission on the fire department's Application for Fire Department Merger and Separation and other documentation submitted pursuant to this administrative regulation. The commission shall approve the application if each department created as a result of the merger complies with this administrative regulation.

Section 3. Incorporation by Reference. (1) "Application for Fire Department Merger and Separation", 2016, is incorporated by reference.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Office of the Kentucky Fire Commission, 118 James Ct., Suite 50, Lexington, Kentucky 40505, Monday through Friday, 8 a.m. to 4:30 p.m. (42 Ky.R. 2301, 2576; eff. 5-6-2016; Crt eff. 2-24-2020.)

### 739 KAR 2:130. Thermal vision grant application process.

RELATES TO: KRS 95A.400, 95A.410, 95A.420, 95A.430, 95A.440

STATUTORY AUTHORITY: KRS 95A.430

NECESSITY, FUNCTION, AND CONFORMITY: KRS 95A.430(1) requires the commission to promulgate administrative regulations to create the necessary application forms, any necessary supporting documents, compliance documents, or reporting documents for the thermal vision grant program. This administrative regulation establishes the required applications for the thermal vision grant program.

Section 1. Definitions. (1) "Thermal vision device" is defined by KRS 95A.420.

(2) "Thermal vision grant program" means the program administered pursuant to KRS 95A.400 to 95A.440 and designed to upgrade the capabilities of local fire departments by providing financial assistance for the purchase of thermal vision devices.

Section 2. Grant Application Process. (1) Each fire department applying for a thermal vision grant shall complete and return the Thermal Imaging Camera Grant Application, signed by the chief of the applicant department or the administrator of the authority with jurisdiction over the applicant department.

(2) The commission shall review the Thermal Imaging Camera Grant Application submitted by each fire department to ensure that the fire department meets the requirements of KRS 95A.440.

(3) The commission shall approve thermal vision grants for eligible fire departments through currently available funds and shall give priority to the approval of thermal vision grants to fire departments with the fewest thermal vision devices.

(4) The commission shall send to any fire department approved for a thermal vision grant the Approval Letter, which shall state the financial award granted.

(5) Upon receipt of the Approval Letter, the fire department shall purchase a thermal vision device and shall send to the commission the proof of purchase, proof of payment, and manufacturer serial number of the device. The thermal imaging device shall be purchased from:

- (a) Bullard;
- (b) Scott;
- (c) MSA;
- (d) Argus;
- (e) ISG;
- (f) FLIR;
- (g) Drager; or
- (h) Avon Protection.

(6) Upon receipt of the documents required by subsection (7) of this section, the commission shall issue payment to the purchasing fire department from the funds available through the thermal vision grant program.

Section 3. Incorporation by Reference. (1) The following material is incorporated by reference:

- (a) "Thermal Imaging Camera Grant Memorandum", 2016;
- (b) "Thermal Imaging Camera Grant Application", 2016; and
- (c) "Approval Letter", 2016.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Office of the Kentucky Fire Commission 118 James Ct., Suite 50, Lexington, Kentucky



40505, Monday through Friday, 8 a.m. to 4:30 p.m. (42 Ky.R. 2302, 2577; eff. 5-6-2016; Crt eff. 2-24-2020.)

## 739 KAR 2:140. Fire department reporting requirements.

RELATES TO: KRS Chapter 65A, 75.430, Chapter 95A

STATUTORY AUTHORITY: KRS 95A.050(3), 95A.055(13)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 95A.055(13) requires the commission to promulgate administrative regulations to implement KRS 75.430 and KRS 95A.055. This administrative regulation establishes fire department reporting requirements.

Section 1. Definitions. (1) "Commission" means the Commission on Fire Protection Personnel Standards and Education established in KRS 95A.020.

(2) "Reporting fire department" means "fire department" as defined by KRS 95A.055(1) which is obligated to report to the commission.

Section 2. Reporting Requirements. Each reporting fire department shall comply with KRS 95A.055(3) and shall submit:

(1) A list of the elected or appointed members of the board of the reporting fire department, if applicable;

(2) The budget adopted by the reporting fire department, if applicable; and

(3) Current year budget estimates, prior year amendments or transfers, and prior year end actual financial data for:

(a) Revenue calculations for:

1. Taxes;
2. Permits and licenses;
3. Payments made to governmental authorities in lieu of taxes;
4. Intergovernmental revenues;
5. Charges for services;
6. Other revenues; and
7. Interest earned;

(b) Receipts and cash calculations for:

1. Carryover cash from the prior reporting year;
2. Bonded debt;
3. Transfers to other funds;
4. Transfers from other funds;
5. Borrowed funds;
6. Government Leasing Act funds; and
7. Loans obtained from the commission; and

(c) Appropriations calculations for:

1. Personnel;
2. Operations;
3. Administration and reserves;
4. Capital outlay; and
5. Debt service.

Section 3. Reporting Procedure. (1) Each reporting fire department shall, on or before August 31 of each calendar year, complete and submit an updated Financial Disclosure Report to the commission electronically via Web site access, by regular U.S. Mail, or through electronic mail to [fdstateaid@kctcs.edu](mailto:fdstateaid@kctcs.edu).

(2) Upon receipt of a reporting fire department's Financial Disclosure Report, the commission shall review the Financial Disclosure Report for accuracy and compliance with the re-

quirements established in this administrative regulation and in KRS 95A.055.

(a) If a reporting fire department's Financial Disclosure Report does not comply with the requirements established in this administrative regulation or KRS 95A.055, the commission shall notify the reporting fire department in writing.

(b) The written notification shall state the specific deficiencies identified and the process and timeframe for correcting the deficiencies.

(3) On or before October 1 of each calendar year, the commission shall produce a cumulative report of all reporting fire departments' actual revenues, receipts, and appropriations and their averages, as reported on the reporting fire departments' Financial Disclosure Report for that year, and of the compliance of the reporting fire departments with the requirements of this administrative regulation and KRS 95A.055(3). This report also shall be filed with the Legislative Research Commission and shall be published on the commission's Web site within seven (7) days of its production.

Section 4. Financial Reviews and Audits. (1) At least once every four (4) years, every reporting fire department shall be subject to a financial review consistent with KRS 65A.030, 95A.055, and the Kentucky Fire Commission Internal Audit Procedures.

(2) The commission shall require reporting fire departments to undergo an independent audit in accordance with the Fire Department Annual Audit Schedule.

(3) If a reporting fire department is audited pursuant to KRS 95A.055 and as established in this section, the reporting fire department shall submit a copy of the audit report and all related documents to the commission within seven (7) days of receiving the completed audit report.

Section 5. Penalties. (1)(a) If the commission identifies any irregularities relating to the finances or operations of a reporting fire department, the commission shall report the irregularities to the Attorney General and Auditor of Public Accounts.

(b) The commission may also notify any other public official with jurisdiction over fire departments for further investigation and follow-up action.

(2) If a reporting fire department fails to comply with the requirements of this administrative regulation, KRS 95A.055, or 75.430, the commission shall, for substantial noncompliance or abuse, withhold one (1) or more of the following:

(a) Incentive pay to qualified firefighters as established in KRS 95A.250;

(b) Volunteer fire department aid, funds used to purchase workers compensation insurance for fire departments, and low-interest loans under KRS 95A.262;

(c) Thermal Vision Grant program funds as established in KRS 95A.400 through 95A.440; and

(d) Any other funds controlled by the commission.

Section 6. Incorporation by Reference. (1) The following material is incorporated by reference:

(a) "Financial Disclosure Report," 2019 edition, Kentucky Fire Commission;

(b) "Kentucky Fire Commission Internal Audit Procedures", May 2015; and

(c) "Fire Department Annual Audit Schedule", March 2020.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Office of the Kentucky Fire Commission, 118 James Court, Lexington, Kentucky 40505, Monday through Friday, 8 a.m. to 4:30 p.m. (43 Ky.R. 153, 406; eff. 9-28-2016; Crt eff. 2-24-2020; 46 Ky.R. 1949, 2639; eff. 6-30-2020.)

## 739 KAR 2:155. Alan "Chip" Terry Professional Development and Wellness Program.

RELATES TO: KRS 95A.292

STATUTORY AUTHORITY: KRS 95A.292(4)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 95A.292(4) requires the Kentucky Fire Commission to promulgate administrative regulations to implement the provisions of KRS 95A.292. This administrative regulation establishes (1) the qualifications and duties of persons used by the Commission to implement and administer the Alan "Chip" Terry Professional Development and Wellness Program; (2) the curriculum, programming, seminar type, and treatment modalities used in the program; (3) the extent to which a participating firefighter's relatives or friends may participate in seminars; (4) the standards by which professional and volunteer firefighters from other states may be accepted into the program by the executive director; and (5) a protocol for establishing reciprocity for interagency assistance with other state, federal, and tribal professional and volunteer firefighters in administering the program.

Section 1. Definitions. (1) "IAFF" means the International Association of Fire Fighters.

(2) "Program" means the Alan "Chip" Terry Professional Development and Wellness Program and the seminars conducted under this program.

Section 2. Instructor Qualifications. (1) Any instructor used by the commission to implement and administer the program shall:

- (a) Be a professional, retired, or volunteer firefighter;
- (b) Have a minimum of two (2) years' experience as a peer supporter;
- (c) Have a minimum of one (1) year of teaching or training experience; and
- (d) Submit proof of completion of the two-day IAFF Peer Support Training, or its equivalent, to the commission.

(2) Any instructor used by the commission to implement and administer the program shall have training in general stress, group processes, human communication skills, direct intervention strategies, post-traumatic stress disorder and depression, suicide awareness and prevention, addressing stigma, understanding barriers to care, and substance abuse.

Section 3. Curriculum, Programming, Seminar Type, and Treatment Modalities. (1) The curriculum, programming, and treatment modalities used in the program shall be the IAFF Behavioral Health Peer Support Training Student Manual.

(2) The seminar shall consist of a prerequisite online course and two (2) in-person, eight (8) hour day peer support seminars designed to train peer support personnel to provide peer support to other firefighters.

Section 4. Non-firefighter Participation. (1) A participating Kentucky firefighter may permit no more than two (2) non-firefighters to attend and participate in the program with the Kentucky firefighter.

(2) Out-of-state non-firefighters shall not attend or participate in the program.

Section 5. Out-of-state Firefighter Participation. (1) The executive director shall permit any out-of-state, federal, or tribal professional or volunteer firefighter to participate in the program if the out-of-state, federal, or tribal professional or volunteer firefighter submits to the commission:

- (a) A driver's license identifying the professional or volunteer firefighter;
- (b) Proof of current status as a professional or volunteer firefighter;

(c) A completed Alan "Chip" Wellness Program Out-of-State Participant Application; and  
(d) A letter from the chief of the fire department for which the firefighter works or volunteers setting forth the professional or volunteer firefighter's need to participate in the program.

(2) The letter required by subsection (1)(d) of this section shall not include any medical or confidential information regarding the professional or volunteer firefighter without the professional or volunteer firefighter's written consent.

(3) Notwithstanding section (1) of this section, an out-of-state professional or volunteer firefighter shall not be accepted into the program if the out-of-state professional or volunteer firefighter's participation in the program would prevent a Kentucky professional or volunteer firefighter from participating in the program, in accordance with KRS 95A.292(3).

#### Section 6. Out-of-state Reciprocity for Interagency Assistance in Administering the Program.

(1) Any out-of-state instructor used by the commission to implement and administer the program shall:

(a) Satisfy the requirements of Section 2 of this administrative regulation;

(b) Submit a driver's license identifying the out-of-state instructor to the commission;

(c) Submit proof of status as a professional, retired, or volunteer firefighter to the commission; and

(d) Submit a completed Alan "Chip" Wellness Program Out-of-State Instructor Application to the commission.

(2) An out-of-state instructor who satisfies the requirements of this section shall be permitted to administer seminars under the program in the Commonwealth of Kentucky in coordination with the commission.

#### Section 7. Incorporation by Reference. (1) The following material is incorporated by reference:

(a) "IAFF Behavioral Health Peer Support Training Student Manual", 9/2018;

(b) "Alan "Chip" Wellness Program Out-of-State Participant Application", 6/20; and

(c) "Alan "Chip" Wellness Program Out-of-State Instructor Application", 6/20.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Commission on Fire Protection Personnel Standards and Education, 118 James Court, Lexington, Kentucky 40505, Monday through Friday, 8:30 a.m. to 4:30 p.m. (47 Ky.R. 483, 955; eff. 11-17-2020)

# Title 739 | Chapter 002 | Regulation 160

---

739 KAR 2:160. Reimbursement for line-of-duty stress injury treatment.

RELATES TO: KRS 42.190, 75.400(3), 95A.200, 95A.210, 95A.220, 95A.240, 136.392, 335.500 - 335.599

STATUTORY AUTHORITY: KRS 95A.220(2), (5), 95A.240

NECESSITY, FUNCTION, AND CONFORMITY: KRS 95A.220(2) authorizes the Firefighters Foundation Program fund and appropriates the moneys in the fund for the purposes provided in KRS 95A.200 through 95A.300. KRS 95A.240 requires the Kentucky Fire Commission to administer the Firefighters Foundation Program fund and authorizes the commission to promulgate administrative regulations to administer the fund and further the purposes of KRS 95A.200 through 95A.300. KRS 95A.220(5) authorizes the Kentucky Fire Commission to reimburse a qualifying firefighter for his or her out-of-pocket expenses for treatment of a qualifying stress injury. This administrative regulation establishes requirements for obtaining stress injury reimbursement benefits.

## Section 1. Definitions.

- (1) "Full-time paid firefighter" is defined by KRS 75.400(3).
- (2) "Fund" is defined by KRS 95A.210(4).
- (3) "Mental health professional" means a psychiatrist, psychologist, or professional counselor credentialed under KRS 335.500 through 335.599.
- (4) "Qualifying firefighter" means an individual who satisfies the requirements of Section 3 of this administrative regulation.
- (5) "Stress injury" is defined by KRS 95A.220(1).
- (6) "Volunteer firefighter" means an individual who receives either no salary or less than \$8,000 annually for firefighting services to a volunteer fire department.

## Section 2. Funding.

- (1) For each fiscal year, \$1,250,000 shall be made available from the fund for a program to reimburse current and former full-time paid firefighters and volunteer firefighters for their out-of-pocket expenses for treatment of stress injuries caused by an event or an accumulation of events occurring in the course and scope of their employment.
- (2) Upon exhaustion or termination of funding, reimbursement benefits pursuant to this administrative regulation shall cease.

Section 3. Eligibility. An individual shall be eligible to receive reimbursement pursuant to Section 4 of this administrative regulation if:

- (1) The individual is currently a full-time paid firefighter or volunteer firefighter or was formerly a full-time paid firefighter or volunteer firefighter;
- (2) The individual has been diagnosed with a stress injury by a mental health professional;
- (3) The stress injury has been caused by an event or an accumulation of events that have occurred in the course and scope of the individual's employment as a full-time paid firefighter or

volunteer firefighter; and

(4) The individual submits to the commission a completed:

- (a) Stress Injury Reimbursement Application form;
- (b) Substitute W-9 Form; and
- (c) Certification of Stress Injury Diagnosis form.

#### Section 4. Reimbursement.

(1) After receiving treatment for a stress injury, a qualifying firefighter may submit to the commission, corresponding receipts for the out-of-pocket expenses for treatment for reimbursement from the funds allocated for stress injury reimbursement pursuant to Section 1 of this administrative regulation. Reimbursable out-of-pocket expenses for stress injury treatment include expenses paid by a qualifying firefighter for:

- (a) Initial diagnosis;
- (b) Counseling or therapy;
- (c) Medication;
- (d) Mental health facility expenses;
- (e) In-patient treatment; or
- (f) Out-patient treatment.

(2) A qualifying firefighter shall pay any out-of-pocket expenses for stress injury treatment before submitting receipts for reimbursement.

(3) After a qualifying firefighter has paid any out-of-pocket expenses for which reimbursement is sought, a qualifying firefighter seeking reimbursement shall submit to the commission:

- (a) All insurance payment receipts for treatment of the stress injury;
- (b) A completed Stress Injury Voucher; and
- (c) All receipts for out-of-pocket expenses for treatment of the stress injury that have been paid by the qualifying firefighter and for which reimbursement is sought.

Section 5. Limitations on Reimbursement Benefits. Reimbursement benefits for each qualifying firefighter shall not exceed \$50,000 unless:

- (1) A written request for additional benefits is submitted to the commission by the qualifying firefighter, which shall include the dollar amount of the additional reimbursement benefits requested; and
- (2) The financial department of the commission determines that the requested additional reimbursement benefits are available pursuant to Section 1 of this administrative regulation.

#### Section 6. Incorporation by Reference.

(1) The following material is incorporated by reference:

- (a) "Certification of Stress Injury Diagnosis", PTSD-3, June 2024;
- (b) "Stress Injury Reimbursement Application", PTSD-1, June 2024;
- (c) "Stress Injury Voucher", PTSD-2, June 2024; and
- (d) "Substitute W-9 Form", W-9, December 6, 2013.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Kentucky Fire Commission office, 110 Cleveland Drive, Paris, Kentucky 40361, Monday through Friday, 8 a.m. to 4:30 p.m.

(3) This material may also be obtained at: <http://kyfires.acadisonline.com/>.

HISTORY: (50 Ky.R. 2115; 51 Ky.R. 43; eff. 10-1-2024.)

FILED WITH LRC: June 11, 2024

CONTACT PERSON: John K. Wood, counsel for the Kentucky Fire Commission, 163 East Main Street, Suite 200, Lexington, Kentucky 40507, phone (859) 225-4714, email [administrativeregulations@wgmfirm.com](mailto:administrativeregulations@wgmfirm.com).