



Department of Developmental Services National Background Check Unit

MAY 26, 2021

RESCISSION OF COVID-19 PUBLIC HEALTH EMERGENCY REGULATORY WAIVERS

On April 7, 2020, the Department of Developmental Services (“DDS”) National Background Check Unit issued its **Response to Delays in Fingerprinting Due to Public Health Emergency** Advisory informing DDS Providers of a time-limited waiver of regulatory provisions relative to the status of conditional employees hired prior to the completion of a DDS fingerprint-based national background check during the COVID-19 Public Health Emergency.¹ The Advisory was intended to assist Providers address staffing obstacles during the public health emergency and resultant closures of IDEMIA Fingerprint Enrollment Centers (“enrollment centers”). To ensure Providers maintained sufficient staffing levels, DDS issued a time-limited waiver of certain regulatory provisions at 115 CMR 12.10 relative to the status of conditional employees, including:

1. Authorizing Providers to conditionally hire employees without a scheduled fingerprint check if the applicant was unable to obtain a fingerprint appointment at an enrollment center due to limited availability of appointments or access during the public health emergency.
2. Extending the time-period that approved conditional hires were authorized to work without having completed a DDS fingerprint-based national background check from 60 to 90 days.

For each of the above waivers, Providers and conditional hires were required to otherwise comply with all requirements of 115 CMR 12.00 and were expected to make their best reasonable efforts to obtain an appointment at an enrollment center and complete their national background check as soon as reasonably possible or feasible.

As public health conditions have improved and enrollment centers now maintain predictable and regular operating hours, **effective May 29, 2021, DDS will rescind the above-referenced regulatory waivers and reinstate the standards for conditional employees set forth in 115 CMR 12.10.** With this rescission, only CORI-cleared individuals with a scheduled fingerprint appointment are eligible for conditional employee status. Additionally, no person hired as a conditional employee shall be retained in such capacity for longer than 60 days. **Please note, any requests to initiate a fingerprint check that were submitted to DDS from the date of the extension to the present that have NOT been acted upon will be withdrawn from the DDS Background Check system if a fingerprint appointment is not scheduled by June 21, 2021.** Hiring authorities wishing to proceed with hiring of a current conditional employee should ensure a fingerprint appointment is scheduled by June 21, 2021, or the Provider must re-enter the case in the DDS Background Check system.

Inquiries pertaining to this Advisory should be addressed to:

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¹ On March 10, 2020, Governor Baker issued a “Declaration of a State of Emergency” in accordance with Sections 5, 6, 7, 8, and 8A of Chapter 639 of the Acts of 1950, as amended, and other provisions of law in response to the Novel Coronavirus (COVID-19) public health emergency.