



FREQUENTLY ASKED QUESTIONS

Policy: Closing BRC Discretionary Review Applications Due to Non-Response

Effective Date: October 1, 2024

Policy link: <https://www.mass.gov/doc/eec-closing-brc-discretionary-review-applications-due-to-non-response-policy-documentenglish/download>

1. What does it mean for a candidate to be found “Not Suitable” due to their failure to respond? Is a suitability determination made?

Yes, a suitability determination is made. Pursuant to 606 CMR 14.14(7), EEC makes a “Not Suitable” determination based on the applicant’s failure to respond. When a candidate is found “Not Suitable” due to their failure to respond, they are no longer allowed to work in or affiliate with an EEC-licensed or funded program. If they are currently working in or affiliated with a licensed or funded program a program, they must stop doing so within 14 days. With an FCC candidate, they can no longer live in or regularly visit the home of an FCC program and an FCC provider cannot remain open when there is a household member or person Regularly on the Premises (ROP) who is found “Not Suitable.”

2. How does a candidate request a 30-day extension to finalize their BRC application?

A candidate can call the EEC Contact Center at 617-988-7841 to request a 30-day extension, provided they do so within 120 days of being placed in a Discretionary Review. Each request is handled individually.

3. Can the candidate who is found “Not Suitable” due to their failure to respond apply for a BRC again?

If this is the first time a candidate has been found Not Suitable for failing to respond, they may reapply at any time by submitting a new BRC application. Programs will need to obtain a new, signed consent form from the candidate who they wish to re-enter. Candidates who reapply must repay all associated fees. All candidates who apply again no longer qualify for any type of conditional or provisional status. This category of candidates must remain out of the program and/or not affiliate with a program while they await a suitability determination.

4. How does a program re-enter a candidate if they were first entered into BRC Manager?

All candidates must be entered through the Navigator BRC Program Portal.

5. Can a candidate who was found “Not Suitable” due to their failure to respond appeal their Not Suitable finding?

No. A candidate found “Not Suitable” due to their **first** failure to respond will not be entitled to an appeal as they can reapply at any time (See 606 CMR 14.14(7)).

5. What if a candidate has applied for a BRC and not followed through multiple times?

If a candidate has submitted a BRC request and has not responded to the BRC process multiple times, they will be found Not Suitable and may be prohibited from reapplying for a period of three years. (See 606 CMR 14.14(7)). A candidate has the right to appeal this three-year ban.

If you or your staff have additional questions about this policy or need additional support, please contact the EEC Contact Center at 617-988-7841.