



## POLICY ADVISORY

Field Operations 2024 - 1

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

**Effective Date:** February 1, 2024

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

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### OVERVIEW

To enforce current regulations, EEC has established the following policy to ensure candidates do not remain in or affiliate with a program for more than 120 days without a final Background Record Check (BRC) suitability determination from EEC. BRC candidates in pending, renewal, provisional and/or conditional status who do not respond to EEC's request for additional information within 120 days will be given a suitability determination of "Not Suitable" due to their failure to respond. BRC candidates who have already been in contact with their licenser or the BRC unit in an effort to complete their BRC application will be granted a 30-day extension.

### APPLICABILITY

This policy applies to all roles in all EEC licensed and/or funded programs.

### KEY UPDATES

- Beginning February 1, 2024, all BRC candidates who remain in pending, renewal, provisional and/or conditional status for more than 120 days and have not responded to EEC's request for additional information will be given a suitability determination of "Not Suitable" due to their failure to respond.
- Candidates who have already been in contact with either their licenser or the BRC unit in an effort to complete their BRC application will be granted an additional 30 calendar days beyond the 120-day deadline to complete the BRC discretionary review process. If, after the 30-day extension, the candidate still has not submitted all requested information, they will be given a suitability determination of "Not Suitable."
- All candidates given a suitability determination of "Not Suitable" due to their failure to respond will no longer be authorized to work in or affiliate with an EEC-licensed and/or funded program and must be removed from the program within 14 days.
- All candidates will receive a Not Suitable letter via mail or email outlining any applicable appellate rights. Programs will receive a Not Suitable letter for the candidate via BRC Program Portal or BRC Manager or, in the case of FCC providers, by email.

**RESOURCES**

Please check out [EEC's resource guide on this policy](#). If you or your staff have questions about this policy or need additional support, please contact the EEC Contact Center at 617-988-7841.

**OBSOLETE**

This is a new policy and does not replace any current EEC BRC policies.