

Board of Counseling

Credential Appeals FAQ's

I received a letter of ineligibility advising that board staff is unable to approve my application. What does this mean?

Board staff is only authorized to approve applications that clearly meet the requirements in the regulations governing practice. If board staff is unable to make a determination regarding your degree, coursework, experience, criminal history, etc., you will receive a letter detailing the specific reasons that your application was not approved and your right to appeal the decision to an informal conference before a committee of the board.

Am I required to appeal this decision to an informal conference in order to keep my application open?

No. Your application is valid for one year from the date it was originally received by the board. Therefore, you have one year to provide additional information indicating that you have met the requirements or appeal the matter to an informal conference. Some deficiencies can be resolved within a year (e.g., missing coursework) by providing additional information or completing the missing requirements. If you plan to complete the missing requirements within a year, it is not necessary to appeal board staff's decision. However, if you feel that you have met all of the requirements and you cannot otherwise satisfy the missing requirements within a year, you have the option to appeal the decision. Please keep in mind the timeframe for appeals when making your decision.

What happens if I don't appeal?

If you do not appeal the letter of ineligibility, and you do not provide additional information to satisfy the requirements, your application will expire one year from the date it was received by board staff. If your application expires, you can reapply with the board.

If I appeal the decision, when will I be scheduled for an informal conference?

The timeframe to appear at an informal conference varies. In some cases, we may be required to complete an investigation, which will delay the matter further. The time to process the case for an informal conference also depends on the amount of cases waiting to be heard by the committee. In general, this process can take approximately nine months to a year from the time you appeal to the date of the informal conference.

I don't want to appeal my case but I want the board to consider a general change in regulations. What are my options?

The Code of Virginia (§ 2.2-4007) and the Public Participation Guidelines of this board require a person who wishes to petition the board to develop a new regulation or amend an existing regulation to provide certain information. Within 14 days of receiving a valid petition, the board will notify the petitioner and send a notice to the Register of Regulations identifying the petitioner, the nature of the request and the plan for responding to the petition. Following publication of the petition in the Register, a 21-day comment period will begin to allow written comment on the petition. Within 90 days after the comment period, the board will issue a written decision on the petition. If the board has not met within that 90-day

period, the decision will be issued no later than 14 days after it next meets. The petition can be found on the board's website at https://www.dhp.virginia.gov/counseling/counseling_laws_regs.htm. Please be advised that this petition is only to request that the board consider changes in regulations and does not have any effect on your application.

Informal Conference Information

How will I be notified of the informal conference date?

Within 30 days from the scheduled date, a Notice of Informal Conference will be drafted and mailed to you. The Notice will include the date and time of the conference, the allegations, and a copy of your licensure application file and/or any investigative material necessary for review. A copy of the Notice will be mailed by regular mail and the Notice with the additional application and/or investigative material will be sent by certified mail, which you may have to pick up from the post office. In order to ensure that you receive the information in a timely manner, please keep the board updated with any address changes.

Can the committee consider my prior experience in lieu of required education?

No. The regulations are specific regarding the required degree and coursework. Prior experience cannot be considered in lieu of education.

Is this appeal public information or private?

All notices of proceedings and subsequent orders are public information pursuant to Virginia Code § 54.1-2400.2(G).

What can I expect at the Informal Conference?

For more information about the informal conference process, please review the FAQ's on the agency's website at <https://www.dhp.virginia.gov/Enforcement/DisciplineFAQ.htm>. While these questions specifically address disciplinary proceedings, the informal conferences for credentialing matters follow the same procedures.