

Petition for Review FAQs for First Time Health Care Worker Applicants

- 1. I am a first time applicant for a health care worker license and have a forcible felony conviction in my past. Can I get a license?** Possibly. Beginning January 1, 2017, you must meet all license application requirements and qualify under the law for review of your forcible felony conviction. You must first submit a license application along with any required fees. You can find application forms and more information on the Department's website by clicking on your profession name and selecting "Licensee Application and Forms." You can also contact the Licensure Maintenance Unit at 1-800-560-6420 or FPR.LMU@illinois.gov.
- 2. How do I know if I qualify under the law for review of my forcible felony conviction?** First-time applicants must meet these requirements to qualify under the law for review of a forcible felony conviction:
 - a) be applying for a health care worker license (See Question 3); AND
 - b) have a qualifying forcible felony conviction in your past (See Question 4); AND
 - c) meet the **later** of these two timeframes:
 - Your conviction date must be more than 5 years ago, OR
 - Your release from confinement date must be more than 3 years ago.
- 3. Who is considered a health care worker?** Health care workers include:
 - Acupuncturists
 - Advanced Practice Nurses
 - Athletic Trainers
 - Audiologists
 - Chiropractic Physicians (D.C.)
 - Clinical Psychologists
 - Clinical Social Workers
 - Dentists
 - Dental Hygienists
 - Genetic Counselors
 - Marriage and Family Therapists
 - Naprapaths
 - Nursing Home Administrators
 - Occupational Therapists
 - Occupational Therapy Assistants
 - Optometrists
 - Orthotists
 - Podiatrists
 - Perfusionists
 - Pharmacists
 - Physical Therapists
 - Physical Therapy Assistants
 - Physician Assistants
 - Physicians, Including Medical Doctors (M.D.), Doctors Of Osteopathic Medicine (D.O.)
 - Podiatrists
 - Practical Nurses
 - Professional Counselors & Clinical Professional Counselors
 - Prosthetists
 - Registered Nurses
 - Respiratory Care Practitioners
 - Social Workers
 - Speech-Language Pathologists
 - Surgical Assistants
 - Surgical Technologists
 - Any other license issued by the Department under the Acts listed in 68 IAC 1130 and the Illinois Controlled Substances Act, except for pharmacy technicians
- 4. Which forcible felonies qualify for review?** The review process applies to the following forcible felonies:

- First Degree Murder
- Second Degree Murder
- Intentional Homicide of an Unborn Child
- Voluntary Manslaughter of an Unborn Child
- Drug-induced Homicide
- Kidnapping & Aggravated Kidnapping
- Unlawful Restraint & Aggravated Unlawful Restraint
- Forcible Detention
- Involuntary Servitude
- Trafficking in Persons
- Aggravated Battery
- Compelling Organization Membership of Persons
- Compelling Confession or Information by Force or Threat
- Robbery, Armed Robbery, & Aggravated Robbery
- Vehicular Hijacking & Aggravated Vehicular Hijacking
- Home Invasion
- Terrorism
- Causing a Catastrophe
- Possession of a Deadly Substance
- Making a Terrorist Threat & Falsely Making a Terrorist Threat
- Material Support for Terrorism
- Hindering Prosecution of Terrorism
- Boarding or Attempting to Board an Aircraft with Weapon
- Armed Violence
- Attempt of any of the above offenses

5. **Which forcible felonies do NOT qualify for review?** The review process does NOT apply to certain forcible felonies. If you have been convicted of one of the below forcible felonies, your application for a health care worker license will be permanently denied under the law.
 - Forcible felonies requiring registration under the Sex Offender Registration Act
 - Involuntary sexual servitude of a minor that is a forcible felony
 - Criminal battery against any patient in the course of patient care or treatment

6. **Where can I find the date of my conviction?** You must contact the courthouse in the place where the conviction occurred and request a certified copy.

7. **Where can I find the date I was released from confinement?** Please provide your certified conviction and/or discharge papers indicating your last day of confinement. If you need a copy of your discharge papers, please call the Illinois Department of Corrections Records Department at 217-558-220 Ext. 5550 to request that a copy be sent to the Illinois Department of Financial and Professional Regulation at 100 West Randolph Street 9th Floor Chicago, Illinois 60601. Additional information about your conviction may be available via the Illinois State Police's Criminal History Information Response Process (CHIRP). If your conviction occurred outside of Illinois or in a Federal court, you must contact the authorities in that state or government agency to request this information.

8. **I meet the requirements for review of my forcible felony conviction in Question 2 and want to apply for a health care worker license. What will it cost to apply?** Each health care profession has its own application requirements and costs. You can find application forms and more information on the Department's website by clicking on your profession name and selecting "Licensee Application and Forms." You can also contact the Licensure Maintenance Unit at 1-800-560-6420 or FPR.LMU@illinois.gov with any questions.

9. **I already submitted my application. What do I do next?** The Department will send a Notice of Intent to Permanently Deny Licensure, with instructions on how to file a Petition for Review if you qualify for review. To find out if you qualify for review, please see Question 2 above.

10. **What will happen to my application if I do NOT qualify for review of my forcible felony conviction under the law?** If you do NOT qualify for review under the law, you will receive a Notice of Intent to Permanently Deny Licensure. Please refer to Question 11 for more information.

11. **What is a Notice of Intent to Permanently Deny Licensure?** Under the law, the Department is required to send a Notice of Intent to Permanently Deny Licensure whenever a health care worker applicant has a forcible felony conviction in their past. This document will inform you of reasons your license might be denied. A Notice of Intent to Permanently Deny Licensure does NOT mean your application is denied.

If you qualify for review under the law as set forth in Question 2 above, you must file your Petition for Review within 20 days of the date the Notice of Intent to Permanently Deny Licensure is mailed.

If you do NOT qualify for review under the law, you will still be given the opportunity to respond, but only the following responses may prevent denial of a license:

- you have been incorrectly identified as the person with the conviction, OR
- the conviction has been vacated, overturned, reversed, expunged, or a pardon has been granted, OR
- the conviction is not a disqualifying conviction.

12. **What is a Petition for Review?** A Petition for Review is a document that you must file with the Department's Clerk of the Court in order for the Department to review whether your forcible felony conviction prevents you from holding a health care worker license. Instructions for where and how to file a Petition for Review can be found [here](#). You must file your Petition for Review within 20 days of the date the Notice of Intent to Permanently Deny Licensure is mailed.

13. **What happens if I fail to file my Petition for Review within 20 days of the date the Notice of Intent to Permanently Deny Licensure is mailed?** Your failure to timely file your Petition will result in the denial of your license, which is a discipline reportable to the National Practitioner Databank.

14. **Where can I find this Petition for Review?** Instructions for where and how to file a Petition for Review can be found at <http://www.idfpr.com/Renewals/apply/Forms/F2306.pdf>.

15. **How much does it cost to file a Petition for Review?** There is no cost to file a Petition for Review, but you must still pay applicable costs and fees connected to your application for a health care worker license.

16. **How will the Department assess my Petition for Review?** If you qualify for review under the law, you will have the opportunity to present information to the Department in support of licensure. You must prove that you have been rehabilitated since your conviction. You are encouraged to provide information that will help support your Petition for Review.

17. I have provided information supporting rehabilitation from my forcible felony conviction. How will the Department determine whether I have been rehabilitated? The Department may consider, but is not limited to, the following factors:

- the seriousness of your offense(s)
- the presence of multiple offense(s)
- your prior disciplinary history, including, but not limited to, actions taken by other agencies in this State or by other states or jurisdictions, hospitals, health care facilities, residency programs, employers, insurance providers, or any of the armed forces of the United States or any state
- the impact of your offense(s) on any injured party
- the vulnerability of any injured party, including, but not limited to, consideration of the injured party's age, disability, or mental illness
- your motive for the offense(s)
- your contrition or lack of contrition for the offense(s)
- your lack of cooperation with the Department or other investigative authorities
- your lack of prior disciplinary action, including, but not limited to, action by the Department or by other agencies in this State or by other states or jurisdictions, hospitals, health care facilities, residency programs, employers, insurance providers, or any of the armed forces of the United States or any state
- your cooperation with the Department or other investigative authorities
- restitution to injured parties
- whether your misconduct was self-reported
- any voluntary remedial actions taken by you or other evidence of rehabilitation
- the date of your conviction(s)

18. I filed a Petition for Review, will I receive my license? Possibly, if you prove you are rehabilitated from your conviction and meet all licensure requirements, including payment of any fees.

19. Where can I find more information about permanent denial and revocation and the Petition for Review process? You can read the Civil Administrative Code at 20 ILCS 2105/2105-165 and the Administrative Rules 68 IAC 1130, Subpart C.

20. Who can I contact for more information? You can contact the Department at 1(888) 473-4858 or visit our website idfpr.com. You can also contact the Licensure Maintenance Unit at 1-800-560-6420 or FPR.LMU@illinois.gov for information about documents you will need to submit after your Petition for Review is granted.

DISCLAIMER: The above questions and answers are provided for general information only and may not be completely accurate in every circumstance, do not purport to be legal advice, and are not intended to be legally binding on the Department in a particular case. Questions involving interpretation of the law and your legal rights and obligations should be addressed to your lawyer.