

Frequently Asked Questions About Getting a License When Applicant Has a Criminal Conviction

1. I am applying for the first-time for a license to be a Licensed Professional Music Therapist (LMPT) and I have a criminal conviction in my past. Can I still get a license?

Depending on the type and nature of the conviction, **most likely yes** if you are otherwise qualified. There are some convictions that by law automatically prohibit an applicant from receiving an LPMT license. If you have one of these, your application cannot be approved. Most types of convictions, however, do not automatically prevent an applicant from obtaining a license. These convictions, along with other factors, may be considered by the Department in its decision whether to grant a license. As a conviction is not an automatic bar to licensure, we encourage you to apply and fully participate in the Department's review process.

Last year, for all licensed professions, 99% of applicants with a conviction who are not barred by law, and who accurately completed the application disclosing their conviction, obtained a license.

2. Which convictions will automatically prevent me from obtaining a license as a Licensed Professional Music Therapist?

If you have been convicted of one of the following offenses, your application by law **cannot be approved**:

- An offense requiring registration under the Sex Offender Registration Act;
- An offense where the sentence imposed requires registration under the Sex Offender Registration Act;
- Involuntary sexual servitude of a minor;
- Criminal battery against any patient in the course of patient care or treatment;
- A forcible felony, depending on the date of your conviction and the date of your release from confinement. Please refer to questions 6, 7, and 8 below for more information.

3. Which convictions will the Department consider when determining whether an applicant qualifies for an LMPT license? (These are not an automatic bar to obtaining a license but need to be disclosed on your application.)

- Arson
- Burglary
- Stalking
- Battery
- Health care fraud
- Theft
- Felonies that do not by law prevent you from getting a license.
- Assault
- Reckless homicide
- Manslaughter
- Unlawful use of weapons
- Narcotic drug possession or sale
- Driving under the influence

- Misdemeanors involving dishonesty or prevent you from getting a license that are directly related to your job as a music therapist.

4. Which convictions will the Department not consider when determining whether an applicant qualifies for an LPMT license? (These convictions need to be disclosed on your application, but they will not have a negative effect on your request for a license.)

- Traffic offenses (except driving under the influence and reckless homicide)
- Trespass
- Vandalism

5. I have a juvenile conviction in my past, or an adult conviction that has since been expunged, sealed, vacated, or reversed by the court. Should I notify the Department of this conviction?

No. Individuals applying for a license should not disclose to the Department any juvenile convictions/dispositions or adult convictions that have been expunged, sealed, vacated, or reversed by the court.

6. Can I get an LPMT license with a forcible felony conviction on my record?

Possibly. Applicants with a forcible felony conviction must meet all license application requirements and qualify under the law for review of a forcible felony conviction. For more information on who may file a petition for review and the process for doing so, please click here:

<https://idfpr.illinois.gov/content/dam/soi/en/web/idfpr/renewals/apply/forms/f2306.pdf>.

7. Which forcible felonies qualify for review? The review process applies to the following forcible felonies, which are set forth in 68 IAC §1130.220:

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| • First Degree Murder | • Involuntary Servitude |
| • Second Degree Murder | • Trafficking in Persons |
| • Robbery, Armed Robbery & Aggravated Robbery | • Aggravated Battery |
| • Vehicular Hijacking & Aggravated Vehicular Hijacking | • Compelling Organization Membership of Persons |
| • Intentional Homicide of an Unborn Child | • Compelling Confession or Information by Force or Threat |
| • Voluntary Manslaughter of an Unborn Child | • Causing a Catastrophe |
| • Drug-induced Homicide | • Possession of a Deadly Substance |
| • Kidnapping & Aggravated Kidnapping | • Making a Terrorist Threat & Falsely Making a Terrorist Threat |
| • Unlawful Restraint & Aggravated Unlawful Restraint | • Terrorism |
| • Forcible Detention | • Material Support for Terrorism |
| | • Hindering Prosecution of Terrorism |
| | • Home Invasion |

- Criminal Sexual Assault, Aggravated Criminal Sexual Assault & Predatory Criminal Sexual Assault of a Child
- Criminal Sexual Abuse & Aggravated Criminal Sexual Abuse
- Boarding or Attempting to Board an Aircraft with Weapon
- Armed Violence
- Attempt of any of the above offenses

8. I have a conviction in my past and have submitted my application. What can I expect next?

The Department may contact you to request additional or to discuss your past conviction.

If your **past conviction is a forcible felony**, you will need to take an additional step for your application to be considered. For a forcible felony conviction that qualifies for review under the law, you will receive a document called a “Notice of Intent to Permanently Deny Licensure.” This document is the first step in the forcible felony review process. This Notice does **not** mean your application has been denied, but you must submit a Petition for Review within twenty (20) days of the timestamp on the Notice of Intent to Permanently Deny Licensure.

For more information about forcible felony convictions, please refer to questions 6, 7, and 8. First time health care worker applicants, click here:

<https://idfpr.illinois.gov/content/dam/soi/en/web/idfpr/faq/dpr/forciblefelonypetitionnewappsfaq.pdf>.

If you previously had a health care worker license that was permanently revoked or denied click here:

<https://idfpr.illinois.gov/content/dam/soi/en/web/idfpr/faq/dpr/forciblefelonypetitionnewappsfaq.pdf>.

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.