

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS
DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

FISH AND WILDLIFE

**RULES AND REGULATIONS GOVERNING
WILDLIFE REHABILITATION**

July 16, 1998

AUTHORITY: These regulations are adopted pursuant to Section 20-1-18, and 20-1-22, in accordance with Administrative Procedures, Chapter 42-35 of the Rhode Island General Laws of 1956, as amended.

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS
DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

FISH AND WILDLIFE

**RULES AND REGULATIONS GOVERNING
WILDLIFE REHABILITATION**

TABLE OF CONTENTS

RULE 1	PURPOSE	ii
RULE 2	AUTHORITY	ii
RULE 3	APPLICATION	ii
RULE 4	DEFINITIONS	ii - iii
RULE 5	SEVERABILITY	iii
RULE 6	SUPERSEDED RULES AND REGULATIONS	iii
RULE 7	VIOLATIONS	iii-iv
RULE 8	APPEAL & HEARING PROCEDURE	iv
RULE 9	REGULATIONS	1-10
	PART I - REQUIREMENTS	1-3
	PART II - PERMIT ISSUANCE	4
	PART III - SPECIAL CONDITIONS	5-7
	PART IV - OTHER RESTRICTIONS	8
	PART V - RABIES VECTOR SPECIES	9-10
RULE 10	EFFECTIVE DATE PAGE	11

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS
DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

FISH AND WILDLIFE

**RULES AND REGULATIONS GOVERNING
WILDLIFE REHABILITATION**

1. PURPOSE

The proper care of orphaned and/or injured wildlife requires special knowledge and facilities not possessed by the general public. Specially trained individuals, collectively called Wildlife Rehabilitators, provide for the care of injured and orphaned wildlife so that such wildlife may be returned to the wild. The purpose of these regulations is to establish the standards under which such wildlife rehabilitators may be permitted to temporarily possess wildlife protected by the Department under Rhode Island General Laws (RIGL) Title 20-1, in order to provide necessary aid.

2. AUTHORITY

These rules and regulations are adopted pursuant to authority vested in the Director pursuant to RIGL Section 20-1-18 and Chapters 42-17.1 and 42-35.

3. APPLICATION

The terms and provisions of these rules and regulations shall be liberally construed to permit the Department to effectuate the purposes of state law, regulations, and policies.

4. DEFINITIONS

Wherever used in these rules and regulations the following terms shall be construed as follows:

(A) "Director" means the Director of the Rhode Island Department of Environmental Management, or his/her duly authorized agent or agents.

(B) "Department" means the Rhode Island Department of Environmental Management.

(C) "Division" the Division of Fish & Wildlife of the Rhode Island Department of Environmental Management so-called in the RIGL's; and called Fish and Wildlife (F&W) in regulations.

(D) "Endangered Species" means those species of animals designated as threatened or endangered according to the U.S. Fish and Wildlife Service as published in 50 CFR 17.11 and 17.12.

(E) "Exotic animals" as defined in these regulations refers to animals not occurring naturally, either presently or historically, within the boundaries of the State of Rhode Island including, but not limited to: Mute Swans, Monk Parakeets, Mudpuppies, and Red-eared sliders.

- (F) "Fish and Wildlife" (F&W) means the Fish and Wildlife Program of DEM's Office of Natural Resources, formerly referred to as the Division.
- (G) "Euthanasia" for the purpose of wildlife rehabilitation means the methods as described in the "1993 report of the AVMA panel on Euthanasia" published in the *Journal of the American Veterinary Medical Association*, vol. 202, no. 2.
- (H) "IWRC" shall mean the International Wildlife Rehabilitation Council
- (I) "Native Wildlife" means animals occurring naturally, either presently or historically, within the boundaries of the State of Rhode Island.
- (J) "Person" as used in this manual means any individual, partnership, firm, joint stock, company, corporation, association, trust, estate, municipality, or other government entity or other legal entity.
- (K) "RVS Handbook", shall mean the most current rabies vector species handbook prepared by the Division of Fish and Wildlife
- (L) "Sponsor", shall mean person previously permitted as a Level II rehabilitator, agreeing to assist between one and three Level I apprentices, according to the guidelines adopted in the sponsor packet, as provided.
- (M) "Standards" shall mean the most current minimum standards established by National Wildlife Rehabilitators Association (NWRA) and the International Wildlife Rehabilitation Council (IWRC) and in accordance with these regulations.
- (N) "State List" means currently listed wildlife species requiring a permit for handling.
- (O) "State Manual" means the most current wildlife rehabilitation manual prepared by the Division of Fish & Wildlife.
- (P) "Vector Species" means those species that are the most common wildlife carriers of rabies including raccoons, skunks, bats, groundhogs, and foxes, may be referred to as RVS.
- (Q) "Wildlife Rehabilitation" means the practice of providing care for injured, orphaned or sick wildlife including their capture, housing, feeding, emergency treatment for the primary purpose of release into the wild.
- (R) "Wildlife Rehabilitator" means persons receiving a special purpose scientific collectors permit pursuant to these rules and regulations.

5. SEVERABILITY

If any provision of these Rules and Regulations, or application thereof to any person or circumstances, is held invalid by a court of competent jurisdiction, the validity of the remainder of the Rules and Regulations shall not be affected thereby.

6. SUPERSEDED RULES AND REGULATIONS

On the effective date of these rules and regulations, all previous rules and regulations, and any policies regarding the administration and enforcement of wildlife rehabilitations shall be superseded.

7. VIOLATIONS

- I. Any violation pursuant to the provisions of Title 20 of the General Laws of Rhode Island and the rules and regulations herein may be cause for imposing penalties in accordance with the provisions of the above mentioned statute, removal of regulated species, as well as revocation of existing rehabilitation permit(s).
- II. Special Purpose Scientific Collector Permits for Wildlife Rehabilitation may be terminated by the Director for any of the following reasons:
 - A. The Wildlife Rehabilitator has ceased to meet appropriate eligibility requirements for appointment as set forth in these regulations.
 - B. The Wildlife Rehabilitator has failed to perform duties as provided in these regulations.
 - C. The Level I Wildlife Rehabilitator does not meet criteria on evaluation form and is no longer endorsed by the designated sponsors.
 - D. The Wildlife Rehabilitator has ceased to have an approved wildlife rehabilitation facility available for permittee's use
 - E. In cases where a permit is terminated, the Director, in his/her discretion, may impose a period of probation, recertification and testing, and/or reduce the level of permit, or reinstate the permit.

8. APPEAL & HEARING PROCEDURES

Opportunity for Hearing

A. Denials -- Any person whose application for a permit, permit renewal, or other approval, has been denied by the permitting agency, acting through Fish and Wildlife, may appeal to the Administrative Adjudication Division, for review of the decision on which the denial is based.

B. Violations -- Any person who has been issued a notice of violation of any of the provisions of these rules, may request a hearing from the Administrative Adjudication Division, subject to the provisions of R.I.G.L. 42-17.1-2(u).

C. Time of Filings -- All requests for a hearing shall be made in writing within ten (10) days of receipt of the notice of denial or violation or other action and shall be addressed to the Administrative Adjudication Division.

D. Hearings and Administrative Procedure -- Pursuant to the authority granted to the Department in Chapter 42-17.1 (1977 Reenactment), the hearings and administrative procedures shall conform to the "Administrative Rules of Practice and Procedure for the Department of Environmental Management, Administrative Adjudication Division for Environmental Matters".

9. REGULATIONS

As follows:

● PART I ●

REQUIREMENTS

1.1 Criteria -- Fish and Wildlife may issue an annual special Scientific Collectors Permit to rehabilitate native wildlife to persons meeting the criteria set forth in these regulations. Prior to permit issuance, Fish and Wildlife shall determine that the applicant has met the following requirements in the categories described below:

Level I - Apprentice: Authorized to receive, rehabilitate, transfer and release all wildlife in categories listed on the permit under the supervision of a Division approved sponsor and under conditions specified in the regulations. Applicants for licensure as Level I rehabilitators must present written letter of recommendation by Level II or IIA rehabilitator willing to serve as the applicant's sponsor/consultant during the first year of applicant's apprenticeship and must pass a written examination established by the Department and the IWRC. Apprentices must consult sponsor immediately after receiving any wildlife, as well as adhering to regulatory requirements.

Level II - Persons who were previously licensed as a Level II rehabilitator in Rhode Island or in another state having equivalent requirements and offering reciprocal privileges to licensed rehabilitators of this state, or who have currently held a Level I permit for 1 (one) year with a letter of recommendation from a Level II sponsor and having passed required examination, may apply for licensure by the Division as a Level II rehabilitator.

Level II A - Persons meeting Level II requirements in addition to the R.I. Falconry Regulations and 50 CFR 21.27 through 21.30, with regard to minimum care and feeding requirements as outlined in the Falconer Application packet.

Level II T - Persons limited to the **transport only** of non-vector species native wildlife. Qualified persons shall be those holding transport permits in the past or individuals who have attended a class in transporting wildlife, approved by the Division.

Level II V - Restricted to veterinarians licensed in the State of Rhode Island.

Level II X - Limited to those persons meeting Level II requirements in addition to the conditions, requirements, and training as described in Part 5 and the referenced RVS Handbook and State Rabies Protocol Manual.

1.2 Application Requirements For All Categories -- The application shall include but not be limited to the following:

1.2.1 Certification that the applicant is at least 18 years of age, and a resident of Rhode Island;

1.2.3 Submission of letter of acceptance from sponsor as required

1.2.4 Submission of letter from Rhode Island licensed and permitted veterinarian, agreeing to provide services at no cost to the state

1.2.5 Provide description of education and experience

1.2.6 Provide address and description of facility. Facility must meet or exceed minimum standards as defined and be available for inspection by the Department at any reasonable hour.

1.2.7 Designate category of permitted native wildlife which the applicant wishes to rehabilitate (small mammals, small birds, reptiles, raptors, or all)

1.2.8 Prior to licensure, first-time applicants must receive a grade of 80 percent or higher on the open book written examination administered by the Department and a grade of 70 percent or higher on the exam administered by the International Wildlife Rehabilitation Council's in the Basic Wildlife Rehabilitation Skills Seminar; veterinarians are exempt.

1.2.9 Submission of applicant's USFWS special purpose rehabilitation permit, if applicable, or application if pending. Federal permit is required prior to handling of any federally regulated species pursuant to 50 CFR Part 13 and 50 CFR 21.27..29

1.2.10 Submission of certification by applicant that no local ordinances prohibit the possession of wildlife and/or that the possession of wildlife does not violate any rental or real estate agreement at the facility where the applicant proposes to conduct wildlife rehabilitation. Applicant must also submit letter of approval from employer if wildlife is to be temporarily housed at a work facility, to include address and description.

1.2.11 Certification from the applicant on application provided by the Division that all rehabilitation activities will comply with these regulations.

1.2.12 Submission of proof of Tetanus vaccine within last ten years, and additionally for

mammals, proof of rabies vaccination or report of antibody titre >0.5 IU checked at least every two years.

1.2.13 Certification that applicant has not been convicted of the violation of any provisions of these regulations, has not been convicted of or pleaded guilty to a Title 20 misdemeanor; or had his/her license to rehabilitate wildlife revoked within three years prior to application.

● PART 2 ●

PERMIT ISSUANCE

2.1 Interview and inspection by a Division representative of a first-time applicant or apprentice to assess the applicant's compliance with licensing and facilities requirements; Level II-X applicants require an additional inspection, meeting the criteria in Part 5 and RVS Handbook.

2.2 Issuance of permits may be made by the Department, notwithstanding availability in the program, sponsorship availability, geographical coverage, level of expertise and upon:

2.2.1 Receipt of completed application providing the information enumerated under Part 1; and for Level II-X applicants, additionally, Part 5.

2.2.2 Submission of completed rehabilitation log sheet(s) on form provided with information required, on or before January 31 following the expiration date of past license, if applicable and;

2.2.3 Submission of proof of a minimum of 12 hours of continuing education credits within three years of permit issuance for Level I, Level II, and Level IIX permit holders.

2.2.4 Payment of the twenty-five dollar (\$25) non-refundable permit fee;

2.2.5 Pending verification of information, permit may then be issued, indicating the level of expertise, category(s) of wildlife species, and expiration date of the permit.

● PART 3 ●

SPECIAL CONDITIONS

3.1 No person shall rehabilitate, handle, release or transport any wildlife, except as provided in 3.2, 3.5, and Part 5 without having first obtained the appropriate permit as designated in Part I from the Department.

3.2 No person shall rehabilitate, handle, release or transport any wildlife other than the categories specifically set out in the permit, and in compliance with the state list. Persons may transport non-rabies vector species to rehabilitators, provided rehabilitator records name, address, and telephone number of said person. Rabies vector species transport must conform to conditions in Part 5 and the RVS Handbook.

3.3 No person shall rehabilitate, handle, release or transport any species, as defined in these regulations as "Exotics."

3.4 There is no permit required for the rehabilitation, handling, release or transportation of the following species: mice, shrews, voles, moles, house sparrow, Rock Dove, and European Starling.

3.5 Veterinarians may provide emergency first aid to any member of an endangered or threatened species, without first obtaining a permit, provided that immediate notification is given to the Division via telephone as to the species, nature of the injury/illness, location where the species was encountered, description of the service provided, and last location where the wildlife was seen. Such species shall be transferred to a licensed rehabilitator within 48 hours, or as soon as medically stable, with additional notice to the Division, to include notice after release, and/or euthanasia. Permittees must further comply with federal regulations. Licensed veterinarians may give emergency treatment without obtaining a rehabilitation permit, to the remainder of the non-rabies vector state listed species, providing that the species be transferred to permitted facility within 48 hours. Notification must be made to the Division within 24 hours of initial contact.

3.6 No person shall release any non-vector species rehabilitated wildlife at a location other than

the point of origin, or in suitable habitat and season for that species within the boundary of Rhode Island. Refer to Part 5 for release conditions of vector species

3.7 The permittee must operate under the current standards and manual guidelines, as defined, and in accordance with these regulations. Permittees must maintain initial physical evaluation form, to include location of origin, name, address, and telephone number of transporter in accordance with 3.2; and a daily diet/medical log on each individual. Facilities and log sheets may be inspected at any reasonable hour by the Department's designee. Wildlife shall be held no longer than necessary for the restoration of its health and when wildlife is rehabilitated, after which it shall immediately be released to the wild at its point of origin, or in a suitable habitat. Such log sheets shall contain, at a minimum, the information as shown in the IWRC basic skills manual. Refer to Part 5 for additional documentation required for rabies vector species.

3.8 Wildlife deemed by the Division to be unreleasable within 90 days of commencement of treatment by the wildlife rehabilitator who initiated treatment, must be humanely euthanatized, unless prior Division approval is given for extended care. Refer to Part 5 for rabies vector species

3.10 Wildlife held under this permit shall not be owned, sold, offered for sale, purchased, bartered, offered for barter, tamed, neutered, used for propagation purposes, or used to conduct commercial transactions of any nature.

3.11 Permittees may not transport wildlife across state borders unless in accordance with applicable federal or state regulations including but not limited to the Federal Lacey Act 50 CFR 20.

3.12 Permittees may transfer wildlife to other Rhode Island permitted rehabilitation facilities with like permits to include categories of animals, i.e., small birds, small mammals, raptors, but shall not delegate to any other person, the authority granted by this permit. The total duration of rehabilitation shall be in compliance with 3.8. For rabies vector species refer to Part 5.

3.13 The Department reserves the right to repossess any animal held, pursuant to these regulations at any time.

3.14 Permittee must notify the department within 30 days prior to moving to another facility.

3.15 Permittee must possess at all times a current wildlife rehabilitation identification card, when in possession of wildlife outside the facility and must display permit in a prominent location at their facility.

3.16 All permits expire at the end of the calendar year. Permits must be renewed and are only valid after receipt of completed renewal application, and other conditions as detailed in Part 2 and/or Part 5.

3.17 Permittees must agree, in writing, to hold the state harmless for any damage, injury, or disease caused by any wildlife held under the permit, to include treatment for or prevention of such. Permittees assume all liability associated with this permit.

● PART 4 ●

OTHER RESTRICTIONS

4.1 Nothing in these regulations shall be interpreted as permitting the unlicensed practice of veterinary medicine. Arrangements for veterinary care are between sponsoring veterinarian and permitted rehabilitator. The State assumes no responsibility for the cost of such care.

4.2 Nothing in these regulations permits the use of restricted medical supplies including but not limited to syringes and drugs without specific conformance with section 21-28-3.01 Rules and Regulations governing Hypodermic Needles, Syringes, and Other Such Instruments and Drugs.

4.3 Obtaining a permit pursuant to these regulations, does not preclude the permittee's conformance with such other Federal, State or local requirements for licensure certification or permit which may be required.

4.4 Permittee may not demand a fee or otherwise charge for services rendered under conditions of this permit. Nothing precludes permittee from accepting a donation(s).

● PART 5 ●

RABIES VECTOR SPECIES (RVS)
Special Conditions & Requirements

- 5.1 Applicants for licensure of a Level II-X permit to rehabilitate RVS must have previously possessed a valid Level II Rhode Island Rehabilitator Permit, meet all permit conditions, requirements, record keeping [see Part 3.7], in addition to the conditions outlined in Part 5, the State Rabies Protocol Manual and the RVS Handbook.
- 5.2 Only apparently healthy, orphaned young-of-the-year (less than 10-weeks of age) can be candidates for rehabilitation, limited to raccoons, foxes, skunks, and woodchucks, if no human or animal exposure has occurred, as determined by the Department of Health (DOH). Apparently healthy animals shall include absence of behavioral, neurological, locomotive impairments, or those animals with wounds. All species of bats and other adult rabies vector species cannot be candidates for rehabilitation.
- 5.3 Level II-X permittees must notify the DOH immediately upon admission of RVS and adhere to DOH procedures appropriate sections in the State Rabies Protocol Manual and the format outlined in the RVS Handbook as a condition of the permit. Level II-X rehabilitators will be responsible for pick-up and transport of RVS, and will provide additional information on the person(s) finding the RVS [*see RVS Handbook*]. DEM or DOH personnel will not provide transport of RVS to Level II-X permittees. Transfer of RVS from Level II-X to Level II-X, only will be permitted, providing immediate notification to DOH of the name and address of new location.
- 5.4 All applicants must obtain a State Rabies Manual and a RVS Handbook available from the Division, and certify on the application Division provides, that all rehabilitation procedures and facilities will be adhered to, as a condition of the permit, to include appropriate forms and DOH notification.
- 5.5 All applicants must provide proof of liability insurance of at least \$300,000 prior to permit issuance.

- 5.6 Level II-X permit holders must provide facilities, as a condition of licensure, that meet or exceed the requirements listed in the RVS Handbook. Facilities must be inspected by Division designee with form provided by the Division, prior to license issuance.
- 5.6.1 Facilities must additionally meet IWRC criteria for specific species as specified in standards manual.
- 5.6.2 RVS must additionally be individually ear-tagged with a unique number using National Band and Tag Co., style 1005-4 tags provided by the Division. Piercing is the responsibility of the permit holder. Ear tag numbers must be recorded on RVS log sheet.
- 5.7 Any RVS accepted as a candidate for rehabilitation must be released as soon as they are able to survive in the wild, and no later than September 30. Following IWRC Basic Skills Manual, a soft release, no longer than two weeks will be permitted, in a natural setting with natural foods. The DOH must be notified immediately if RVS dies. Any cage mates of a rabies positive RVS must also be euthanized. RVS that cannot be released must be euthanized following criteria outlined in the RVS Handbook.
- 5.7.1 Level II-X permittees are required to take any RVS showing any abnormal behavioral, neurological, or locomotive signs to the designated Level II-V on their application for examination as soon as possible.
- 5.8 RVS cannot be released on state or federally-owned land. Written permission from private landowner must be obtained prior to release, and become part of the individual RVS record.
- 5.9 Veterinarians with Level II-V permits will be permitted to euthanize RVS under criteria established by DOH, as outlined in 5.2 and 5.7.
- 5.10 Level II-X permit holders assume all liability in association with this activity, including but not limited to: post exposure rabies treatment or management of any individual(s) or animals exposed to rabies by a RVS in the permittee's possession; medical or surgical treatment of any individual or animal for any and all injury, damage, or disease sustained from a RVS in the permittee's possession.

RULE 10 EFFECTIVE DATE

The foregoing- Rules and Regulations Governing Wildlife Rehabilitation, after due notice, are hereby adopted and filed with the Secretary of State this 16th day of July, 1998 to become effective twenty (20) days thereafter, in accordance with the provisions of Chapter 42-35, 42-17.1, and 42-17.6 of the General laws of Rhode Island of 1956, as amended.

Andrew H. McLeod, Director
Department of Environmental Management

Notice Given on: 4/25/98

Public Hearing held: 5/27/98

Filing Date: 7/16/98

Effective Date: 8/5/98

Office of the Secretary of State
Rules and Regulations Filing Form

1. NAME and ADDRESS OF AGENCY

Department of Environmental Management - Fish and Wildlife
Stedman Government Center, 4808 Tower Hill Rd., Wakefield, RI 02879

2. TITLE OF THE RULES AND REGULATIONS

RULES AND REGULATIONS GOVERNING WILDLIFE REHABILITATION

3. STATUTORY SOURCE OF AUTHORITY TO ISSUE THESE RULES

§ 42-17.1 "Department of Environmental Management" 42-17.6, §§20-1-18, and 20-1-22 in accordance with Administrative Procedures, Chapter 42-35 of the Rhode Island General Laws of 1956, as amended.

4. TYPE OF RULES AND REGULATIONS

- (a) New rules and regulations _____
(b) Amendments XX
(c) Technical revisions _____
(d) Repeal _____

If yes to (b) or (c) above, identify the amended sections or rule number(s), and please identify the original date of filing:

5. PURPOSE OF NEW RULES AND REGULATION OR AMENDMENTS

The purpose of these regulations is to establish the standards under which specially trained individuals, collectively called Wildlife Rehabilitators may be permitted to temporarily possess wildlife protected by the Department under Rhode Island General Laws (RIGL) Title 20-1, in order to provide necessary aid.

6. TYPE OF FILING

- (A) EMERGENCY: _____
(B) Pursuant to 42-35 _____
(C) Date of Public Hearing 5/27/98
(D) Date of Public Notice 4/25/98

7. DOCUMENTS FILED

- (A) New Rules and Regulations _____
(B) Amended Rules & Regs. XX
(C) Only Amendments to R & R _____
(D) Technical Revisions _____

8. AGENCY CODE:

9. CERTIFICATION: I hereby certify that the attached rules and regulations were adopted in accordance with the Administrative Procedures Act (RIGL Chapter 42-35), and that they are true copies of this department, attest:

Andrew H. McLeod

Notary Public

DEM - Director

Title

My Commission expires: _____

Subscribed and sworn to before me this
_____ day of _____, 19____

Received by: Office of the Secretary of State

FILING DATE:

July 16, 1998

The Honorable James R. Langevin
Secretary of State
217 State House
Providence, RI 02907

Dear Secretary Langevin:

The DEM's Division of Fish and Wildlife, in accordance with Chapters 42-17.1, "Department of Environmental Management", 42-17.6, and 42-35 Administrative Procedures, General Laws of Rhode Island, 1956 as amended, has adopted regulations governing the following items:

Rules and Regulations governing wildlife rehabilitation promulgated pursuant to the authority of sections 20-1-18 and 20-1-22 of Title 20 of the RIGL.

The purpose of these rules and regulations is to establish the standards under which specially trained individuals, collectively called wildlife rehabilitators, may be permitted to temporarily possess wildlife protected by the Department under RIGL Title 20; 20-1, in order to provide necessary aid to injured wildlife.

Sincerely,

John A. Stolgitis,
Chief

REHABL98.FIN