

250-RICR-60-00-1

## **TITLE 250 – DEPARTMENT OF ENVIRONMENTAL MANAGEMENT**

### **CHAPTER 60 – FISH AND WILDLIFE**

#### **SUBCHAPTER 00 – N/A**

##### **PART 1 – Rules and Regulations Governing Wildlife Rehabilitation**

### **1.1 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 R.I. Gen. Laws Chapter 20-1, in order to provide necessary aid.

### **1.2 Authority**

These Rules and Regulations are adopted pursuant to authority vested in the Director pursuant to R.I. Gen. Laws Chapters 42-17.1, 42-17.6; R.I. Gen. Laws §§ 20-1-4, 20-1-18, 20-1-22, 20-37-3 and in accordance with the requirements of the Administrative Procedures Act, R.I. Gen. Laws Chapter 42-35.

### **1.3 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.

### **1.4 Incorporated Materials**

- A. These regulations hereby adopt and incorporate 50 C.F.R. § 17.11 (2017) by reference, not including any further editions or amendments thereof and only to the extent that the provisions therein are not inconsistent with these regulations.
- B. These regulations hereby adopt and incorporate 50 C.F.R. § 17.12 (2016) by reference, not including any further editions or amendments thereof and only to the extent that the provisions therein are not inconsistent with these regulations.

- C. These regulations hereby adopt and incorporate the "AVMA Guidelines for the Euthanasia of Animals" (2013 Edition) published by the American Veterinary Medical Association, by reference, not including any further editions or amendments thereof and only to the extent that the provisions therein are not inconsistent with these regulations.
- D. These regulations hereby adopt and incorporate the "Minimum Standards for Wildlife Rehabilitation" (2012) published by the US National Wildlife Rehabilitation Association and the International Wildlife Rehabilitation Council, by reference, not including any further editions or amendments thereof and only to the extent that the provisions therein are not inconsistent with these regulations.

## **1.5 Definitions**

- A. Wherever used in these Rules and Regulations the following terms shall be construed as follows:
  - 1. "Department" or "DEM" means the Rhode Island Department of Environmental Management.
  - 2. "Director" means the Director of the Rhode Island Department of Environmental Management, or his/her duly authorized agent or agents.
  - 3. "Division" means the Division of Fish & Wildlife of the Rhode Island Department of Environmental Management so-called in the R.I. Gen. Laws; and called Fish and Wildlife (F&W) in regulations.
  - 4. "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 C.F.R. § 17.11, incorporated above at § 1.4(A) of this Part, and 50 C.F.R. § 17.12, incorporated above at § 1.4(B) of this Part.
  - 5. "Euthanasia" means the humane destruction of an animal accomplished by a method that involves instantaneous loss of consciousness followed immediately by death or by a method that involves anesthesia produced by an agent which causes painless and rapid loss of consciousness and death during that period of unconsciousness. All methods of euthanasia must comply with Rhode Island General Laws.
  - 6. "Exotic animals" means 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.

7. "Fish and Wildlife" or "F&W" means the Fish and Wildlife Program of DEM's Office of Natural Resources, formerly referred to as the Division.
8. "IWRC" means the International Wildlife Rehabilitation Council.
9. "Native wildlife" means animals occurring naturally, either presently or historically, within the boundaries of the State of Rhode Island.
10. "Permittee" means § 1.5(A)(22) of this Part, "Wildlife Rehabilitator".
11. "Person" means any individual, partnership, firm, joint stock, company, corporation, association, trust, estate, municipality, or other government entity or other legal entity.
12. "Sponsor" means a 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.
13. "Sharps" means Sharps that have been used in animal or human patient care of treatment, including sharps generated from the preparation of human and animal remains for burial or cremation, or in medical, research, or industrial laboratories, including, but not limited to, hypodermic needles, syringes with or without the attached needle, pasteur pipettes, scalpel blades, blood vials, needles with attached tubing, glass carpules, and glass culture dishes regardless of presence of infectious agents. Also included are other types of broken or unbroken glassware that have been used in animal or human patient care or treatment, such as used slides and cover slips. For the purpose of these regulations, disposable syringes and needles are considered regulated medical waste after one use.
14. "State list" means currently listed wildlife species requiring a permit for handling.
15. "State manual" means the most current wildlife rehabilitation manual prepared by the Division of Fish & Wildlife.
16. "Sub-permittee" means persons authorized to assist with the rehabilitation of wildlife under the authority of a Level II licensee's permit.
17. "Transporter" means persons authorized to transport wildlife to licensed wildlife rehabilitators.

18. "Vector species" or "Rabies vector species" means those species that are the most common wildlife carriers of rabies including raccoons, skunks, bats, woodchucks and foxes.
19. "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.
20. "Wildlife rehabilitator" or "Permittee" means persons receiving a special purpose scientific collectors' permit pursuant to these Rules and Regulations.

## **1.6 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.

## **1.7 Violations**

- A. Any violation pursuant to the provisions of R.I. Gen. Laws Title 20 and the Rules and Regulations herein, either by a permittee or a sub-permittee working under said permittee 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) of both the sub-permittee and responsible permittee.
- B. Special Purpose Scientific Collector Permits for Wildlife Rehabilitation may be terminated by the Director for any of the following reasons:
  1. The Wildlife Rehabilitator has ceased to meet appropriate eligibility requirements for appointment as set forth in these regulations.
  2. The Wildlife Rehabilitator has failed to perform duties as provided in these regulations.
  3. The Level I Wildlife Rehabilitator or sub-permittee does not meet criteria on evaluation form and is no longer endorsed by the designated sponsors.
  4. The Wildlife Rehabilitator has ceased to have an approved wildlife rehabilitation facility available for permittee's use.

5. 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.

## **1.8 Appeal and Hearing Procedures**

### **A. Opportunity for Hearing**

1. 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.
2. 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. Gen. Laws § 42-17.1-2(u).
3. Hearings and Administrative Procedure - Pursuant to the authority granted to the Department in R.I. Gen. Laws § 42-17.7-9.
  - a. Any person who seeks an adjudicatory hearing in order to contest an enforcement action which alleges violation(s) of these Rules and Regulations must file said request in writing with the clerk of Administrative Adjudication Division, 235 Promenade Street, 3rd Floor, Providence, Rhode Island, 02908 within twenty (20) days of receipt of the contested agency enforcement action.
  - b. Any person who seeks an adjudicatory hearing relative to the denial of a permit or sub-permit arising under these Rules and Regulations must file said request in writing with the clerk of Administrative Adjudication Division, 235 Promenade Street, 3rd Floor, Providence, Rhode Island 02908 within thirty (30) calendar days of receipt of the contested agency action.

## **1.9 Qualifications to Gain a Permit**

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.

### **1.9.1 Level P-Sub-permittee:**

- A. Sub-permittees must pass a written examination established by the Department. Following satisfactory completion of the State test, as delineated in § 1.10(A)(7) of this Part, a person may qualify to assist any class of Level II permittees under the direct supervision of the permittee. Sub-permittees are strictly prohibited from handling and rehabilitating raptors or rabies vector species (RVS) at any time. In addition, sub-permittees are strictly prohibited from handling any category of animals for which their supervising permittee has not been duly authorized to care for.
- B. Following the completion of not less than 25 hours of hands on activity and six (6) hours of instructional training sufficient to demonstrate to the satisfaction of the permittee that the sub-permittee has sufficient skills and knowledge, the permittee shall be considered for off-site approval.
- C. In order to be considered for off-site approval, the sub-permittee must meet the following requirements:
  - 1. Facility must meet or exceed the minimum standards and be inspected by the permittee on forms provided by and submitted to DEM prior to acceptance of any wildlife for rehabilitation.
  - 2. The submission by the permittee of a written policy which shall include inter alia, the relationship to be maintained between the permittee and the sub-permittee, frequency and extent of inspection and continuing monitoring of the sub permittee. In no case shall the sub-permittees facilities not be inspected by the permittees less frequently than one (1) month interval during the season for initial year and one visit per season for subsequent years and that the permittee submit a report on the progress of the sub-permittee on the form provided at thirty (30) and sixty (60) day intervals. Sub-permittees are restricted to pre-fledged songbirds and waterfowl and un-weaned non-RVS small mammals. Sub-permittees are permitted to temporarily house post weaned non- RVS mammals for soft release only, restricted to the providing of food and water limited to a period not to exceed two weeks. Handling of soft release candidates is prohibited. Sub-permittees must comply with all requirements set out in § 1.12 of this Part.

### **1.9.2 Level I – Apprentice**

- A. An apprentice is 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.

- B. Applicants for licensure as Level I rehabilitators must present a written letter of recommendation by Level II 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 successfully complete the IWRC Basic Wildlife Rehabilitation Course.
- C. Apprentices must consult their sponsor immediately after receiving any wildlife, as well as adhering to regulatory requirements. Level I permittees are not authorized to sponsor or list sub-permittees on their permit.

### **1.9.3 Level II**

- A. Qualified persons are 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.
- B. Sub-permittees are permitted to assist under the direct supervision of Level II permittees. Level II permittees are directly responsible for the action of any subpermittee acting under his /her permit. Level II permittees shall sponsor no more than 5 sub-permittees as an individual or 10 sub-permittees at an approved center.

### **1.9.4 Level II R**

Persons meeting Level II requirements, having held a previous Level II R permit or with a letter of recommendation from a Level II R sponsor.

### **1.9.5 Level F**

Qualified persons holding a valid Rhode Island General or Master class Falconer permit may obtain a permit restricted to raptors. Level R permit holders are required to adhere to all requirements set out in § 1.10 of this Part with the exception of § 1.10(A)(7) of this Part.

### **1.9.6 Level T**

Qualified persons are limited to the transport only of non-rabies vector species native wildlife. Qualified persons shall be those holding transport permits in the past or individuals who have attended and successfully completed class in transporting wildlife, approved by the Division.

### **1.9.7 Level TX**

Qualified persons are limited to the transport of non-vector species and rabies vector species. In addition to above transport requirements in § 1.9.6 of this Part, Level TX permit holders must abide by the conditions in § 1.14 of this Part, and [Part 40-05-2](#) of this Title.

#### **1.9.8 Level II V**

Restricted to veterinarians licensed in the State of Rhode Island.

#### **1.9.9 Level II X**

- A. Qualification is limited to those persons meeting Level II requirements in addition to the conditions and requirements as described in § 1.14 of this Part and [Part 40-05-2](#) of this Title.
- B. All wildlife rehabilitators must follow the following protocols, and applicable provisions of [Part 40-05-2](#) of this Title, with Level II-X authority.
  - 1. Level II-X - Permit Holder must notify the Department of Health (DOH) regarding every RVS contact with information gathered on form provided by the Division.
  - 2. Level II-X wildlife rehabilitators are responsible for the pick-up and transport of RVS. No one other than Level II-X permittees can transport animals.
    - a. Level II-X wildlife rehabilitators must not request or direct any person who discovers a RVS to handle that animal.
    - b. Wildlife rehabilitators must complete a "Rabies Vector Species Acceptance-Interview" form for each RVS that is picked up by the wildlife rehabilitator. One form may be used if the RVS incident involves more than one animal. This form is in addition to the:
      - (1) initial intake form;
      - (2) daily log sheet, and
      - (3) RVS wildlife rehabilitation log sheet. The Rhode Island Department of Health (DOH) must immediately be notified by telephone with the information on the form. Depending on the directive of the DOH, the completed form may be mailed or faxed, with a copy forwarded to the Division of Fish and Wildlife.



- c. When a person informs a Level II-X wildlife rehabilitator that he or she has been bitten, scratched, or otherwise exposed to the saliva of a RVS, the wildlife rehabilitator must:
  - (1) advise the person to immediately wash the wound thoroughly with soap and water;
  - (2) advise the person to call his or her physician or to seek medical attention immediately;
  - (3) immediately notify the DOH of the incident and request further instructions concerning the disposition of the biting RVS animal.
  
- d. When a person informs a Level II-X wildlife rehabilitator that a RVS has bitten a domestic cat, dog, or ferret, the wildlife rehabilitator must:
  - (1) advise the person to avoid touching the domestic animal or to use gloves when handling the domestic animal;
  - (2) advise the person to notify the local animal control officer to have animal bite form and an order of quarantine, confinement, or booster;
  - (3) advise the person to call his or her veterinarian to determine vaccination history;
  - (4) immediately notify the local Animal Control Officer of the incident and request further instructions concerning the disposition of the biting wild animal.
  
- e. When a person informs a Level II-X rehabilitator that a RVS has bitten a domestic animal other than a cat, dog, or ferret (e.g. a cow or horse), the rehabilitator must:
  - (1) advise the person to avoid touching the domestic animal or to use gloves when handling the domestic animal;
  - (2) advise the person to call the state veterinarian;
  - (3) advise the person to call his or her veterinarian to determine vaccination history;

- f. When a person appears at a Level II-X wildlife rehabilitator's RVS facility with a RVS or a rabies-suspect animal, the wildlife rehabilitator who has been granted RVS authority must:
  - (1) either accept the RVS or direct the person and animal to another wildlife rehabilitator with RVS authority. Wildlife Rehabilitators may accept RVS for euthanasia if facilities are full.
  - (2) advise the person to call his/her physician to report a possible exposure to a rabid or rabies-suspect animal;
  - (3) immediately notify the Department of Health of the incident and request further instructions concerning the disposition of the RVS, using RVS Acceptance Interview Form.

### **1.10 Application Requirements for All Categories**

- A. The application shall include but not be limited to the following:
  - 1. Certification that the applicant is at least 18 years of age, and a resident of Rhode Island;
  - 2. Submission of a letter of acceptance from sponsor as required.
  - 3. Submission of a letter from Rhode Island licensed and permitted veterinarian, agreeing to provide services at no cost to the State.
  - 4. A description of applicant's education and experience.
  - 5. An address and description of the applicant's rehabilitation facility. Facility must meet or exceed minimum standards as defined and be available for inspection by the Department at any reasonable hour.
  - 6. Designate category of permitted native wildlife that the applicant wishes or is qualified to rehabilitate (small mammals, small birds, reptiles, raptors, rabies vector species or all).
  - 7. Prior to licensure, first-time applicants and sub-permittees must attain a grade of 80 percent or higher on the open book written examination administered by the Department. First-time applicants, excluding sub-permittees, must also attain a grade of 70 percent or higher on the exam administered by the International Wildlife Rehabilitation Council in the Basic Wildlife Rehabilitation Course; veterinarians and general or master falconers are exempt.

8. Submission of applicant's USFWS special purpose rehabilitation permit, if applicable, or copy of application if pending. A federal permit is required prior to handling of any federally regulated species pursuant to 50 C.F.R. § 13, and 50 C.F.R. § 21.27 and 50 C.F.R. § 21.29.
9. Certification by the 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 a letter of approval from employer if wildlife is to be temporarily housed at a work facility, to include the address and description of the facility.
10. Certification from the applicant on application provided by the Division that all rehabilitation activities will comply with these regulations.
11. Certification of proof of Tetanus vaccine within the last ten years, and additionally, for rabies vector species, proof of rabies vaccination or report of antibody titer >0.5 IU checked at least every two years.
12. Certification that the applicant has not been convicted of a violation of any provisions of these regulations, or had his/her license to rehabilitate wildlife in Rhode Island revoked or suspended within three years prior to application.

### **1.11 Permit Issuance**

- A. Interview and inspection by a Division representative of a first-time applicant or apprentice to assess the applicant's compliance with licensing requirements and facilities as described in § 1.14.2 of this Part.
- B. Level II-X applicants require an additional inspection, meeting the criteria in § 1.14.2 of this Part.
- C. Issuance of permits may be made by the Department, notwithstanding availability in the program, sponsorship availability, level of expertise and upon:
  1. Receipt of completed application providing the information enumerated under § 1.10 of this Part; and for Level II-X applicants, additionally, § 1.14 of this Part.
  2. Submission of completed rehabilitation log sheet(s) on forms provided with information required, on or before January 7 following the expiration date of past license, if applicable and;

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.
4. Payment of the twenty-five dollar (\$25) non-refundable permit fee, sub-permittees are exempt.
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.

## **1.12 Special Conditions**

- A. No person shall rehabilitate, handle, release or transport any wildlife, except as provided in §§ 1.12(B), (C), and (E) of this Part without having first obtained the appropriate permit as designated in § 1.11 of this Part from the Department.
- B. 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.
  1. Exception: Rabies vector species transport must conform to conditions in § 1.14.1 of this Part.
- C. No person shall rehabilitate, handle, release or transport any species, as defined in these regulations as "Exotics."
- D. 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.
- E. Veterinarians may provide emergency first aid to any member of an endangered or threatened species, without first obtaining a permit, provided that notification is given to the Division within 48 hours 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 48 hours of initial contact.

- F. 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 except that no mammal, reptile, or amphibian shall be released onto any of the islands of Narragansett Bay or Block Island unless the animal in question originated from that location. Refer to § 1.14.3 of this Part for release conditions of vector species.
- G. All permittees and sub-permittees must operate under all aspects of the current standards and manual guidelines, as defined, and in accordance with these regulations with regard to care and facilities or have a working relationship with permittees with appropriate facilities. Permittees must maintain initial physical evaluation form, to include location of origin, name, address, and telephone number of transporter in accordance with § 1.11(B) of this Part; and disposition logged on each individual. Permittees must maintain a current Sub-permittee Transfer log, on forms provided by DEM, to track the species, date and location of wildlife to their sub-permittees. 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 suitable habitat and as specified in § 1.11(F) of this Part. Such log sheets shall contain, at a minimum, the information as shown in the IWRC basic skills manual. Refer to § 1.9.9 of this Part for additional documentation required for rabies vector species.
- H. In addition to the provisions in 50 C.F.R. §§ 17 and 21, certain diseases must be reported to the DEM and the DOH. As a requirement of this permit, you are required to notify the proper Department if you encounter or suspect any of the following as listed in "Reportable Disease in Rhode Island".
- I. Wildlife held under this permit must be released as soon as possible and into a suitable habitat for that species. All wildlife being treated shall be released to the wild within forty-eight (48) hours of the subject wildlife meeting the "Minimum Standards for Release of Wildlife Following Rehabilitation" as described in Section 7.2 of International Wildlife Rehabilitation Committee and National Wildlife Rehabilitation Association as published in (2012) (incorporated above at § 1.4 of this Part). All wildlife being treated shall be released to the wild or euthanatized as soon as its condition can be determined and not later than ninety (90) days of the commencement of treatment. If it is determined by the Division that it is probable that the wildlife being treated will not be able to be released to the wild within ninety (90) days of the commencement of treatment, the wildlife shall be euthanatized within twenty-four (24) hours of the Division's determination unless prior written Division approval is received authorizing extended care of the wildlife. Refer to § 1.14.3 of this Part for rabies vector species.

- J. 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.
- K. Permittees may not transport wildlife across State borders unless appropriate notification is made to RI DEM Division of Fish and Wildlife or, outside of normal business hours, the Division of Law Enforcement, and in accordance with applicable Federal or State regulations including but not limited to the Federal Lacey Act, 50 C.F.R. § 20.
- L. 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 § 1.12(I) of this Part. For rabies vector species refer to § 1.14.3 of this Part.
- M. The Department reserves the right to repossess any animal held pursuant to these regulations at any time.
- N. Permittee must notify the Department within 30 days prior to moving to another facility.
- O. Permittees and sub-permittees 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.
- P. Sub-permittees cannot accept wildlife directly from the public, prescribe medication, or perform euthanasia. Sub-permittees must report illness, changes in condition, failure to thrive, escapes or death of wildlife in their care to permittees within 24 hours by telephone and written on designated log sheets, documenting both condition and reporting. In case of illness or failure to thrive, permittee must additionally return above wildlife to permittee or his/her level II designee within 24 hours. All wildlife must be returned to the premises of the permittee within seven (7) days following weaning for small mammals and three (3) days for birds. All disposals of carcasses must be provided in a manner consistent with State and municipal regulations.
- Q. Any permittee may terminate his/her relationship with any sub-permittee or apprentice at any time. If a permittee elects to terminate said relationship, the permittee shall notify both the Division and sub-permittee/apprentice, in writing, in not more than five (5) days following termination. Sub-permittees/apprentices must return any animals in his/her care upon receipt of notice of termination.

- R. 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 § 1.11 of this Part and/or § 1.14.2 of this Part.
- S. 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.

### **1.13 Other Restrictions**

- A. Nothing in these regulations shall be interpreted as permitting the unlicensed practice of veterinary medicine to include but not be limited to: the diagnosis, treatment or dispensing of pharmaceuticals in accordance with the Department of Health's Veterinarians Rules and Regulations ([216-RICR-40-05-14](#)). Medications must be labeled, stored and disposed of in accordance with said Rules and Regulations. The State assumes no responsibility for the cost of such care.
- B. Nothing in these regulations permits the use of regulated medical supplies including but not limited to syringes and drugs without specific conformance with the Department of Health's Hypodermic Needles, Syringes, and Other Such Instruments Rules and Regulations ([216-RICR-20-15-6](#)).
  - 1. Nothing in these regulations permits the disposal of excess or unused needles unless in accordance with the Department of Health's Hypodermic Needles, Syringes, and Other Such Instruments Rules and Regulations ([§ 216-RICR-20-15-6.3.3](#)) and the Department's Medical Waste Regulations ([Part 140-15-1](#) of this Title).
  - 2. Disposal of sharps generated by permittees or sub-permittees must conform with § 140-15-1.13 of this Title of the above-stated regulations, providing for small generators at satellite facilities to transport sharps from point of origin to a central collection point. Generators must contact the R.I. DEM Office of Waste Management with a letter of request for approval of satellite facilities, providing names and addresses of off-site generators. Permittees and sub-permittees are responsible to log the transport of sharps from satellites on forms provided by DEM. Sharps must be stored in approved containers and transferred to the central collection point as requested by the central collection point when the container is full or when permittee/sub-permittee ceases to be licensed for wildlife rehabilitation.
- C. Obtaining a permit pursuant to these regulations does not preclude the permittees conformance with such other Federal, State or local requirements for licensure certification or permit which may be required.

- D. 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).

## **1.14 Rabies Vector Species (RVS) Special Conditions & Requirements**

### **1.14.1 General Provisions**

- A. Only apparently healthy, orphaned young of the year (less than 10-weeks of age) raccoons, foxes, skunks, and woodchucks, and bats of any age are candidates for rehabilitation and only if no human or animal exposure has occurred, as determined by the Rhode Island Department of Health (DOH). Apparently healthy animals shall be those animals that show no signs of behavioral, neurological, or locomotive impairments. Young of the year raccoons, foxes, skunks, woodchucks, and bats that have wounds of unknown origin and adult raccoons, foxes, skunks, and woodchucks shall not be candidates for rehabilitation and must be euthanized.
- B. Level II-X permittees must notify the DOH immediately upon admission of RVS and adhere to DOH procedures 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. Level II-X permittees may make arrangements with Level TX permittees only. This permit does not authorize the care of RVS to transport permittees. 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.

### **1.14.2 Facilities Requirements**

- A. Level II-X permit holders must provide facilities, as a condition of licensure, that meet or exceed the following requirements:
  - 1. Caging, holding, and treatment areas for RVS may be located inside a building or outside provided that the RVS caging is separate from other non-RVS wildlife rehabilitation cages. Rehabilitation of RVS must not take place in areas used for human food preparation or in other living quarters in general use by human occupants.
  - 2. RVS caging must be constructed of sturdy materials and designed in such a manner to ensure that:



- a. All cages must consist of double caging (e.g., a cage in a secure room or building, double wire, cage inside a cage with double doors locked from both sides to prevent RVS escapes).
  - b. the RVS cannot come into contact with any other domestic or wild animal including preventing access by climbing or digging animals and preventing animal-to-animal contact between separate cages;
  - c. the RVS cannot come into contact with any person outside the cage especially unauthorized persons;
  - d. there is a means to observe the location of the RVS inside the cage prior to entering the cage;
  - e. the cages are secured from unintentional opening by animals or by unauthorized people;
  - f. an aggressive rabies-suspect animal can be safely removed using the appropriate handling equipment and techniques.
  - g. size and specific species requirements must conform to specifications in the "Minimum Standards for Wildlife Rehabilitation" (2012), incorporated above at § 1.4(D) of this Part.
3. RVS cages must be constructed of materials that are effectively cleaned and treated to prevent the spread of rabies. All outside RVS cages must be dedicated only for RVS.
  4. The RVS cages must be located in areas where there is no access by the public, especially children. Canvas or plastic tarps must be used to limit access and reduce habituation.
  5. The outside of the RVS cages must be prominently marked with readable signs, provided by the wildlife rehabilitator, that contain the words:  
"WARNING: WILDLIFE RABIES ISOLATION AREA: KEEP AWAY."
  6. An inspection sheet will be used to evaluate the facilities and activities of the RVS rehabilitator. The facility must meet or exceed these requirements as a condition of the permit.
- B. Facilities must be inspected by a Division designee with a form provided by the Division, prior to license issuance.

1. Facilities must additionally meet the criteria for specific species as specified in the "Minimum Standards for Wildlife Rehabilitation" (2012), incorporated above at § 1.4(D) of this Part.
2. Immediately upon receipt by the licensee, each individual RVS must be identified with an external marker or held in such a manner that permits positive identification of the specific animal until that animal is released.

### **1.14.3 Release**

- A. 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 "Minimum Standards for Wildlife Rehabilitation" (2012), incorporated above at § 1.4(D) of this Part, a soft release, no longer than two weeks, will be permitted in a natural setting with natural foods.
- B. 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.
- C. When rehabilitating RVS, a wildlife rehabilitator must take extra care to:
  1. avoid "imprinting" or "habituating" and to avoid having the wild animal lose its fear of humans;
  2. ensure that all releases are made in an area and at a time of day that will minimize the potential of encountering people;
  3. ensure that written permission is granted from the private landowner before releasing any RVS.
- D. Any unusual or abnormal behavior by a 'released' RVS will cause that animal to be perceived as "rabid" when encountered by the public. Only healthy, normal-acting RVS may be released and these must be released in suitable habitat at a discreet location.

### **1.14.4 Euthanasia**

- A. 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 "AVMA Guidelines for the Euthanasia of Animals" (2013 Edition), incorporated above at § 1.4(D) of this Part.

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.
- B. Veterinarians with Level II-V permits will be permitted to euthanize RVS under criteria established by DOH, as outlined in §§ 1.14.1(A) and 1.14.3(B) of this Part.
- C. Level II-X permit holders assume all liability in association with this activity.
- D. Wildlife rehabilitators have the authority to euthanize wildlife possessed under their Wildlife Rehabilitator License, according "AVMA Guidelines for the Euthanasia of Animals" (2013 Edition), incorporated above at § 1.4(D) of this Part. This authority does not include the possession or administration of needles or controlled substances except as permitted under the authority of a licensed veterinarian.
- E. Wildlife rehabilitators must clearly coordinate procedures for euthanasia with their cooperating veterinarian before they handle any RVS.

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**TITLE 250 - DEPARTMENT OF ENVIRONMENTAL MANAGEMENT**

**CHAPTER 60 - FISH AND WILDLIFE**

**SUBCHAPTER 00 - N/A**

**PART 1 - RULES AND REGULATIONS GOVERNING WILDLIFE REHABILITATION**

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**Agency Signature**

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Agency Signing Date

**Department of State**

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Regulation Effective Date

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Department of State Date