

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

- A. The proper care of sick, orphaned, displaced, or injured wild animals requires special knowledge, skills and facilities not possessed by the general public. Specially trained individuals, collectively called wildlife rehabilitators provide for the care of injured, sick, and orphaned wildlife with the goal of returning them to the wild. The purpose of these Regulations is to establish the standards under which wildlife rehabilitators may be permitted to temporarily possess wildlife protected by the Department under R.I. Gen. Laws Chapter 20-1, and to ensure the safety and welfare of those animals under their care as well as the health and safety of themselves and the general public.

### 1.2 Authority

- A. 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### 1.3 ~~Application~~ Repealed

- ~~A. 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 (2024) 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 (2024) 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 50 C.F.R. § 20 (~~2024~~2023) 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 "AVMA Guidelines for the Euthanasia of Animals" (2020 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.
- E. 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;
  - 4. "DOH" or "RIDOH" means the Rhode Island Department of Health.
  - 5. "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.
  - 6. "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.
  - 7. "Exotic animals" or "Exotic Wild Animals" means animals not occurring naturally, either presently or historically, within the boundaries of the State of Rhode Island.

8. "Exposure" means the possible exposure to the rabies virus via a direct bite or scratch, which results in a break in the skin of the victim or contact between infectious material such as saliva or central nervous system tissue and fluid with mucosa of the eye, nose, or mouth, or via an existing break in the skin.
9. "Fish and Wildlife" or "DFW" means the Division of Fish and Wildlife of the Rhode Island Department of Environmental Management, formerly referred to as the Division.
10. "WRC" means the International Wildlife Rehabilitation Council.
11. "Medicate" or "Dispense Medication" means providing animals medicinal products only when in the controlled environment of a rehabilitation facility and with the direct authority and guidance from a Veterinary Medical Doctor currently licensed in the United States. Notwithstanding exemptions provided within.
12. "Native wildlife", "Native Animal", or "Native Wild Animal" means all species of animals, including all subspecies thereof, presently occurring naturally, ~~either presently or historically,~~ within the boundaries of the State of Rhode Island.
13. "Permittee" means the person who holds a valid Special Scientific Collectors Permit to rehabilitate wildlife in Rhode Island.
14. "Person" means any individual, partnership, firm, joint stock, company, corporation, association, trust, estate, municipality, or other government entity or other legal entity.
15. "Possess" or "Possession" shall mean to exercise dominion or control over a wild animal at any point starting from the point at which a decision is made to capture, import, purchase, breed, keep, accept, or otherwise manage an animal and lasting up to its ultimate disposition.
16. "RVS" or "High risk rabies vector species" shall mean those animals considered high risk hosts of the rabies virus and for the purposes of these Regulations shall mean: all Carnivore species (order Carnivora), woodchuck (*Marmota monax*), and all species of bats (*Chiroptera spp.*), and any other mammal as may otherwise be determined by the State Rabies Control Board.
17. "Sharps" shall mean instruments that have been used in animal or human patient care of treatment, including instruments 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 (1) use.

18. "Small mammals" for the purposes of these Regulations shall mean all native terrestrial mammals except: beaver (*Castor canadensis*), porcupine (*Erethizon dorsatum*), white-tailed deer (*Odocoileus virginianus*), moose (*Alces alces*), woodchuck (*Marmota monax*), all bats (*Chiroptera spp.*), and all carnivores (order Carnivora).
19. "Sponsor" means any person currently permitted as a Level 2, 2 X, or 2 V rehabilitator, agreeing to assist no more than three (3) Level 1 apprentices, and no more than seven (7) sub-permittees in accordance with these Regulations.
20. "State list" means currently listed wildlife species requiring a permit for handling.
21. "State manual" means the most current wildlife rehabilitation manual prepared by the Division of Fish & Wildlife.
22. "State wildlife rehabilitation manual" means the most current wildlife rehabilitation manual prepared by the Division of Fish & Wildlife.
23. "Sub-permittee" means person(s) authorized by the Division of Fish and Wildlife to assist currently licensed Level 2, 2 X, 2 V wildlife rehabilitators with the rehabilitation of wildlife in accordance with these Regulations.
24. "Supervision" means the oversight and management of the activities of a sub-permittee by the permittee occurring primarily onsite and at a rehabilitation facility but may include periods of indirect oversight of activities conducted independently by the sub-permittee.
25. "Transporter" means persons authorized to transport wildlife to licensed wildlife rehabilitators.
26. "Wild animal" shall mean any animal other than a domestic animal and includes those animals that may be defined as exotic or native wild animals.
27. "Wildlife rehabilitation" means the practice of providing care for injured, orphaned, displaced, or diseased indigenous wild animals including their capture, transport, housing, feeding, and emergency treatment for the primary purpose of release back into the wild.

28. "Wildlife rehabilitator" or "Permittee" means persons who holds a valid Special Scientific Collectors Permit to rehabilitate wildlife in Rhode Island.
29. "Wildlife Rehabilitators Association of Rhode Island" or "WRARI" shall mean the Rhode Island-based, non-profit organization and the affiliated Wildlife Clinic of Rhode Island.

## 1.6 ~~Severability~~ Repealed

~~A. 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 wild animals in their possession as well as revocation of existing wildlife 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 for or required in these Regulations.
  3. The Level 1 Apprentice Wildlife Rehabilitator or sub-permittee does not meet criteria on evaluation form and/or is no longer endorsed by their designated sponsors.
  4. The Wildlife Rehabilitator has ceased to have an approved wildlife rehabilitation facility available for permittee's use.
    - a. The loss of, or inability to obtain veterinary cooperation from a Rhode Island licensed veterinarian as required.

## 1.8 ~~Superseded Rules and Regulations~~ Repealed

~~A. On the effective date of these Rules and Regulations, all previous Rules and Regulations and any policies regarding the administration and enforcement of wildlife rehabilitators shall be superseded. However, any enforcement action taken by, or application submitted to, the Department prior to the effective date of~~

~~these Rules and Regulations shall be governed by the Rules and Regulations in effect at the time the enforcement action or application filed.~~

## **1.9 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.

## **1.10 General Requirements and Special Conditions**

- A. No person shall rehabilitate, handle, possess, transport, or release for purposes of rehabilitation any wildlife, except as provided in §§ 1.10(B), (E) and (N) of this Part, without first obtaining a Special Scientific Collector's permit for Wildlife Rehabilitation from the Department.
- B. Persons may transport birds, reptiles, amphibians, and non-RVS mammals from their property or other location directly to a Rhode Island-licensed wildlife rehabilitator, provided that they notify a wildlife rehabilitator at the time they take possession of the animal and that if circumstances are such that the animal(s) cannot be transported immediately to the wildlife rehabilitator, are not to be kept in their possession for more than twenty-four (24) hours.

- C. Wild animals shall not be transported into or out of Rhode Island without prior notification and approval of the Division, or, if outside normal business hours, the DEM Division of Law Enforcement, and in accordance with applicable Federal or State law including, but not limited to the Federal Lacey Act, 50 C.F.R. § 20.
- D. Wild animals held under this permit shall not be owned, offered for sale, purchased, bartered, tamed, neutered, exhibited, or used for propagation purposes. Images of wild animals held for wildlife rehabilitation may be used for monitoring, advertising, brochures, websites, presentations, or for training purposes. Placement of animals under care in settings or circumstances that are not in keeping with the primary purpose of rehabilitation or may cause undue stress or harm to the animals and risk to humans are prohibited. Non-releasable wild animals held for educational purposes may be publicly displayed within the conditions of the permittees Federal permit and/or Rhode Island Native Wild Animal Importation/Possession permit.
- E. Licensed veterinarians who do not possess a Special Scientific Collector's Permit for wildlife rehabilitation may provide emergency treatment to wild animals without obtaining a Special Scientific Collector's permit, provided that animal(s) that survive and need extended care are transferred to a licensed wildlife rehabilitator within forty-eight (48) hours or as soon as medically stable. Veterinarians may euthanize animals that are not likely to survive or meet criteria for release back into the wild.
- F. Obtaining a permit pursuant to these Regulations does not preclude the permittees conformance with other Federal, State, or local requirements for licensure certification or permits which may be required.
- G. A Special Scientific Collectors permit to rehabilitate wildlife does not authorize the practice of veterinary medicine or the treatment of domestic animals.
- H. The Department reserves the right to take possession of any animal held pursuant to these Regulations at any time.
- I. A permit issued pursuant to these Regulations does not convey any authority to the permittee to possess any wildlife or conduct any wildlife rehabilitation activities other than in the State of Rhode Island.
- J. Permittees may transfer wild animals to other permittees or facilities with similar authority for such species but shall not delegate to any other person the authority granted by this permit.
- K. No person may rehabilitate or possess, handle, release or transport any of the following species:
  - 1. Species defined as "Exotic Wild Animals" without prior written annual approval of the Division, except for those species listed in § 1.10(N) of this Part.

2. Mute swans (*Cygnus olor*) adults or cygnet.
  3. American black bears (*Ursus americanus*) adults, juveniles, or cubs.
  4. Moose (*Alces alces*) adults, juveniles, or calves.
- L. Unless specifically authorized by the National Marine Fisheries Service and the Department, a Special Scientific Collector's Permit does not convey authority to rehabilitate marine mammals.
- M. In addition to any species listed as federally Threatened or Endangered by the USFWS, the following species require notification be made to the Division within forty-eight (48) hours upon receipt by the permittee: beaver (*Castor canadensis*), bobcat (*Lynx rufus*), coyote (*Canis latrans*), fisher (*Pekania pennanti*), river otter (*Lontra canadensis*), porcupine (*Erethizon dorsatum*), gray fox (*Urocyon cinereoargenteus*), red fox (*Vulpes vulpes*), ~~and~~ white-tailed deer (*Odocoileus virginianus*), Pied-billed Grebe (*Podilymbus podiceps*), American Bittern (*Botaurus lentiginosus*), Least Bittern (*Ixobrychus exilis*), Bald Eagle (*Haliaeetus leucocephalus*), Northern Harrier (*Circus hudsonius*), Peregrine Falcon (*Falco peregrinus*), Piping Plover (*Charadrius melodus*), Upland Sandpiper (*Bartramia longicauda*), Roseate Tern (*Sterna dougallii*), Least Tern (*Sternula antillarum*), Barn Owl (*Tyto alba*), Cliff Swallow (*Petrochelidon pyrrhonota*), Golden-winged Warbler (*Vermivora chrysoptera*), Northern Parula (*Setophaga americana*), Black-throated Blue Warbler (*Setophaga caerulea*), Cerulean Warbler (*Setophaga cerulea*), Blackburnian Warbler (*Setophaga fusca*), Yellow-breasted Chat (*Icteria virens*), Vesper Sparrow (*Pooecetes gramineus*), Henslow's Sparrow (*Ammodramus henslowii*), Grasshopper Sparrow (*Ammodramus savannarum*), American Goshawk (*Astur atricapillus*), King Rail (*Rallus elegans*), American Oystercatcher (*Haematopus palliatus*), Red Knot (*Calidris canutus*), Ruffed Grouse (*Bonasa umbellus*), Eastern Whip-poor-will (*Antrostomus vociferus*), Seaside Sparrow (*Ammodramus maritima*), Saltmarsh Sparrow (*Ammodramus caudacuta*), Eastern Meadowlark (*Sturnella magna*), ~~and~~ Canada Warbler (*Cardellina canadensis*), Diamondback Terrapin (*Malaclemys terrapin*), Wood Turtle (*Glyptemys insculpta*), Eastern Box Turtle (*Terrapene carolina*), Spotted Turtle (*Clemmys guttata*), Northern Red-bellied Cooter (*Pseudemys rubriventris*), Timber Rattlesnake (*Crotalus horridus*), Eastern Copperhead (*Agkistrodon contortrix*), Northern Leopard Frog (*Lithobates pipiens*), and Spring Salamander (*Gyrinophilus porphyriticus*). The placement, care, and final disposition of these species may be determined by the Department. The disposition of any Federally-listed species will be determined by the USFWS.
- N. Exotic wildlife may only be rehabilitated under the following circumstances:
1. Exotic herpetofauna may be removed from the wild and rehabilitated by permitted rehabilitators only when the animal will be permanently confined from the wild for education or exhibit following 250-RICR-40-05 and never

released, or humanely euthanized. The Transfer of exotic herpetofauna from a rehabilitator to a permanent facility shall be free of charge.

2. A Special Scientific Collector's permit is not required to rehabilitate, handle or possess the following species: house mouse (*Mus musculus*), Norway rat (*Rattus norvegicus*); house sparrow (*Passer domesticus*), rock pigeon (*Columba livia*), and European starling (*Sturnus vulgaris*).
- O. Carcasses and all animal waste products must be disposed of in a manner consistent with all municipal ordinances as well as with all applicable State and Federal laws.
- P. Nothing in these Regulations permits the use of regulated medical supplies including but not limited to syringes and drugs, unless in conformance with the DOH's Hypodermic Needles, Syringes, and Other Such Instruments (216-RICR-20-15-6).
- Q. Nothing in these Regulations permits the disposal of excess or unused needles unless in accordance with the DOH's Hypodermic Needles, Syringes, and Other Such Instruments (216-RICR-20-15-6.3.3) and the Department's Medical Waste Regulations (Part 140-15-1 of this Title).
- R. Any person who fails to pass the written examination for respective categories on their first attempt may retake the exam no sooner than seven (7) days from the date of the first (1st) attempt. Persons not achieving a passing grade on the second (2nd) attempt may retake the exam no sooner than fourteen (14) days following the second (2nd) attempt. The required wait time for any additional attempts shall be at the discretion of the Division.
- S. Permittees must maintain intake forms for all wildlife received. Intake forms, at a minimum, shall include: location of origin of animals accepted, name, home address, and telephone number of the person transporting the animal(s), date of intake, and the disposition of each individual animal. Intake forms must be made available for inspection at any reasonable hour by the Department upon request.
- T. Permittees and sub-permittees must possess at all times a current wildlife rehabilitation identification card provided by the Division, when transporting or in possession of wild animals outside their facility. A copy of their Special Scientific Collector's permit must be displayed in a prominent location at their facility.
- U. All permits expire January 31st of the year succeeding the date of issuance and become invalid after the expiration date. Permits must be renewed and are only valid after receipt of a completed application, and other conditions as detailed in § 1.11 of this Part.
- V. Wild animals being treated shall be released to the wild within forty-eight (48) hours of the subject wild animal(s) meeting the IWRC's "Minimum standards for Release of Wildlife Following Rehabilitation" as described in § 7.2 of the IWRC

Minimum Standards for Wildlife Rehabilitation (2012), incorporated in § 1.4(D) of this Part. For white-tailed deer, all deer held in rehabilitation shall be released no later than September 30 of the year received, unless prior approval is received from the Division. Juvenile raccoons must be released no later than October 30 of the year received, unless prior approval is received from the Division. Animals may be held for longer periods (overwintered), with Division approval, if seasonal conditions are such that the animal's survival after release would be at risk due to such conditions.

- W. Wild animals shall be released at, or as close as practical to the point of origin, ~~or in suitable habitat~~ With written permission of the Division of Fish and Wildlife, rehabbers may request to release in suitable habitat in an alternate location 24 hours in advance of the release. Release at another location ~~and must still follow details for the release~~ as specified in §§ 1.104(X) and (Y) of this Part. Release of animals shall be done under weather conditions and under circumstances that will minimize stress to the animal.
- X. No reptile, amphibian, wild turkey (*Meleagris gallpavo*), or any other mammal other than bats, shall be released onto any of the islands of Narragansett Bay or Block Island, unless the animal(s) in question originated from that location.
- Y. Landowner permission is required to release wild animals onto private property. Animals shall not be released onto State wildlife management areas without prior approval of the Division.
- Z. All methods of euthanasia must comply with Rhode Island General Laws.
- AA. No person shall dispense medication to any wild animal regardless of the animals condition or labelled use of the medication, outside of the confines of their permitted wildlife rehabilitation facility. No person shall medicate wild animals that have been released from or that are not accepted into their facility regardless of the animals location or condition. This does not apply to work conducted under a valid state permit from DEM while conducting work that is listed as an acceptable activity. Staff of the state, and duly licensed veterinarians are exempt from this Section when acting in official capacity.

### **1.11 Application Requirements for All Categories**

- A. A Special Scientific Collectors Permit to rehabilitate wild animals may only be issued to a person who:
  - 1. Is a resident of Rhode Island or is a non-resident whose wildlife rehabilitation activities occur in Rhode Island or whose facility exists within the State;
  - 2. Is at least eighteen (18) years of age;

3. Submits a complete and accurate written application on forms provided by the Division;
4. Has achieved a grade of eighty percent (80%) or higher on the written examination administered by the Division for respective categories;
5. Has successfully completed the International Wildlife Rehabilitation Council's (IWRC) Basic Wildlife Rehabilitation Course, or other course of similar scope and content that has been approved by the Division. Sub-permittees and currently licensed veterinarians are exempt from this requirement;
6. Provides a letter from a veterinarian currently licensed in Rhode Island who agrees to provide veterinary services and consultation to the permittee, if the applicant is not a Rhode Island-licensed veterinarian;
7. Submits completed rehabilitation log sheets, on forms provided by or approved by the Division for the previous season activities, where applicable;
8. Provides or has access to a suitable rehabilitation facility, meeting minimum requirements as defined in these Regulations;
9. For migratory birds, provides a copy of the applicants U.S. Fish and Wildlife Service special purpose rehabilitation permit;
10. Provides certification of proof of Tetanus vaccine within the last ten (10) years;
11. Provides certification that no local ordinances prohibit the possession of wildlife for purposes of wildlife rehabilitation and/or that the possession of wildlife for such purposes does not violate any rental or real estate agreement at the property where the activities are to occur;
12. Provides certification that he or she has not been convicted of, or admitted to a violation of any provisions of these Regulations or other wildlife law in this State or had his or her Special Scientific Collector's permit to rehabilitate wildlife revoked or suspended within three (3) years prior to application;
13. Provides certification that all wildlife rehabilitation activities will comply with these Regulations;
14. Provides certification that the permittee will hold the Department harmless for any damage, injuries, or infections to the permittee, sub-permittees, volunteers, or the public caused by any wildlife held, captured, or transported as authorized by and due to activities or actions associated

with this permit, to include treatment for and prevention of such, and assumes all liability associated with this permit;

15. Submits payment of a non-refundable permit fee, as prescribed under R.I. Gen. Laws § 20-1-21. Sub-permittees are exempt from the permit fee.

## **1.12 Permit Categories**

- A. The Division of Fish and Wildlife may issue an annual Special Scientific Collectors Permit pursuant to authority granted to the Department in R.I. Gen. Laws § 20-1-18 to rehabilitate wild animals to persons meeting the criteria set forth in these Regulations.
- B. Prior to permit issuance, the Division of Fish and Wildlife shall determine that, in addition to meeting all the requirements specified in § 1.11 of these Regulations, the applicant has met the following requirements to be permitted in the categories described below.

### **1.12.1 Wildlife Rehabilitator 2**

- A. Qualified persons are those persons:
  1. Who were previously licensed as a Level 2 wildlife rehabilitator in Rhode Island, or in another State having equivalent requirements and offering reciprocal privileges to licensed rehabilitators of this State, or,
  2. Who previously held a Level 1 permit for a minimum of nine (9) months immediately preceding the year of application for a Level 2 permit, with a letter of recommendation from their Level 2 sponsor.
- B. Level 2 permittees may be authorized to rehabilitate or to possess for purposes of rehabilitation: amphibians, reptiles, mammals (except for RVS), non-migratory and migratory birds (in accordance with a U.S. Fish and Wildlife Service Special Purpose Rehabilitation Permit).
- C. Level 2 permittees may euthanize wildlife that are injured, sick, orphaned, or not likely to function normally or survive if released.
- D. Level 2 permittees are permitted to supervise and receive assistance from up to seven (7) sub-permittees at the discretion of the Division and may sponsor no more than three (3) Level 1 Apprentices. Level 2 permittees are responsible for the rehabilitation activities of any sub-permittees under their supervision.
- E. Persons who have previously held a Level 2 or 2 X permit under these Regulations but have not renewed their permit for three (3) or more consecutive years may only reapply as a Level 1 wildlife rehabilitator (§ 1.12.4 of this Part).

### **1.12.2 Wildlife Rehabilitator 2 X**

- A. Qualification is limited to those persons meeting Level 2 requirements in addition to the conditions and requirements as described in §§ 1.10, 1.13 and 1.14 of this Part and Part 40-05-2 of this Title, Rules and Regulations Governing the Prevention, Control, and Suppression of Rabies Within the State of Rhode Island.
- B. Level 2 X wildlife rehabilitators must provide proof of current rabies vaccination with a titer level of not less than one half (0.5) International Units of antibody per milliliter (> 0.5 IU/ml). Applicants for renewal of Level 2 X permit must submit proof of rabies titer level no less than every two (2) years.
- C. Level 2 X permittees may be authorized to rehabilitate or to possess for purposes of rehabilitation: amphibians, reptiles, mammals (including RVS), non-migratory and migratory birds (in accordance with a U.S. Fish and Wildlife Service Special Purpose Rehabilitation Permit).
- D. Level 2 X permittees may euthanize wildlife that are injured, sick, orphaned, or not likely to function normally or survive if released.
- E. All Level 2 X wildlife rehabilitators must abide by the following protocols, and applicable provisions of Part 40-05-2 of this Title, Rules and Regulations Governing the Prevention, Control, and Suppression of Rabies Within the State of Rhode Island.
- F. Level 2 X permittees are permitted to supervise and receive assistance from up to seven (7) sub-permittees and sponsor no more than three (3) Level 1 Apprentices, provided that the sub-permittee(s) and Apprentice(s) are not directed or allowed to handle, transport, possess, or otherwise have contact with any high risk rabies vector species (RVS). Level 2 X permittees are responsible for the rehabilitation activities of any sub-permittees under their supervision.

### **1.12.3 Wildlife Rehabilitator 2 V**

- A. Qualification is limited to veterinarians licensed in Rhode Island. Level 2 V applicants are exempt from the requirements as described in §§ 1.11(A)(4), (5), and (6) of this Part. Level 2 V permittees are subject to all other pertinent regulatory requirements of these Regulations.
- B. Level 2 V permittees may be authorized to rehabilitate or to possess for purposes of rehabilitation: amphibians, reptiles, mammals (including RVS), non-migratory and migratory birds (in accordance with a U.S. Fish and Wildlife Service Special Purpose Rehabilitation Permit).
- C. Level 2 V permittees may euthanize wildlife that are injured, sick, orphaned, or not likely to function normally or survive if released.
- D. Level 2 V permittees are permitted to supervise and receive assistance from up to seven (7) sub-permittees and sponsor no more than three (3) Level 1

Apprentices, provided that the sub-permittee(s) and Apprentice(s) are not directed or allowed to handle, transport, possess or otherwise have contact with any RVS. Level 2 V permittees are responsible for the rehabilitation activities of any sub-permittees under their supervision.

#### **1.12.4 Wildlife Rehabilitator 1, "Apprentice"**

- A. Qualified applicants are authorized to possess, receive, rehabilitate, transport, transfer and release amphibians, reptiles, mammals (except for RVS), non-migratory and migratory birds (in accordance with a U.S. Fish and Wildlife Service Special Purpose Rehabilitation Permit) and as approved by the Division.
- B. Level 1 Apprentice applicants must provide a written letter of agreement from a currently-licensed Wildlife Rehabilitator Level 2, 2 X, or 2 V, stating that he or she is willing to serve as the applicants sponsor for one (1) calendar year.
- C. Level 1 Apprentice permittees may euthanize wildlife that are injured, sick, orphaned, or not likely to function normally or survive if released.
- D. Level 1 Apprentice permittees are not authorized to sponsor sub-permittees.

#### **1.12.5 Transporter**

- A. Qualified persons are limited to those persons holding Level T permits at the time these Regulations were adopted and their current sub-permittees, or individuals who have attended and successfully completed a class in transporting wildlife or other relevant training provided by, or otherwise approved by, the Division.
- B. Transport permittees are limited to the transport of birds and small mammals (excluding RVS species) from the point of possession directly transported to a licensed wildlife rehabilitator.

#### **1.12.6 Sub-permittees**

- A. Qualified persons may perform limited wildlife rehabilitation activities as prescribed by these Regulations under the supervision of a permittee provided that:
  - 1. The sub-permittee has passed a written examination administered by the Division with a grade of eighty percent (80%) or higher;
  - 2. The sub-permittee provides documentation that they have successfully completed six (6) hours of classroom instructional training as provided by the Wildlife Rehabilitators Association of Rhode Island or other equivalent training approved by the Division;
  - 3. A permittee provides the name and address of the sub-permittee(s) working under their supervision to the Division annually;

4. The permittee provides the sub-permittee with written instruction concerning caging, dietary requirements, personal protection, and any other assistance the permittee deems necessary;
  5. The sub-permittee follows the written instruction provided by the permittee;
  6. The permittee inspects the facilities of the sub-permittee prior to the sub-permittee receiving any wildlife and the permittee provides the Division with an inspection report for the sub-permittee's facilities;
  7. All wildlife is admitted through a permittee, the sub-permittee may not accept or obtain wildlife from any other source;
  8. The sub-permittee does not possess any category of wildlife that the permittee is not authorized to rehabilitate;
  9. The sub-permittee at no time possesses raptors or RVS;
  10. The sub-permittee conducts wildlife rehabilitation activities within Rhode Island.
- B. Sub-permittees may not euthanize animals.
- C. Sub-permittees are restricted to pre-fledged songbirds, pre-fledged waterfowl, reptiles, amphibians, and pre-weaned, small mammals excluding RVS.
- D. A permittee may terminate his or her relationship with a sub-permittee at any time. The Division must be notified of termination of said relationship within five (5) days of termination. A sub-permittee's permit becomes invalid upon termination of relationship with a permittee.

### **1.13 Facility Requirements**

- A. All rehabilitation facilities must meet or exceed the IWRC's Minimum Standards for Wildlife Rehabilitation (2012) Basic Requirements for Housing Wild Animals in Rehabilitation (§ 1.4(D) of this Part).
- B. For RVS, in addition to meeting the IWRC Minimum Standards for Wildlife Rehabilitation (2012) Basic Requirements for Housing Wild Animals in Rehabilitation, all facilities must also meet or exceed the following requirements:
1. Caging, holding, and treatment areas for RVS must be separate from other rehabilitation caging;
  2. Rehabilitation of RVS may not take place in areas used for human food preparation or in other living areas in general use by human occupants;

3. All cages must consist of double caging; e.g. a cage within a room or building that can be secured from the public or domestic animals and to prevent escapes, or a cage within a larger cage or perimeter fencing that can be locked and provide adequate separation to prevent contact with humans and other animals and escapes;
  4. The RVS cannot come into contact with any other domestic or wild animal;
  5. The RVS cannot come into contact with any person outside the cage;
  6. There is a means to observe the RVS inside the cage prior to entering or accessing the cage;
  7. The cages can be secured to prevent opening by unauthorized people or other animals;
  8. A RVS can be safely removed from caging or confinement using appropriate handling equipment and techniques;
  9. Caging used for raccoons shall not be used for other species;
  10. RVS facilities must be prominently marked: "WARNING: WILDLIFE RABIES ISOLATION AREA: KEEP AWAY."
  11. Visual barriers shall be used to prevent or minimize disturbance and reduce habituation.
- C. Division staff will conduct an interview and inspection for first-time applicants, other than sub-permittees, or when a permittee makes significant changes or additions to their facilities, to ensure compliance prior to the issuance of a permit.
- D. Permittees must notify the Division within thirty (30) days prior to moving or closing their facility.

### **1.14 Rabies Vector Species Special Conditions and Requirements**

- A. Only apparently healthy bats of any age and, other juvenile (estimated to be ten (10) weeks of age or less) ~~raccoons, skunks, red and gray foxes, and woodchucks, and bats of any age~~ RVS species are candidates for rehabilitation, and only if the DOH has determined that no human or animal exposure has occurred. Apparently healthy shall mean that the animal in question exhibits no signs of behavioral, locomotive, or neurological impairment or wounds of unknown origin.
- B. Any RVS that exhibits signs of behavioral, locomotive, or neurological impairment, or has a wound of unknown origin shall not be a candidate for rehabilitation and must be euthanized.

- C. Bats of any age are candidates for rehabilitation, provided that the DOH has been contacted and has determined there has been no human or animal exposure and that the bat exhibits no signs of behavioral or neurological impairment.
- D. The DOH must be notified immediately upon the submission of an RVS, to determine if a human or animal exposure has occurred.
- E. Level 2 X wildlife rehabilitators are responsible for the capture, restraint, and transport of RVS.
- F. Level 2 X wildlife rehabilitators must not request or direct any member of the public to handle, capture, or transport an RVS.
- G. Wildlife rehabilitators must complete a "Rabies Vector Species Acceptance-Interview" form for each RVS that is received for intake. One (1) form may be used if the RVS incident involves more than one (1) animal.
- H. When a person informs a wildlife rehabilitator that he or she has been bitten, scratched, or otherwise potentially exposed to the saliva of an RVS, the wildlife rehabilitator must:
  - 1. Advise the person to immediately wash the wound with soap and water;
  - 2. Advise the person to call his or her physician and to seek medical attention immediately;
  - 3. Immediately notify the DOH of the incident and request further instructions concerning the disposition of the RVS animal.
- I. When informed that an RVS in their care has bitten, scratched or otherwise potentially exposed a domestic animal (e.g. cat, dog, or ferret), the wildlife rehabilitator must:
  - 1. Advise the person to avoid touching the domestic animal or use gloves when doing so;
  - 2. Immediately notify the Animal Control Officer (ACO) in the municipality in which the incident occurred and request further instructions on the disposition of the wild animal. If the ACO is not available, contact the DOH;
  - 3. Advise the person to contact their veterinarian to determine the animal's vaccination history;
- J. When informed that an RVS in their care has bitten, scratched, or otherwise potentially exposed a domestic animal other than a cat, dog, or ferret (e.g. 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. Notify the ACO;
  3. Immediately notify the DOH of the incident and request further instructions concerning the disposition of the RVS;
  4. Notify the State Veterinarian;
  5. Advise the person to call his or her veterinarian to determine vaccination history, if applicable.
- K. The permittee must notify RIDOH immediately if an RVS dies while in care and make the animal available for rabies testing. If the animal in question tests positive for rabies all cage mates or other animals having previous contact are not to be released and must be euthanized.