

Chapter 14 - Wildlife Rehabilitation

BASIS AND PURPOSE - Every year some wild animals become injured, diseased, orphaned or otherwise distressed. When people find these animals their response is often to want to rescue the animals, restore them to health and independence and return them to the wild. However, proper care of distressed wildlife requires special knowledge and facilities that most people do not possess.

Distressed wildlife remains the property of the people of the state and the management responsibility of the Division of Wildlife. We believe it is the desire of the people that these animals be rehabilitated and returned to the wild as soon as possible or euthanized if rehabilitation is not feasible. In rare cases it may alternatively be desirable for non-releasable wildlife to be retained in captivity for educational or foster parenting purposes.

The purpose of these regulations is to recognize wildlife rehabilitation as a legitimate wildlife related activity and permit qualified individuals to provide for the humane care of distressed wildlife so that such wildlife may be quickly and successfully returned to the wild, with due consideration of the health and safety of native wildlife populations, human health and safety.

These regulations modify and update Wildlife Commission rules governing the possession for rehabilitation and rehabilitation of wildlife. They establish the authority to and new procedures for application, approval, disapproval, and renewal of licenses. They establish two levels of licenses, Provisional Wildlife Rehabilitator and Wildlife Rehabilitator. These levels are created to ensure that adequate training, care, and facilities are available, ensuring that rehabilitated wildlife have the best chance of being returned to the wild. The regulations also set up an annual reporting process as part of the license renewal. These regulations are necessary for monitoring of public wildlife held temporarily in captivity.

These regulations give authority to euthanize injured wildlife to: wildlife rehabilitators, animal control officers, peace officer, veterinarians, full time Division employees or anyone else authorized by the Division. This provision is necessary to minimize suffering of wildlife for which rehabilitation would not be practical or effective.

These regulations allow transportation of sick and injured wildlife by any person who have been instructed to deliver such wildlife to a licensed wildlife rehabilitator, veterinarian, peace officer, animal control officer, law enforcement agency, or any employee of the Division. Such authority is necessary to authorize individuals to temporarily possess sick, injured, or orphaned wildlife and provide expeditious transportation to those persons designated in these regulations.

These regulations clarify that wildlife rehabilitators may not practice veterinary medicine and that all veterinary care and procedures are provided by or under the direction of a licensed veterinarian. These regulations are written to eliminate any conflict with the Veterinary Medicine Practice Act (12-64-104 C.R.S.). These regulations authorize veterinarians to provide temporary care of wildlife without a rehabilitation license, and set up notification/transfer procedures once wildlife is stabilized.

Minimum facilities and inspection standards are established. These standards are necessary to ensure that wildlife being held by rehabilitators are properly housed and cared for. These regulations are necessary to ensure that wildlife are held in adequate facilities without undue stress from domestic animals or people.

These regulations set time-based criteria to provide for periodic review of wildlife progress toward full recovery or maturity, and to provide for approval for extended care when and where appropriate. These criteria are necessary to ensure successful release of rehabilitated wildlife after the shortest necessary

period of captivity.

These regulations set criteria for release locations. These regulations are necessary to ensure that wildlife are released into species and distribution appropriate habitat, and to minimize the potential for transmission of wildlife disease from one part of the state to another.

These regulations set criteria for rehabilitation and notification of receipt of restricted species (bats and listed threatened and endangered species) and prohibit the rehabilitation of striped skunks.

These regulations are necessary to ensure that sensitive or rare species needs are identified and met. The restriction against the rehabilitation of striped skunks is necessary to minimize the risk of transmission of rabies, which could cause a widespread terrestrial wildlife rabies outbreak.

The statutory authority for these regulations can be found in the following provisions of the Colorado Revised Statutes: Sections 33-1-101, -102, -104, -105, -106, -108, and -110 and 33-4-102, Articles 2 and 6 of Title 33, C.R.S. (1984 & 1994 Supp.); and Section 24-4-103, C.R.S. (1988 & 1994 Supp.).

EFFECTIVE DATE - THESE REGULATIONS SHALL BECOME EFFECTIVE MAY 1, 1995 AND SHALL REMAIN IN FULL FORCE AND EFFECT UNTIL AMENDED, REPEALED, OR SUPERSEDED BY THE WILDLIFE COMMISSION.

APPROVED BY THE WILDLIFE COMMISSION OF THE STATE OF COLORADO THIS 16TH DAY OF MARCH, 1995.

Arnold Salazar
Chairman

ATTEST:

Mark LeValley
Secretary

FILING - 03/31/2009
Basis and Purpose
Chapter 14 – Wildlife Rehabilitation

Basis and Purpose:

Wildlife rehabilitation has been a licensed activity in Colorado since the early 1980s. Wildlife rehabilitators volunteer their time and expertise to provide a valuable service by caring for injured and orphaned wildlife. The practice of wildlife rehabilitation continues to evolve and grow, and the knowledge available has contributed to increased standards of care. Chapter 14 was developed in 1995 with major input from the wildlife rehabilitation community. Since that time, the few changes which have been made to the chapter have been related to disease, primarily Chronic Wasting Disease.

Since that time, the regulations have functioned well in most cases. These regulations further improve levels of training and experience for provisional rehabilitators, adequate experience before sponsoring provisional licensees, adequate sponsorship, transportation and release of wildlife by non-licensed individuals working with rehabilitators, and the method of addressing compliance failures.

Wildlife rehabilitation licenses are issued in two levels: Provisional Wildlife Rehabilitator (a learning/training period) and Wildlife Rehabilitator (fully trained, experienced independent function). These two levels were created to ensure that rehabilitators acquire adequate training and experience in the care of the species licensed and that adequate care facilities are available, so that the end goal of wildlife rehabilitation-- return of animals to the wild-- is maximized.

In order to provide new rehabilitators with adequate training, provisional rehabilitators are required to have a sponsor, fully licensed for the applicable species, who guides the provisional licensee's training and aids in determining the needs of each animal, including the need for veterinary care, to result in release after the shortest possible time in captivity. This training process takes time and requires both education and experience with wildlife. These regulations establish a minimum of one year in provisional status before application can be accepted for upgrade. In addition, a requirement for potential sponsors to complete three years as a fully licensed wildlife rehabilitator is added. In discussions with rehabilitators, there was considerable feeling that the commitment required to provide good sponsorship limits the number of provisionals that can be adequately served at any one time. A limit of three provisional licensees per sponsor at any one time is established.

Over the past several years, the use of a voluntary, guided learning plan between the sponsor and the provisional has been encouraged by the Division to assist with the training of new rehabilitators, with varied degrees of success. In order to provide sponsors and provisionals with more standardized learning goals, these regulations require that the learning plan be successfully completed before a provisional rehabilitator can apply to upgrade their license to full rehabilitation status.

The requirements of sponsorship are also strengthened so that provisional licensees are provided with active guidance on the part of the sponsor, ultimately better equipping the provisional to care for animals on their own as they progress to full rehabilitator status. Requirements that sponsors sign provisional applications, attend the provisional's interviews with the DWM and facility inspection, and sign the annual report are added and are intended to ensure that sponsors play an active role in ensuring that animals are well cared for and released at the earliest opportunity. Sponsors are also required to sign off on all

parts of the learning plan, certifying its completion and the readiness of a provisional to become fully licensed.

In the past, rehabilitators who were licensed in another state and then move to Colorado were required to start out as a provisional licensee and complete the full process before becoming wildlife rehabilitators. In recognition of the experience rehabilitators can gain outside of Colorado, the regulations provide the option for the Division to accept licensing in another state on a year-for-year basis without starting as a provisional, provided that experience is determined by the Division to be equivalent. Equivalency at a minimum includes the same species, level of licensing, and experience requirement. This same option can be applied to the requirement for three years of full licensing prior to becoming a sponsor, and is intended to allow fully trained rehabilitators to perform at their full capability without repeating remedial training.

In meeting with rehabilitators about these regulatory changes, the use of provisional licenses to allow volunteers to transport wildlife from rehabilitators to veterinarians and to release sites was discussed. Particularly for the larger Front Range rehab centers, this is a significant need. At present, people who have no intention of proceeding through the licensing process are acquiring provisional licenses simply to provide transport services. These regulations allow volunteers to transport wildlife under the specific, written direction of a fully licensed wildlife rehabilitator for the purposes listed, with an 18-hour time limit. The 18 hours is intended to ensure adequate time to obtain the wildlife from the rehabilitator and transport it for care or release, taking into consideration the optimal release time, and the geography and distances common to Colorado.

These regulations establish an administrative compliance and suspension/revocation process which can be used in place of criminal prosecution. Upon discovery of a regulatory violation, the Division must provide written notification to the rehabilitator along with an opportunity to come into compliance. Failure to comply then results in a hearing after which a license may be suspended or revoked. The regulation also allows for immediate suspension/revocation with a later hearing when necessary to protect public health, safety or welfare. A prohibition against the acceptance of additional wildlife is applied whenever a notice of violation has been provided and during suspension/revocation proceedings. This strengthens current regulation which allows for a sponsor or Division to require transfer of wildlife when necessary for the health of the animals but did not prohibit acquisition of new animals while the regulatory problem was being resolved.

Applicants for rehabilitation licenses are now required to declare any prior animal welfare or wildlife violations and any prior suspension or revocation of rehabilitation licenses when they apply, and to certify during the annual renewal process that they remain in compliance with the chapter and to declare any new violations of such laws. New or renewal licenses may be denied based on the circumstances of these violations, and will be evaluated on a case-by-case basis.

Finally, to address a lack of information on annual reports submitted by rehabilitators, the regulations are clarified and strengthened to ensure that the source of wildlife and exact release site are known and applicable disposition/release regulations are followed, including clear identification of animals being held over from one year to the next.

The statutory authority for these regulations can be found in § 24-4-103, C.R.S., and the state Wildlife Act, §§ 33-1-101 to 33-6-209, C.R.S., specifically including, but not limited to: §§ 33-1-101,

102, 104, 105, 106-108, 115, and 121; §§ 33-2-104, 105, 106, and 107; § 33-3-104; §§ 33-4-101, 102, 102.5, 103, 116, 116.5, 117, and 119; § 33-5.5-102; and §§ 33-6-107, 109, 112, 113, 113.5, 114, 114.5, 117, 119, 120, 121, 124, 127, 128, 129, 131, 205, 206, 207, and 208.

EFFECTIVE DATE - THESE REGULATIONS SHALL BECOME EFFECTIVE MAY 1, 2009 AND SHALL REMAIN IN FULL FORCE AND EFFECT UNTIL REPEALED, AMENDED OR SUPERSEDED.

**APPROVED AND ADOPTED BY THE WILDLIFE COMMISSION OF THE STATE OF COLORADO
THIS 12th DAY OF MARCH, 2009.**

**APPROVED:
Robert W. Bray
Chairman**

**ATTEST:
Timothy R. Glenn
Secretary**

FILING - 05/29/2009
Basis and Purpose
Chapter 14 – Wildlife Rehabilitation

Basis and Purpose:

Wildlife rehabilitation has been a licensed activity in Colorado since the early 1980s. Wildlife rehabilitators volunteer their time and expertise to provide a valuable service by caring for injured and orphaned wildlife. The practice of wildlife rehabilitation continues to evolve and grow, and the knowledge available has contributed to increased standards of care. Chapter 14 regulations were revised in March of 2009, and these regulations further address the use and supervision of unlicensed individuals at wildlife rehabilitation facilities. These regulations intend to ensure that the highest standards of care are practiced by all wildlife rehabilitators as well as unlicensed individuals working under their supervision.

The intent of these regulations is to ensure that wildlife rehabilitation is directed by licensed wildlife rehabilitators, and recognizes that the primary purpose of unlicensed assistance is to help wildlife rehabilitators manage the intensity of care required at certain points during animals' lives, especially in the case of young animals.

In order to assist Wildlife Rehabilitators with large workloads, these regulations allow qualified Provisional Wildlife Rehabilitators who have completed applicable training requirements to provide on-site supervision for unlicensed individuals. Provisional Wildlife Rehabilitators are rehabilitators in training themselves, and their primary purpose is not to supervise unlicensed individuals, but to progress toward becoming fully-licensed Wildlife Rehabilitators qualified to provide animal rehabilitation. As such, their supervision authority is limited to direct, on-site supervision, only in qualified areas, and only when approved by their sponsor. These regulations do not restrict the number of unlicensed individuals who may be supervised at one time by a Provisional Wildlife Rehabilitator. Instead, the Division relies on the ultimate responsibility of the fully-licensed Wildlife Rehabilitator to properly supervise unlicensed volunteers and provide acceptable animal care, as well as the Division's ability to restrict the use and/or supervision of unlicensed individuals at any time supervision requirements or acceptable animal care requirements are not met.

The Division recognizes the need for Wildlife Rehabilitators to be away from their facility at times. Under specific parameters, these regulations allow unlicensed individuals to work without a wildlife rehabilitator being physically present at the facility. This provision is solely intended to allow wildlife rehabilitators flexibility to care for other life needs and responsibilities. These regulations provide the framework for such cases so long as animal care remains at an acceptable level. The Division expects that licensed wildlife rehabilitators will be on site at their facility at least some portion of every day that the facility is providing care for wildlife, except in infrequent cases of vacation, illness, etc, in which case the wildlife rehabilitator may authorize a cooperating fully-licensed Wildlife Rehabilitator to act in their stead. Further, it is expected that the licensed wildlife rehabilitator will provide the primary direction and supervision for the care of animals held under the authority of their license, as well as primary direction and supervision for volunteers approved by them. It is not the intent of these regulations to allow day-to-day operations to be performed by unlicensed individuals and/or Provisional Wildlife Rehabilitators without the regular presence and direction of a fully-licensed Wildlife Rehabilitator.

While minimal specific training standards are established for unlicensed individuals, it is the Division's expectation, and a standard in the rehabilitation community, that no individual should provide direct animal care without having received adequate training in the applicable animal care activity.

In the event of noncompliance or substandard animal care, the Division reserves the right to further restrict the use of unlicensed individuals in order to ensure proper care for wildlife. It is the intent of these regulations that, at all times, the fully-licensed Wildlife Rehabilitator remain responsible for the wildlife rehabilitation activities performed under the authority granted by their license, whether they are provided personally, or by Provisional Wildlife Rehabilitators or unlicensed individuals under their direction, and that acceptable animal care remain a condition of their license.

The statutory authority for these regulations can be found in § 24-4-103, C.R.S., and the state Wildlife Act, §§ 33-1-101 to 33-6-209, C.R.S., specifically including, but not limited to: §§ 33-1-101, 102, 104, 105, 106-108, 115, and 121; §§ 33-2-104, 105, 106, and 107; § 33-3-104; §§ 33-4-101, 102, 102.5, 103, 116, 116.5, 117, and 119; § 33-5.5-102; and §§ 33-6-107, 109, 112, 113, 113.5, 114, 114.5, 117, 119, 120, 121, 124, 127, 128, 129, 131, 205, 206, 207, and 208.

EFFECTIVE DATE - THESE REGULATIONS SHALL BECOME EFFECTIVE JULY 1, 2009 AND SHALL REMAIN IN FULL FORCE AND EFFECT UNTIL REPEALED, AMENDED OR SUPERSEDED.

APPROVED AND ADOPTED BY THE WILDLIFE COMMISSION OF THE STATE OF COLORADO THIS 7th DAY OF MAY, 2009.

**APPROVED:
Brad Coors
Chairman**

**ATTEST:
Dennis G. Buechler
Secretary**