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STATE OF MICHIGAN  
DEPARTMENT OF NATURAL RESOURCES  
LANSING



KEITH CREAGH  
DIRECTOR

SUBMITTED: August 18, 2014

MEMORANDUM TO THE NATURAL RESOURCES COMMISSION

Subject: Rehabilitator Regulations and Veterinarians  
Wildlife Conservation Order Amendment No. 14 of 2014  
FOR INFORMATION ONLY

Authority:

The Natural Resources and Environmental Protection Act, 1994 PA 451, authorizes the Director and the Commission to issue orders to manage wild animals in this state.

Discussion and Background:

The Department maintains a permitting process to allow individuals to rehabilitate sick or injured wildlife for the purpose of releasing them back into the wild. As part of the program, and according to state and federal regulations, rehabilitators must successfully complete and maintain training certification through an approved curriculum and pass a facility inspection. There are currently 139 permitted rehabilitators in Michigan. Although a licensed veterinarian is able to treat sick or injured animals, not all veterinarians have obtained training to house and rehabilitate animals for the purpose of releasing them back into the wild.

According to the Principles of Veterinary Medical Ethics of the American Veterinary Medical Association (AVMA), veterinarians "should obey all laws of the jurisdictions in which they reside and practice veterinary medicine." The principles further state that, "In emergencies, veterinarians have an ethical responsibility to provide essential services for animals when necessary to save life or relieve suffering... Such emergency care may be limited to euthanasia to relieve suffering, or to stabilization of the patient for transport to another source of animal care."

The AVMA's official policy on the *Possession of Wild Animals or Their Hybrids*, includes that the AVMA "supports reasonable regulations (e.g. licensing, registration, inspections) pertaining to ownership, possession, and disposition of wild animal species and their hybrids; and expects international, federal, state, and local authorities and policymakers to provide adequate funding and other resources to ensure effective enforcement of regulations pertaining to ownership, possession, and disposition of wild animal species and their hybrids."

The Department proposes that a licensed veterinarian may be exempt from obtaining a wildlife rehabilitator permit when treating sick or injured wildlife under the following conditions:

- The animal requiring veterinary care is kept at the veterinarian's facility for not more than 48 hours before being released back into the wild or transferred to a permitted rehabilitator's facility; or
- The animal is humanely euthanized within 48 hours after arriving at the veterinary facility.

### *Issue Pros and Cons*

Under current regulations, there are no provisions for the animal to stay at a veterinary facility for treatment. Department professionals and several currently permitted rehabilitators agree that a stay of 48 hours or less is sufficient for stabilization or treatment of a sick or injured animal without a significant risk for acclimation to human contact.

Some veterinarians have expressed that due to the nature of their profession, they should not be required to adhere to any regulations regarding the treatment or housing of wildlife. They are opposed, because they believe they possess the necessary education and skill to treat and release wild animals. However, both the Department and the Natural Resources Commission have policies or programs that support the rehabilitation of wildlife only for the express purpose of releasing the animal back into the wild. The Department believes regulations are necessary for veterinarians when housing and treating wild animals for more than 48 hours. Current rehabilitation regulations specify expectations for rehabilitator training, wildlife housing and human interaction, and separation from domestic animals.

The Department does not have information regarding other state wildlife rehabilitation programs. However, the National Wildlife Rehabilitators Association (NWRA) and the International Wildlife Rehabilitation Council offer conferences, courses, and certifications that are widely acknowledged in the United States and both organizations support wildlife rehabilitation primarily for the purpose of returning the animal to its natural habitat.

### *Neighboring States*

In Minnesota, an applicant for a wildlife rehabilitator permit is also excused from the experience and veterinarian consultant requirements if the applicant is a licensed veterinarian. Wildlife rehabilitator permit applicants are required to submit a description of educational background related to animal biology, veterinary medicine, and wildlife rehabilitation.

Indiana administrative rules indicate that an individual must have a state or federal permit to handle wildlife but the rules do not indicate if a veterinarian is exempt while treating a sick or injured animal.

According to Wisconsin's administrative code, an individual may not rehabilitate wildlife unless the individual possesses a valid wildlife rehabilitator license. A veterinarian treating wildlife must report infectious disease to the department's wildlife health program. The code does not indicate if a veterinarian is exempt from the rehabilitator license requirement while treating a sick or injured animal.

### *Biological*

The rehabilitation of some species, such as skunks, is prohibited due to public health concerns regarding rabies. Other species, such as deer and raccoons, may only be released within the county in which they were found sick or injured in order to prevent the spread of diseases such as rabies or bovine tuberculosis to other wildlife. The Department continues to recommend these restrictions and does not recommend any changes.

Although the Department does receive annual reports from permitted rehabilitators regarding how many animals are rehabilitated and released, the Department does not receive reports from veterinarians who may be treating wild animals.

*Social*

The Department frequently receives calls regarding sick, injured, or orphaned wildlife. Michigan's citizens value wildlife and many people demonstrate compassion when encountering sick, injured, or orphaned animals. By permitting wildlife rehabilitators and ensuring their contact information is publicly available, the Department has given citizens a safe method to ensure wildlife are able to get the help they need with the ultimate goal of release back into the wild.

The Department has received requests from several currently permitted rehabilitators regarding formal regulations related to veterinary care.

*Economic*

The Department does not charge a fee for the rehabilitation permit and does not expect the recommended changes described above to create additional administrative duties for staff or to significantly affect the number of licensed rehabilitators.

Any veterinarian who wants to care for wildlife for more than 48 hours would need to complete the necessary rehabilitation training and ensure that their facilities adhere to regulations, including separation from domestic animals. Training and changes to facilities may have monetary costs to the veterinarian.

Recommendation:

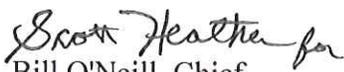
This order is being submitted for information and consideration. This item appeared on the Department's August 2014 calendar and may be eligible for approval on October 9, 2014.



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# WILDLIFE CONSERVATION ORDER

## Amendment No. 14 of 2014

By authority conferred on the Natural Resources Commission and the Director of the Department of Natural Resources by sections 40107, 40113a, and 40114 of 1994 PA 451, MCL 324.40107, 324.40113a, and 324.40114 it is ordered that effective October 10, 2014, the following section(s) of the Wildlife Conservation Order shall read as follows:

### **5.70 Rehabilitation permit, definitions.**

Sec. 5.70 For the purposes of sections 5.71 to 5.75 of this order, the terms in this sections shall have the meaning ascribed to them in this section.

- (1) "Permit" means a rehabilitation permit.
- (2) "Permittee" means ~~a person~~ **an individual** who has applied for and been issued a rehabilitation permit.
- (3) "Subpermittee" means a volunteer or individual employed by a permittee for the purpose of wild animal rehabilitation.

### **5.71 Rehabilitation permit, prohibited acts.**

Sec. 5.71 (1) ~~A person~~ **An individual** shall not possess a live **wild bird or wild animal** in captivity for the purposes of rehabilitating the animal without first securing a permit from the wildlife rehabilitation permit coordinator or being listed as a subpermittee on a permit issued by the wildlife rehabilitation permit coordinator.

(a) ~~Except a licensed veterinarian may treat a sick, injured, or orphaned wild bird or wild animal without a permit at the veterinarian's facility for not more than 48 hours before releasing it back to its natural habitat, transferring it to a permitted rehabilitator's facility, or administering humane euthanasia.~~

(2) ~~A person~~ **An individual** listed as a subpermittee on a permit issued by the wildlife rehabilitation permit coordinator shall not possess a wild deer, elk, or moose.

### **5.72 Rehabilitation permit, application, issuance.**

Sec. 5.72 (1) An application for a permit shall be submitted on a form furnished by the department and presented to the wildlife rehabilitation permit coordinator. A permit shall be granted only if the applicant completes the application form according to instructions provided and documents all of the following:

(a) ~~Training and experience in the care and handling of such animals.~~ Training and experience in the care and handling of such animals, **except if the applicant is a licensed veterinarian**, shall be documented by 1 of the following:

(i) A letter or affidavit, signed by a licensed veterinarian, indicating that the applicant has demonstrated, through paid or volunteer experience, adequate skills in handling injured and orphan animals.

(ii) A letter or affidavit, signed by a current permittee, indicating that the applicant has demonstrated, through paid or volunteer experience, adequate skills in handling injured and orphan animals.

(b) Adequate facilities as determined by the wildlife rehabilitation permit coordinator based upon the national wildlife rehabilitators association and international wildlife rehabilitation council's current "minimum standards for wildlife rehabilitation." All facilities where animals are kept for longer than 48 hours shall be listed on the permit application and shall be subject to inspection prior to permit issuance and at any reasonable time thereafter by a ~~conservation officer~~ **an agent of the department**.

(c) A permit shall not be renewed, **except if the rehabilitator is a licensed veterinarian**, unless the application is accompanied by a certificate of completion for a continuing education class in the rehabilitation of wild animals for a class and at a frequency that has been approved by the wildlife rehabilitation permit coordinator.

(d) In addition to the training and experience requirements of subsection (a), ~~a person~~ **an individual** making application for a permit which is not a renewal, including application for a permit previously revoked, shall furnish with their permit application proof of having completed a wildlife rehabilitation basic skills class that has been approved by the wildlife rehabilitation permit coordinator.

(2) Authorization to rehabilitate wild animals shall not be exercised contrary to **local, state, or federal regulations, rules, or ordinances.** ~~the laws and lawful ordinances of the appropriate local unit of government.~~

### **5.73 Rehabilitation permit, expiration, revocation.**

Sec. 5.73 A permit shall be valid for 5 years, and shall expire on December 31 of the ~~5<sup>th</sup>~~ **fifth** year following issuance, unless revoked prior to that date. The department may revoke, **or otherwise address a violation as described in section 5.250,** a permittee's license if the permittee or a subpermittee of that permittee fails to comply with the conditions and limitations as provided in this order.

### **5.74 Rehabilitation permit, conditions, limitations; unlawful acts.**

Sec. 5.74 The following conditions and limitations shall apply to the possession of **wild birds or wild animals** under the authority of a rehabilitation permit:

(1) Except for threatened or endangered species and animals of special concern, **all wild birds or wild animals** which cannot be rehabilitated sufficiently to be released into the wild shall be disposed by one of the following ways:

(a) Donation to a public zoological park approved or accredited by the American zoo and aquarium association or a public sanctuary approved or accredited by the association of sanctuaries or the American sanctuary association.

(b) Donation to a research or educational institution that meets acceptance criteria for the issuance of a Michigan scientific collector's permit as provided by section 5.21 of this order.

(c) Humane and discreet euthanasia by methods recommended and approved by the American veterinary medical association. The carcasses of protected animals and game animals shall be turned over to the local conservation officer or disposed of as directed by the officer.

(2) All animals on the federal endangered or threatened species list shall be turned over to an agent of the United States fish and wildlife service.

(3) **All wild birds or wild animals** not included on the federal threatened or endangered species list but included on the state endangered or threatened species list that shall come into possession of a permittee shall be reported during the same business day, or subsequent first business day if acquired on a holiday or weekend, to the endangered species specialist, wildlife division. Such **wild birds or wild animals** shall be handled and disposed of only as provided by the endangered species specialist and shall only be possessed for rehabilitation purposes under the authority of an endangered species permit as provided by Part 365 of the natural resources environmental protection act, 1994 PA 451.

(4) **All wild birds or wild animals** exhibiting an illness, disease, or ~~symptom of special concern~~ **another abnormal behavior** that shall come into possession of a permittee, and **all wild birds or wild animals** that die of questionable illness or disease while in the possession of the permittee, shall be reported during the same business day, or subsequent first business day if the animal shall die or be acquired on a holiday or weekend, to a veterinarian or a pathologist at the department pathology laboratory. Such **wild birds or wild animals** shall be possessed, handled, and disposed of only as provided by the veterinarian or pathologist. Illnesses, diseases, and ~~symptoms of special concern~~ **abnormal behavior** shall be identified by a department veterinarian within the permit or by permit amendment.

(5) As soon as **an wild bird or wild animal** is capable of fending for itself, it shall be released into the wild as directed by the permit and this order. **Wild birds or wild Aanimals** shall not be released upon the lands of another except with written permission of that property owner or the public land administrator

(6) Live or dead **wild birds or wild animals** shall not be sold or bartered by a permittee in any manner. Live or dead **wild birds or wild animals** shall not be transferred by a permittee except to another permittee with appropriate facilities or as stipulated by subsections (2), (3), and (4) above.

(7) All **wild birds or wild animals** shall be kept under humane and sanitary conditions at all times based upon the national wildlife rehabilitators association and international wildlife rehabilitation council's current "minimum standards for wildlife rehabilitation."

(8) Captive **wild birds or wild animals** shall not be allowed to come into physical contact with members of the general public, domestic animals including livestock, or animals held under the authority of a permit issued by the department to hold wildlife in captivity.

(9) **Wild birds or wild animals** shall not be placed on public display.

(10) The permittee shall obtain a federal permit prior to obtaining or possessing migratory birds unless otherwise provided by the United States fish and wildlife service. When the limitations of a federal permit are more restrictive than the state permit, the federal limitations shall prevail.

(11) All premises and facilities covered by a permit shall be open to inspection by ~~a conservation officer, department veterinarian, an agent of the department~~ or by an agent of the United States fish and wildlife service at any reasonable time. An inspection may include the determination that ~~an a~~ **wild bird or animal** shall be released or be taken into possession by the department.

(12) The permittee shall maintain an up-to-date record of all **wild birds or wild animals** in their possession on a form furnished by the department, except that federally protected **and migratory birds** may be recorded upon a form furnished by the United States fish and wildlife service. The record for each shall list the species, the county of origin, the condition of the **wild bird or wild animal**, the name and address of the donor or other source, the method and date of disposition, the county of release, and the unique identification marking as noted on the permit. If the permittee is an organization that includes multiple facilities, each facility that keeps animals for 48 hours or longer shall maintain these records on the premises. The permittee shall submit all state and federal permittee and subpermittee records for the calendar year to the department's wildlife rehabilitation permit coordinator by January 31 of each year or within 15 days after termination of the permit. A copy of the records required by this section shall be maintained by the permittee for 2 years following the required date of submission.

(13) Animals of special concern shall be possessed, transported, and disposed of only as provided in this order.

Issued on this 9th day of October, 2014.

Approved as to matters over which the Natural Resources Commission has authority.

J.R. Richardson, Chairman  
Natural Resources Commission

Approved as to matters over which the Director has authority.

Keith Creagh  
Director