

HOUSE No. 4456

The Commonwealth of Massachusetts

HOUSE OF REPRESENTATIVES, February 26, 2020.

The committee on Consumer Protection and Professional Licensure, to whom was referred the petition (accompanied by bill, House, No. 317) of James M. Murphy, Josh S. Cutler and Mathew J. Muratore relative to wildlife rehabilitators, reports recommending that the accompanying bill (House, No. 4456) ought to pass.

For the committee,

TACKEY CHAN.

HOUSE No. 4456

The Commonwealth of Massachusetts

In the One Hundred and Ninety-First General Court
(2019-2020)

An Act relative to wildlife rehabilitators and veterinarian collaboration.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Section 26 of chapter 13 of the General Laws, as appearing in the 2018
2 Official Edition, is hereby amended by striking out, in line 3, the word “four” and inserting in
3 place thereof the following word:- five

4 SECTION 2. Said section 26 of said chapter 13, as so appearing, is hereby further
5 amended by inserting after the word “appointment.” in line 11, the following sentence:- One
6 veterinarian of said board shall have expertise in wildlife rehabilitation.

7 SECTION 3. Section 55 of chapter 112 of the General Laws, as so appearing, is hereby
8 amended by striking out the second paragraph and inserting in place thereof the following
9 paragraph:-

10 Every registered veterinarian shall biannually, before January first, pay to the board a
11 license fee to be determined annually by the commissioner of administration under the provision
12 of section three B of chapter seven, in default of which the board may revoke the veterinarian’s
13 license and authority to practice veterinary medicine thereunder, after a hearing as provided by

section eleven; but the payment of said fee at or before the time of hearing, with an additional sum to be determined under the aforementioned chapter seven provision, shall remove the default. A veterinarian seeking license renewal shall present evidence satisfactory to the board of the successful completion of such continuing education as the board shall require by regulation. A veterinarian duly registered and licensed to practice in this commonwealth, whose license has not been revoked, but who shall have temporarily retired from practice or removed from the commonwealth for a period not exceeding five years, and shall have notified the board of such retirement or removal, may register upon paying the lapsed annual license fee and filing with the board an affidavit as to the facts aforesaid. Applications for renewals of licenses hereunder shall be upon forms prescribed by the board, and shall, no less than thirty days prior to January first every other year, be transmitted to each veterinarian registered with the board.

SECTION 4. Said Chapter 112 of the General Laws, as so appearing, is hereby amended by inserting after section 58B the following new section:-

Section 58C. (a) For the purposes of this section, the following words shall have the following meaning unless the context clearly requires otherwise:

“Collaborative Management Agreement,” a signed written agreement between a veterinarian and not more than 4 wildlife rehabilitators outlining the specific procedures, services, responsibilities, and limitations of the wildlife rehabilitator, and governing situations in which the wildlife rehabilitator encounters an animals who requires treatment that exceeds the authorized scope of practice of the wildlife rehabilitator.

“Supervising Veterinarian,” a licensed veterinarian or group of licensed veterinarians acting collectively, who enter into a collaborative management agreement with a wildlife rehabilitator.

“Wildlife rehabilitator,” an individual or organization licensed by department of fisheries and wildlife who volunteers to care for sick or injured wildlife, and who passed the Massachusetts Wildlife Rehabilitation Permit exam with a score of at least 80 per cent under 321 CMR 2.13.

(b) A wildlife rehabilitator, unless they are a licensed veterinarian, who administers medication shall enter into a collaborative management agreement with a supervising veterinarian. Collaborative management agreements must be signed and maintained by the supervising veterinarian and the wildlife rehabilitator and shall be then submitted to be approved, modified, or rejected by the board. The board shall establish appropriate guidelines for the collaborative management agreement. Said agreement may be updated from time to time, and resubmitted to the board for approval.

The collaborative management agreement shall include, but not limited to the following areas: (i) specific practice settings of the wildlife rehabilitator and supervising veterinarian; (ii) limitation of services the wildlife rehabilitator can provide which shall be established by the supervising veterinarian; (iii) the level of supervision required for various services or treatment settings; (iv) wildlife populations that may be served; (v) wildlife rehabilitator practice protocols; (vi) record keeping of wildlife populations served and treatments performed thereon; (vii) managing medical emergencies; (viii) list of medications that will be administered and dispensed; (ix) level of supervision for wildlife rehabilitators; and (x) alternate arrangements

56 available to the wildlife rehabilitator with another veterinarian for timely consultation during
57 treatment if needed or to provide any necessary advanced services needed on the animal.

58 A wildlife rehabilitator may provide the services authorized in practice settings where the
59 supervising veterinarian is not on-site and has not previously examined the patient, to the extent
60 authorized by the supervising veterinarian in the collaborative management agreement and
61 provided that the supervising veterinarian is available for consultation and supervision by
62 telephone or other means of electronic communication.

63 SECTION 5. Chapter 131 of the General Laws, as so appearing, is hereby amended by
64 inserting after section 1H the following new section:-

65 Section 1H ½. (a) In this section, the following words shall, unless the context clearly
66 requires otherwise, have the following meanings:

67 “Adopting agencies”, agencies, boards or commissions in the Commonwealth authorized
68 by the general court to promulgate regulations that apply to wildlife management or the practice
69 of wildlife rehabilitation.

70 “Wildlife”, undomesticated birds, mammals, reptiles and amphibians that are wild by
71 nature.

72 (b) There shall be within the department of fisheries and wildlife a Wildlife Coordinating
73 Council, hereinafter referred to as the WCC. The WCC shall meet as needed, however not less
74 than biannually.

75 The WCC shall consist of the following members: Director of the Natural Heritage and
76 Endangered Species Program or their designee, Commissioner of Massachusetts Division of

Fisheries and Wildlife or their designee, Commissioner of Division of Professional Licensure or their designee, and Chair of Massachusetts Board of Registration in Veterinarian Medicine or their designee.

The WCC shall elect one of its members to serve as chair and one to serve as vice-chair, provided, however, that no member may serve as chair for more than two consecutive terms, the length of which shall be established at the first meeting of the WCC. The vice chair shall assist the chair and serve as chair in the chair's absence. The chair shall be responsible for directing the tasks to be undertaken by the WCC. The WCC may identify and address such additional tasks and advisory subcommittees that may be necessary for the WCC to meet its objectives.

(c) The WCC shall review, compare and coordinate all existing regulations applying to wildlife management or the practice of wildlife rehabilitation and proposed regulations in order to identify any concerns and develop a strategy to address any issues concerning wildlife and wildlife rehabilitation.

The WCC shall have the authority to reject, by majority vote, proposed regulations that are inconsistent, redundant, conflicting or overlapping with any other existing or proposed regulation concerning wildlife management and practice of wildlife rehabilitation. When a proposed regulation is rejected, the WCC shall inform the adopting agency that proposed the regulation of the specific reasons for the rejection and allow the adopting agency to revise and resubmit the proposed regulation. An adopting agency may not submit a proposed regulation to the secretary of state under chapter 30A without a written statement of approval from the WCC.

Consistent with the duties set forth in this section, the WCC shall establish procedures for the following:

99 (1) the submission and consideration of public comment in the review process of
100 proposed regulations; and

101 (2) the process for submission and approval of proposed regulations.

102 SECTION 6. Section 3 of this Act shall become effective December 1, 2020.