

BEFORE THE DIRECTOR OF THE
ARIZONA DEPARTMENT OF HEALTH SERVICES

In the Matter of:)	Case No.: 2015A-EMS-0190-DHS
)	
Maricopa Ambulance, LLC,)	
)	
)	
Applicant.)	FINAL ORDER
)	
)	
)	
)	

PURSUANT TO Arizona Revised Statutes (“A.R.S.”) § 41-1092.09(A)(1) and Arizona Administrative Code (“A.A.C.”) R9-1-103(A), on June 21, 2016, the Arizona Department of Health Services (“Department”) received a Motion for Rehearing or Review filed by Intervenor American Medical Response of Maricopa, LLC, and the Rural/Metro Intervenors (“Intervenors’ Motion”) with regard to the Decision of the Director dated May 17, 2016 (“Decision”), which granted an initial Certificate of Necessity (“CON”) to Maricopa Ambulance, LLC (“Maricopa”).

Intervenors’ Motion asserts the Decision is not supported by the evidence and is contrary to law, and “contrary to certain material evidence not available at the time of the original hearing.” *See* Intervenors’ Motion at 1-2; *see also* A.A.C. R9-1-103(C)(4), (7) (a motion for rehearing or review may be granted based upon “[n]ewly discovered material evidence that could not with reasonable diligence have been discovered and produced at the original hearing” and when “the decision is not supported by the evidence or is contrary to law”). Specifically, Intervenors’ Motion contends that Maricopa is not “fit and proper,” as demonstrated by the fact that Maricopa’s “financial backer, its principal contact within its

1 financial backer, its owners and most of its intended management team [are] all facing very
2 serious and personal allegations of misconduct (as a result of their previous ambulance transport
3 operations venture)” in a federal bankruptcy proceeding. *See* Intervenor’s Motion at 2.
4 Additionally, Intervenor’s Motion asserts that the “early 2016” hiring of Mr. Glenn Leland –
5 “yet another manager who oversaw ambulance operations ending in a bankruptcy filing” –
6 “adds new facts to the side of the scale that has already tipped against integrity.”¹ *See*
7 Intervenor’s Motion at 2-4.
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10 Maricopa filed a response (“Maricopa’s Response”), asserting that Intervenor’s Motion
11 “is a rehashing of arguments previously made, repeatedly responded to, and already ruled on”
12 and that the Decision instead was “legally and factually sound.” *See* Maricopa’s Response at 1-
13 2. Specific to Mr. Leland’s hiring, Maricopa’s Response contends that Mr. Leland was hired on
14 March 3, 2016; that his hiring was publically announced on that day; and that his hiring
15 therefore occurred before the record in this matter closed.² *See* Maricopa’s Response at 4-5.
16 For that reason, Maricopa’s Response contends that Mr. Leland’s hiring was a fact that could
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20 ¹ Attached to Intervenor’s Motion are five attachments:

- 21 - An internet listing of the executive leadership team, including information about Mr. Leland, noting in
22 addition to his employment with TransCare Mr. Leland’s service as the chief operating officer of an
23 Oklahoma agency that served 1.4 million residents and responded to more than 135,000 emergency calls
24 annually and as chief strategy officer for a California-based company that served 15 counties with
25 integrated health care and transport services. *See* Intervenor’s Motion, attachment 1.
- 26 - A July 7, 2015 article titled “TransCare ambulance service facing ‘payroll crisis’” that discusses a delay in
27 paychecks being issued but also quotes a city commissioner as saying the city is “very, very happy with
28 [TransCare’s] service and their response times” and that “absolutely no interruptions” in services were
reported as a result of the payroll issue. *See* Intervenor’s Motion, attachment 2.
- A February 26, 2016 article titled “TransCare Ambulance Files for Bankruptcy.” The story notes that
after filing for Chapter 7 bankruptcy, TransCare had put “contingency plans” in place to continue
providing ambulance services to some counties as part of the company’s restructuring plan, but that
services in other counties were ended. *See* Intervenor’s Motion, attachment 3.
- Copies of February 29, 2016, and March 2, 2016 articles stating that doors were locked at various
TransCare offices on the Friday after the bankruptcy filing and that some employees were waiting for pay
checks. *See* Intervenor’s Motion, attachments 4 and 5.

² Intervenor’s Motion contends that Mr. Leland was added to the executive leadership “[i]n early 2016 (the exact
date is unknown),” *see* Intervenor’s Motion at 22, which corresponds to Maricopa’s assertion that his hiring
occurred and was announced on March 3, 2016.

1 have been brought to the ALJ's attention before the record was closed³ and therefore it should
2 not be considered now. *See* Maricopa's Response at 4-5. Alternatively, Maricopa's Response
3 asserts that even if Mr. Leland's hiring is considered, he is "lauded and respected in his field"
4 and spent more than a year "trying to turn [TransCare] around" and was not employed by
5 TransCare when it filed for bankruptcy⁴. *See* Maricopa's Response at 5-6.

7 **WHEREFORE**, having reviewed Intervenors' Motion, Maricopa's Response, and the
8 record in this matter;

9 **IT IS HEREBY ORDERED THAT:**

10 **PURSUANT TO** the authority granted by A.R.S. § 41-1092.09 and Arizona A.A.C. R9-
11 1-103, and in consideration of the record in this proceeding, Intervenors' Motion is **DENIED**.
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13 Intervenors' Motion is denied for the reason that it fails to establish any one of the
14 reasons for granting a rehearing or review stated in A.A.C. R9-1-103(C).
15

16 1. The Decision was supported by the evidence and is not contrary to law. The
17 information and argument contained in Intervenors' Motion, except for the information
18 relating to Mr. Leland's hiring, was part of the administrative hearing record and, as
19 such, was considered by the Director before adopting the ALJ's findings of fact,
20 conclusions of law, and recommended decision, as amended. The Decision is supported
21 by the evidence.
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24 ³ The hearing in this matter occurred on multiple dates in October 2015 and January 2016, but "the record was held
25 open until March 28, 2016, to allow the parties' attorneys to submit post-hearing memoranda." *See* ALJ Decision
26 at 1; Case Management Order No. 24. Written closings were filed on February 2, 2016, and February 29, 2016.
27 *See* Administrative Hearing Record items 161 (Maricopa Ambulance), 163-164 (Rural/Metro Intervenors), 166
28 (American Medical Response of Maricopa, LLC). On March 28, 2016, Maricopa filed a written reply. *See*
Administrative Hearing Record items 167-169. On April 7, 2016, and after the record in this matter had closed,
American Medical Response of Maricopa, LLC, filed a Supplemental Response intended to "supplement" its
February 29, 2016 written closing by attaching copies of two filings (made February 19, 2016, and April 5, 2016)
in a federal bankruptcy proceeding. *See* Administrative Hearing Record item 170.

⁴ Mr. Leland's resume attached to the Response notes he served as the Chief Executive Officer at TransCare from
January 2015 to January 2016.

1 ORIGINAL filed on the 14th day of July, 2016, with:

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6 COPIES of the foregoing sent by certified mail return receipt requested
7 on the 14th day of July, 2016, to:

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25 COPY of the foregoing filed using the OAH electronic document filing system at
26 <https://portal.azoah.com/oedf> on the 14th day of July, 2016.

27 COPIES of the foregoing sent by electronic/interdepartmental/regular mail
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