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IN THE OFFICE OF ADMINISTRATIVE HEARINGS

11 In the Matter of:  
12 RBR Management LLC, dba Community  
13 Ambulance,  
14  
15 Applicant

Case No.: 2017-EMS-0104-DHS

**ADHS/BEMSTS' RESPONSE TO  
MOTION FOR INTERVENING  
PARTY STATUS BY AMR CON  
HOLDERS**

(Assigned to the Hon. Tammy Eigenheer)

17 The Arizona Department of Health Services, Bureau of Emergency Medical  
18 Services and Trauma System (“the Bureau” or “BEMSTS”), hereby responds to the  
19 Motion for Intervening Party Status by Multiple AMR CON Holders (“AMR”) (C.O.N.  
20 Nos. 136, 58, 66, 62, 86, 109, 46, 71, and 75).

21 Since the Office of Administrative Hearings does not have its own procedures  
22 for intervention, AMR seeks the right to intervene and to actively participate in this  
23 hearing pursuant to Rule 24 of the Arizona Rules of Civil Procedure. That rule  
24 provides, in pertinent part, that anyone shall be permitted to intervene in an action who:

25 claims an interest relating to the subject of the action and is  
26 so situated that the disposing of the action in the person’s  
27 absence may as a practical matter impair or impede the  
28 person’s ability to protect that interest, unless existing  
parties adequately represent that interest.

*Id.*

1 The Bureau's position is that if the proposed service area of a new C.O.N.  
2 application overlaps the current service area of another C.O.N. holder, then that C.O.N.  
3 holder has a right to intervene. In this situation, the Bureau is satisfied that the  
4 proposed service area sought by the Applicant overlaps AMR's C.O.N. service areas  
5 and that AMR already has the legal authority to perform immediate and  
6 interfacility/convalescent advanced life support ("ALS") and basic life support ("BLS")  
7 ambulance transports, twenty-four hours per day, seven days a week. Based on the  
8 foregoing, the Bureau has no objection to AMR's pending motion for intervention.

9 DATED this 19th day of June, 2017.

10 MARK BRNOVICH  
11 Attorney General

12 /s/ Kevin D. Ray  
13 Kevin D. Ray  
14 Patricia LaMagna  
15 Molly Bonsall  
16 Assistant Attorneys General  
17 *Attorneys for BEMSTS*

18 **CERTIFICATE OF SERVICE**

19 **ORIGINAL** filed using the OAH electronic document filing system  
20 <https://portal.azoah.com/oedf> this 19th day of June, 2017, with copies provided to all  
21 parties on the approved mailing list this 19th day of June, 2017, by posting through the  
22 designated OAH website at [https://portal.azoah.com/oedf/documents/2017-EMS-0104-  
23 DHS/index.html](https://portal.azoah.com/oedf/documents/2017-EMS-0104-DHS/index.html).

24 By: /s/ Koren Lyons  
25 PHX #6017957