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16 IN THE OFFICE OF ADMINISTRATIVE HEARINGS

17 In the Matter of:  
18 RBR Management LLC, dba Community  
19 Ambulance,  
20  
21 Applicant

Case No.: 2017-EMS-0104-DHS

**ADHS/BEMSTS' RESPONSE TO  
MOTION TO INTERVENE BY  
MARICOPA AMBULANCE**

(Assigned to the Hon. Tammy Eigenheer)

22 The Arizona Department of Health Services, Bureau of Emergency Medical  
23 Services and Trauma System (“the Bureau” or “BEMSTS”), hereby responds to the  
24 Motion to Intervene filed by Maricopa Ambulance (“AMR”) (C.O.N. No. 147).

25 Since the Office of Administrative Hearings does not have its own procedures  
26 for intervention, Maricopa Ambulance seeks the right to intervene and to actively  
27 participate in this hearing pursuant to Rule 24 of the Arizona Rules of Civil Procedure.

28 That rule provides, in pertinent part, that anyone shall be permitted to intervene in an  
action who:

claims an interest relating to the subject of the action and is  
so situated that the disposing of the action in the person’s  
absence may as a practical matter impair or impede the  
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 Maricopa Ambulance's C.O.N.  
5 service area and that Maricopa Ambulance already has the legal authority to perform  
6 immediate and interfacility/convalescent advanced life support ("ALS") and basic life  
7 support ("BLS") ambulance transports, twenty-four hours per day, seven days a week.  
8 Based on the foregoing, the Bureau has no objection to Maricopa Ambulance's pending  
9 motion for intervention.

10 DATED this 19th day of June, 2017.

11 MARK BRNOVICH  
12 Attorney General

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

17 **CERTIFICATE OF SERVICE**

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

23 By: /s/ Koren Lyons  
24 PHX #6023433