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Attorneys for Intervenor Maricopa Ambulance, LLC

IN THE OFFICE OF ADMINISTRATIVE HEARINGS

In the Matter of:

RBR Management LLC, dba Community
Ambulance

Applicant.

Docket No. 2017--EMS-0104-DHS
(EMS No. 0283)

**MARICOPA AMBULANCE
REQUEST FOR ISSUANCE OF
SUBPOENA DUCES TECUMS**

(The Honorable Tammy Eigenheer)

Intervenor, Maricopa Ambulance, LLC, respectfully submits this request for issuance of subpoenas *duces tecum* to (1) RBR Management, LLC, dba Community Ambulance (“Applicant”), c/o Brendan Murphy, Hendricks Murphy PLLC, 3101 N. Central Avenue, Suite 970, Phoenix, AZ 85012, and to (2) Dignity Health, c/o Andrew Gordon and Scott Bennett, Coppersmith Brockelman, PLC, 2800 N. Central, Suite 1900, Phoenix, AZ 85004.

These subpoenas *duces tecum* request documents and evidence relevant to Applicant’s application for a Certificate of Necessity in this proceeding and are intended to enable Maricopa Ambulance to assess Applicant’s application, it’s fitness and financial ability to provide ground ambulance services, the impact on Maricopa Ambulance, and

whether the issuance of this CON is needed and whether the issuance of this CON is in the public's best interest.

Respectfully submitted this _____, 2018.

JBELANGER LAW PLLC

By /s/ James J. Belanger

James J. Belanger

Attorneys for Maricopa Ambulance, LLC

CERTIFICATE OF SERVICE

ORIGINAL filed using the OAH electronic document filing system <https://portal.azoah.com/oedf> on **May 10**, 2018, with copies provided to all parties on the approved mailing list by posting through the designated OAH website at <https://portal.azoah.com/oedf/documents/2016A-EMS-0381-DHS/2016A-EMS-0381-DHS-0018.pdf>.

/s/ James J. Belanger

ATTACHMENT 1
Proposed Subpoenas Duces Tecum
To RBR Management LLC, dba Community Ambulance

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In the Matter of:

RBR Management LLC, dba Community
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Docket No. 2017--EMS-0104-DHS
(EMS No. 0283)

**SUBPOENA DUCES TECUM TO
APPLICANT**

(The Honorable Tammy Eigenheer)

TO: Custodian of Records, RBR Management, LLC, dba Community Ambulance
("Applicant"), c/o Brendan Murphy, Hendricks Murphy PLLC, 3101 N. Central Avenue,
Suite 970, Phoenix, AZ 85012

YOU ARE HEREBY COMMANDED TO PRODUCE for inspection and copying the
documents identified in the attached **Exhibit 1**. Said production shall take place at the
earliest practicable time, but in any event no later than seven (7) calendar days after
service, at the offices of the attorneys for Intervenor Maricopa Ambulance LLC
(**JBelanger Law PLLC**, 340 E. Palm Lane, Suite 255, Phoenix, AZ 85004)

Dated _____, 2018

By _____
The Hon. Tammy Eigenheer
:

EXHIBIT 1

Definitions and Instructions:

1. “Documents” refer to any and all things which would be considered to be a “writing,” “recording,” or “photograph,” within the meaning set forth in Rule 1001 of the Arizona Rules of Evidence, including any electronically stored or filed records (e.g. emails, digital records, electronically filed documents, etc.)
2. Each of these requests, where and as appropriate, and regardless of whether specifically delineated or not, seeks documents and information specifically including but not limited to Maricopa Ambulance.

Documents to be Produced:

1. All documents produced by Applicant in response to any subpoenas duces tecum issued by any Intervenor or by ADHS/BEMSTS in this administrative proceeding (2017--EMS-0104-DHS).
2. All documents used, considered, or relied on by Applicant to determine that public necessity requires the ground ambulance service to be provided by Applicant if it is awarded a CON.
3. All documents used, considered, or relied on by Applicant to determine that existing CON holders, including but not limited to Maricopa Ambulance, are not fully meeting public need for ground ambulance services in Applicant’s proposed service area.
4. All documents used, considered, or relied on by Applicant to assess the potential financial impact on existing CON holders, including but not limited to Maricopa Ambulance, if Applicant receives a CON.
5. All documents used, considered, or relied on by Jeffrey O’Malley to support his proposed testimony regarding (1) Dignity Health’s approximate needs for non-emergency interfacility transports within Applicant’s proposed service area, (2) Dignity Health’s efforts to develop relationships with CON holders in Maricopa County to provide interfacility transports for the Dignity Health population, specifically including but not limited to Maricopa Ambulance(3) his claim regarding substandard interfacility transport performance Dignity Health facilities have experienced by other CON holders in the proposed service area, and (4) meetings with representatives of Dignity Health hospitals, urgent care centers, and other associated facilities to discuss optimization of Dignity Health patient

transports.

6. All documents used, considered, or relied on by Rob Richardson to support his proposed testimony regarding the reasons Community Ambulance is fit and proper to provide the proposed interfacility services contemplated by its application, Community Ambulance's fiscal competence, resources, financial viability, and ability to expand its resources to address population growth in the Dignity Health system in Maricopa County, as well as Community Ambulance's plan to ensure interfacility transport service will be maintained and improved for remote or rural Maricopa County communities.
7. All documents used, considered, or relied on by Linda Hunt to support her proposed testimony regarding (1) Dignity Health's experiences with interfacility ambulance transportation, and the providers of ambulance services in the proposed service area (Maricopa County) and surrounding areas, (2) throughput issues in the Dignity Health systems, and the effects interfacility transport delays can have on efficient hospital operations, as well as patient care, outcomes, and satisfaction, (3) Dignity Health's desire and need for an integrated interfacility ambulance service to better serve Dignity Health's patient population.
8. All documents used, considered, or relied on by W. Michael Evans to support his proposed testimony regarding the potential financial impact on other CON holders in the proposed service area, specifically including but not limited to Maricopa Ambulance.
9. All documents used, considered, or relied on by Brandon Hestand to support his proposed testimony regarding (1) his developing and maintaining relationships with private ambulance providers, including representatives of Intervenors, specifically including but not limited to Maricopa Ambulance, (2) throughput issues and negative patient experiences at CRMC and MGMC caused by interfacility ambulance transport delays, and (3) inconsistencies in compatibility of equipment between Dignity Health facilities and current private ambulance providers, specifically including but not limited to Maricopa Ambulance.
10. All documents used, considered, or relied on by Delores Kells to support her proposed testimony regarding delays the Urgent Care Centers experience in scheduling transports and in arrivals times of ambulances, the necessity of an additional provider of interfacility transports to efficiently move patients from the Urgent Care Centers to facilities with higher levels of care, throughput issues at the Urgent Care Centers, and instances of Dignity Health patients leaving Urgent Care Centers against medical advice to drive themselves to facilities with higher levels of care due to delayed interfacility transports.

11. All documents used, considered, or relied on by Dr. Paul McHale to support his proposed testimony regarding throughput bottlenecking issues that cause patient holds on a regular basis in the CRMC and MGMC Emergency Departments.
12. All documents used, considered, or relied on by Mark Burdick to support his proposed testimony regarding throughput bottlenecking issues at hospital facilities and the need for an additional interfacility transport provider to supplement the existing EMS system.
13. All documents used, considered, or relied on by Dr. David Argue to support his proposed testimony and expert opinions concerning (1) the benefits of competition in the provision of ambulance services to the patient population of Maricopa County, and more specifically in terms of improvements in the quality of care for that population, (2) that where customers have a choice of ambulance providers, private providers tend to provide higher quality of care and service, (3) the benefits granting a CON to Community Ambulance could provide to Maricopa County and its residents including increased quality of service and a reduction in risk in having just a few available private ambulance providers.
14. All documents for the period January 1, 2015, to the present, reflecting all interfacility transports requested by Dignity Health from all of their facilities in Maricopa County (including the facility requesting the transport; the ambulance company the request was made to; the time the transport was requested by Dignity Health; the time that the transport was scheduled to occur; the negotiated pick up time, if any; the time the ambulance actually arrived; the time the ambulance departed the facility with the patient; and the destination of the patient transport.)
15. All documents reflecting the hours of operation of each of Applicant's proposed staffed ambulances and the sub-operation or posting location of each of these ambulances.
16. All documents for the period January 1, 2015, to the present, reflecting interfacility transports that Dignity Health requested, the payment for which was guaranteed by Dignity Health, as opposed to those the patient was required to pay, including the dollar amount Dignity Health paid for those transports.
17. All workpapers and other documents used or relied upon by Applicant in preparation of its original pro forma ARCR and any amendments thereto, including, without limitation, all documents pertaining to the computations and/or methodologies used by Applicant in deriving each of the figures set forth original pro forma ARCR and any amendments thereto.

18. A copy (or a list) of all written complaints or lawsuits lodged or filed against Applicant or Dignity Health in Nevada or Arizona from January 1, 2015, to the present.

ATTACHMENT 2
Proposed Subpoenas Duces Tecum
To Dignity Health

James J. Belanger (011393)
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Tempe, Arizona 85280
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Attorneys for Maricopa Ambulance, LLC

IN THE OFFICE OF ADMINISTRATIVE HEARINGS

In the Matter of:

RBR Management LLC, dba Community
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Applicant.

Docket No. 2017--EMS-0104-DHS
(EMS No. 0283)

**SUBPOENA DUCES TECUM TO
DIGNITY HEALTH**

(The Honorable Tammy Eigenheer)

TO: Custodian of Records, Dignity Health, c/o Andrew Gordon, Scott Bennett,
Coppersmith Brockelman, 2800 N. Central, Suite 1900, Phoenix, AZ 85004

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(JBELANGER LAW PLLC, 340 E. PALM LANE, SUITE 255, PHOENIX, AZ 85004)

Dated _____, 2018

By _____
The Hon. Tammy Eigenheer

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2. All documents used, considered, or relied on by Dignity Health to determine that it requires the ground ambulance service to be provided by Applicant if it is awarded a CON.
3. All documents used, considered, or relied on by Dignity Health to determine that existing CON holders, including but not limited to Maricopa Ambulance, are not fully meeting Dignity Health’s need for ground ambulance services in Maricopa County.
4. All documents used, considered, or relied on by Jeffrey O’Malley to support his proposed testimony regarding (1) Dignity Health’s approximate needs for non-emergency interfacility transports within Applicant’s proposed service area, (2) Dignity Health’s efforts to develop relationships with CON holders in Maricopa County to provide interfacility transports for the Dignity Health population, specifically including but not limited to Maricopa Ambulance(3) his claim regarding substandard interfacility transport performance Dignity Health facilities have experienced by other CON holders in the proposed service area, and (4) meetings with representatives of Dignity Health hospitals, urgent care centers, and other associated facilities to discuss optimization of Dignity Health patient transports.

5. All documents used, considered, or relied on by Linda Hunt to support her proposed testimony regarding (1) Dignity Health's experiences with interfacility ambulance transportation, and the providers of ambulance services in the proposed service area (Maricopa County) and surrounding areas, (2) throughput issues in the Dignity Health systems, and the effects interfacility transport delays can have on efficient hospital operations, as well as patient care, outcomes, and satisfaction, (3) Dignity Health's desire and need for an integrated interfacility ambulance service to better serve Dignity Health's patient population.
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10. A copy (or a list) of all written complaints or lawsuits lodged with any state agency or regulatory body overseeing ambulance operations or filed in a court of law against Applicant or Dignity Health in Nevada or Arizona from January 1, 2015, to the present.