

1 Brendan Murphy, State Bar No. 021947
2 HENDRICKS MURPHY, PLLC
3 3101 North Central Avenue, Suite 970
4 Phoenix, Arizona 85012
5 (602) 604-2104
6 brendan@hendricksmurphy.com

7 Jeffrey Meyerson, State Bar No. 022600
8 THE MEYERSON LAW FIRM, PLC
9 2555 East Camelback Road
10 Suite 140
11 Phoenix, Arizona 85016
12 jeff@themeyersonfirm.com

13 Attorneys for Applicant
14 RBR Management, LLC
15 dba Community Ambulance

16 IN THE OFFICE OF ADMINSTRATIVE HEARINGS

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

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

**SUBPOENA DUCES TECUM
TO
MARICOPA AMBULANCE,
LLC**

(Assigned to the Honorable
Tammy L. Eigenheer)

22
23
24 TO: Custodian of Records for Maricopa Ambulance, LLC, an Arizona
25 limited liability company

26 c/o James J. Belanger, Esq.
27 JBelanger Law PLLC
28 340 E. Palm Lane, Suite 255
Phoenix, Arizona 85004

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

YOU ARE HEREBY COMMMANDED TO PRODUCE for inspection and copying the documents identified in the attached Exhibit 1. Said production shall take place that the earliest practicable time, but in any event no later than seven (7) calendar days after service, at the offices of the attorneys for Applicant:

YOU ARE HEREBY COMMMANDED TO PRODUCE for inspection and copying the documents identified in the attached Exhibit 1. Said production shall take place that the earliest practicable time, but in any event no later than seven (7) calendar days after service, at the offices of attorneys for Applicant:

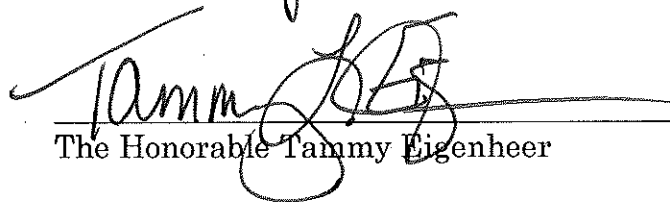
Jeffrey Meyerson, Esq.
THE MEYERSON LAW FIRM, PLC
2555 East Camelback Road
Suite 140
Phoenix, Arizona 85016

-and-

Brendan Murphy, Esq.
HENDRICKS MURPHY, PLLC
3101 North Central Avenue, Suite 970
Phoenix, Arizona 85012



DATED this 22nd day of June, 2018


The Honorable Tammy Eigenheer

1
2 EXHIBIT 1

3 Definitions

4 1. "Document" or "Documents" means all written, recorded, and
5 graphic matter of every type and description, including minutes of meetings,
6 reports, charts, computer disks, computer printouts, computer records, drawings,
7 graphs, quotes, handwritten notes, contracts, agreements, correspondence,
8 memoranda, appointment books, recordings, letters, notes of conversation,
9 photographs, telegraphic communications, electronic mail, electronically stored
10 information ("ESI"), facsimiles, tapes, and every other device or medium of which,
11 or through which, information of any type is transmitted, recorded, or preserved,
12 as well as writings and other data compilations from which information can be
13 obtained.

14 2. "Communication" or "Communications" means any exchange or
15 transfer of information between two or more persons, whether written, oral,
16 electronic, including emails, or in any other form, and any documents, notes,
17 memoranda or other writings reflecting the substance of the communication.

18 3. "Community Ambulance" shall refer to Certificate of Necessity
19 Applicant RBR Management, LLC, dba Community Ambulance.

20 4. "Dignity Health" shall refer to Dignity Health, a nonprofit health
21 system that operates hospitals and other facilities throughout Arizona, including
22 in Maricopa County and Pinal County.

23 5. "ADHS" shall refer to Arizona Department of Health Services.

24 6. "MA" shall refer to Maricopa Ambulance, LLC, and its managers,
25 members, employees, independent contractors, agents, accountants,
26 bookkeepers, and/or attorneys.

27 7. "CON 147" shall refer to MA's Certificate of Necessity issued on July
28 20, 2017.

8. "ABC" shall refer to ABC Ambulance, LLC, and its managers,
members, employees, independent contractors, agents, accountants,
bookkeepers, and/or attorneys.

9. "AMR CON Holders" shall refer to Intervenor American Medical
Response of Maricopa, LLC (CON 136), Professional Medical Transport, Inc. dba

1 PMT Ambulance (CON 71), R/M Arizona Holding, Inc., dba Canyon State
2 Ambulance (CON 58), Life Line Ambulance Service, Inc. (CON 62), and
3 Rural/Metro Corp.-Maricopa (CON 109) (and shall be read to include predecessor
4 CON holders Southwest Ambulance of Maricopa, former holder of CON 86, now
5 consolidated with CON 136, Southwest Ambulance and Rescue of AZ, former
6 holder of CON 66, now consolidated with CON 136, Emergency Medical
7 Transport, Inc., dba American Ambulance, former holder of CON 75, now
8 consolidated with CON 71, ComTrans Ambulance Service, former holder of CON
9 46, now consolidated with CON 71), and their respective parent and/or subsidiary
10 companies, predecessor or successor companies, owners, directors, officers,
11 shareholders, managers, members, employees, independent contractors, agents,
12 accountants, bookkeepers, and/or attorneys.

9
10 10. "Intervenors" shall refer to ABC, MA, the AMR CON Holders and
11 their respective parent and/or subsidiary companies, predecessor or successor
12 companies, respective owners, directors, officers, shareholders, managers,
13 members, employees, independent contractors, agents, accountants,
14 bookkeepers, and/or attorneys.

13
14 11. "Payer" shall broadly refer to any person, public and/or private
15 entity that reimburses the costs of health and/or ambulance services, including
16 patients, insurance carriers, public or private healthcare entities (including
17 hospitals, urgent cares, and behavioral health facilities), governmental agencies,
18 entities or political subdivisions (including counties, cities, fire departments,
19 etc.), Medicare, Arizona Health Care Cost Containment System, or any other
20 third-party payers, or health plan sponsors (employers or unions).

18
19 12. The term "including" as used herein shall mean "including but not
20 limited to."
21
22
23
24
25
26
27
28

1 Documents to be Produced

2 1. Copies of all ADHS approved agreements to provide ambulance
3 services in accordance with MA's CON 147.

4 2. Any contracts or agreements between MA and any Payer.

5 3. Any base station agreement(s) for MA in Maricopa County.

6 4. Any and all ambulance back-up agreements covering Maricopa
7 County to which MA is a party.

8 5. A list of all patient transport vehicles (including type, age, and latest
9 available mileage for each vehicle) MA operates in Maricopa County.

10 6. For any ground ambulance MA has registered to service CON 147
11 (the "Registered Ambulances"), any documents or communications that show the
12 Registered Ambulances exceed the Minimum Standards for Ground Ambulance
13 Vehicles (as set forth in A.A.C. R9-25-1002) and/or exceed the Minimum
14 Equipment and Supplies for Ground Ambulance Vehicles (as set forth in R9-25-
15 1003.)

16 7. Any and all documents and/or communications relating in any way
17 to all ambulance transports MA provided and currently provides pursuant to
18 CON 147, including transports provided in rural areas, to public or private health
19 care providers and/or any government agencies, political subdivisions, and/or
20 municipalities in Maricopa County.

21 8. Any and all written operational plan(s) that address providing
22 ground ambulance services in rural areas in, and adjacent to, Maricopa County.

23 9. Any and all documents or communications that show, reflect, and/or
24 report MA's Interfacility Arrival Times for transports provided pursuant to CON
25 149.

26 10. Any and all documents, data, reporting, and/or communications
27 tracking or showing (i) periods of unusual system overload; (ii) offload delays
28 greater than 30 minutes; (iii) late responses due to severe weather conditions;

1 and/or (iv) late responses due to circumstances not in the control of MA (including
2 documents or communications that such determination was made by both the
3 customer, payer, or government entity and MA), from the date MA began
4 providing ambulance service pursuant to CON 147 to present.

5 11. All documents or communications reflecting or documenting the
6 number of ambulances MA's dedicates to each of MA's 911 ambulance
7 agreements.

8 12. Any and all audited financials and auditor's management letters for
9 MA.

10 13. Any and all current unaudited interim financial statements, with
11 comparable statements for the prior year.

12 14. Copies of the previous two fiscal period budgets, current fiscal period
13 budget, and the next fiscal period budget.

14 15. Any and all current business plans and/or financial forecasts or
15 projections (including all assumptions) MA prepared or caused to be prepared.

16 16. Any and all productivity and/or operational reports, both actual and
17 planned/budgeted, by month for the past 2 years, including total number of unit
18 hours produced, total number of responses and total number of transports.

19 17. Any and all federal, state and local tax returns for latest closed and
20 all open years for MA.

21 18. Any and all tax reviews and/or tax audits, including all related
22 documents and communications.

23 19. Any and all Corporate Integrity Agreements entered with the Office
24 of Inspector General.

25 20. Any and all documents or communications evidencing MA
26 employee/staff satisfaction scores and/or turnover reports from the first date MA
27

1 began providing ambulance service in Maricopa County pursuant to CON 147 to
2 the present date.

3 21. Any and all documents or communications evidencing patient
4 satisfaction scores from the first date MA began providing ambulance service in
5 Maricopa County pursuant to CON 147 to the present date.

6 22. Any and all documents or communications evidencing complaints
7 received from any source regarding MA, from the first date MA began providing
8 ambulance service in Maricopa County pursuant to CON 147 to the present date.

9 23. Any document that identifies the information systems platform for
10 general ledger and electronic health records utilized by MA.

11 24. All documents and/or communications evidencing data from MA's
12 Computer Aided Dispatch ("CAD") system for Maricopa County from the first
13 date MA began providing ambulance service in Maricopa County pursuant to
14 CON 147 to the present date.

15 a. **Format:** Electronic format compatible with Microsoft Excel (e.g.,
16 CSV, ASCI or Excel); table format with each incident s' data fields in one
17 row and one row only.

18 b. **Scope:** All emergency 911 and non-emergency inter-facility
19 general transport ambulance requests for services within Maricopa
20 County, broken out by type. Specifically, data for MA operating within
21 Maricopa County.

22 c. **Data Fields:** The table below provides a list and general
23 description of the data fields Applicant requests:
24
25
26
27
28

Data Field	Description
Incident Number/Incident ID	A unique identifier for each response
Agency name or identifier	Agency name or identifier of ambulance dispatched
Caller Type	Agency name or facility making the request
Date/time ambulance unit dispatched	Self explanatory
Date/time ambulance unit enroute to call	Ambulance unit acknowledges they received the call and are enroute to the scene
Date/time ambulance unit arrives at scene	Self explanatory
Date/time ambulance unit starts transport to hospital (if applicable)	Self explanatory
Date/time ambulance unit arrives at hospital (if applicable)	Self explanatory
Date/time ambulance unit is available	When the ambulance unit is clear from the incident and available to handle another response
Incident street address	Self explanatory
Incident City	Self explanatory
Incident location	Self explanatory
Type of response	ALS/BLS/Urgent/Convalescent/911
Pick up facility name	For IFT responses
Pick up facility address	For IFT responses
Destination hospital name or code	The destination facility associated with each transport
Unit disposition	e.g., transport, cancel, call for back-up
Medical complaint/nature of call – problem type	The complaint name or code associated with the reason for the request (e.g., chest pain, traffic accident, etc.)

25. Any document and/or communication indicating that any employee of MA advised or directed a health care facility, payer, government entity and/or patient to dial 911 or otherwise utilize the 911 system for any transport originating at a hospital or urgent care facility in Maricopa County from the first

1 date MA began providing ambulance service in Maricopa County pursuant to
2 CON 147 to the present date.

3 26. Any document or communication pertaining to any call for ground
4 ambulance services made to MA that was referred to any other CON holder in
5 Maricopa County from the first date MA began providing ambulance service in
6 Maricopa County pursuant to CON 147 to the present date.

7 27. System status/priority posting plans and locations for all
8 areas/systems (both 911 & inter-facility) from the first date MA began providing
9 ambulance service in Maricopa County pursuant to CON 147 to the present date,
10 including street address and city.

11 28. Any and all documents and communications relating to, or that
12 support, the potential testimony of Bryan Gibson, Chief Executive Officer of MA
13 ("Mr. Gibson"), or any other witness for MA, concerning the "population
14 demographics of the proposed service area," including any population
15 demographic analyses MA has prepared or caused to be prepared.

16 29. All documents and communications relating to, or that support, the
17 potential testimony of Mr. Gibson, or any other witness for MA, concerning "the
18 geographic distribution of health care institutions in the proposed service area,"
19 including any geographic distribution of health care institution analyses MA has
20 prepared or caused to be prepared.

21 30. All documents and communications relating to, or that support, the
22 potential testimony of Mr. Gibson, or any other witness for MA, concerning MA's
23 "response times including Interfacility [transports] and convalescent response
24 times, rates, and types and levels of proposed service."

25 31. All documents and communications relating to, or that support, the
26 potential testimony of Mr. Gibson, or any other witness for MA, concerning MA's
27

1 “management (including experience, qualifications, and familiarity with
2 Maricopa County).”

3 32. All documents and communications relating to, or that support, the
4 potential testimony of Mr. Gibson, or any other witness concerning MA’s
5 “personnel (including number and types of personnel, qualifications, scheduling,
6 training, and working conditions).

7 33. All documents and communications relating to, or that support, the
8 potential testimony of Mr. Gibson, or any other witness concerning MA’s
9 “ambulances and equipment (including communications equipment, onboard
10 technology, and other onboard equipment).”

11 34. All documents and communications relating to, or that support, the
12 potential testimony of Mr. Gibson, or any other witness for MA, concerning MA’s
13 “operational aspects.”

14 35. All documents and communications relating to, or that support, the
15 potential testimony of Mr. Gibson, or any other witness for MA, concerning “the
16 potential financial impact of a CON being given to a provider seeking a CON
17 under the terms and conditions proposed by the Applicant and why public
18 necessity and convenience do not require an additional provider under these
19 circumstances.”

20 36. All documents and communications relating to, or that support, the
21 potential testimony of Mr. Gibson, or any other witness for MA, concerning MA’s
22 “efforts to reach out and market its services to ground ambulance service
23 consumers in its CON area.”

24 37. All documents and communications relating to, or that support, the
25 potential testimony of Michelle Angle, Director of Marketing and Business
26 Development for MA (“Ms. Angle”), or any other witness for MA, concerning “the
27 market for ground ambulance services in Maricopa County,” including any and
28

1 all reports, analysis, memoranda, or other such documents or communications
2 reflecting analysis Ms. Angle has conducted with respect to the market for ground
3 ambulance services in Maricopa County in the previous 6 years.

4 38. All communications by and between MA and emergency medical
5 consultant Roy Ryals related in any way to Mr. Ryals proposed testimony for the
6 hearing on Community Ambulance's CON Application, as set forth in MA's Initial
7 List of Witnesses and Exhibits.

8 39. All documents and communications relating to, or that support, the
9 potential testimony of Mr. Ryals, or any other witness for MA, concerning "the
10 population demographics of the proposed service area," including any consultant
11 or expert reports, analyses, or memoranda, and/or maps Mr. Ryals prepared.

12 40. All documents and communications relating to, or that support, the
13 potential testimony of Mr. Ryals, or any other witness for MA, concerning "the
14 geographic distribution of health care institutions in the proposed service area,"
15 including any consultant or expert reports, analyses, or memoranda, and/or maps
16 Mr. Ryals prepared.

17 41. All documents and communications relating to, or that support, the
18 potential testimony of Mr. Ryals, or any other witness for MA, concerning MA's
19 "response times including Interfacility ("IF") and convalescent response times,
20 rates, and types and levels of proposed service," including any consultant or
21 expert reports, analyses, and/or memoranda Mr. Ryals prepared.

22 42. All documents and communications relating to, or that support, the
23 potential testimony of Mr. Ryals, or any other witness for MA, concerning MA's
24 "management (including experience, qualifications, and familiarity with
25 Maricopa County)," including any consultant or expert reports, analyses, and/or
26 memoranda Mr. Ryals prepared.

1 43. All documents and communications relating to, or that support, the
2 potential testimony of Mr. Ryals, or any other witness for MA, concerning MA's
3 "personnel (including number and types of personnel, qualifications, scheduling,
4 training, and working conditions), including any consultant or expert reports,
5 analyses, and/or memoranda Mr. Ryals prepared.

6 44. All documents and communications relating to, or that support, the
7 potential testimony of Mr. Ryals, or any other witness for MA, concerning MA's
8 "ambulances and equipment (including communications equipment, onboard
9 technology, and other onboard equipment)," including any consultant or expert
10 reports, analyses, and/or memoranda Mr. Ryals prepared.

11 45. All documents and communications relating to, or that support, the
12 potential testimony of Mr. Ryals, or any other witness for MA, concerning MA's
13 operational aspects (including the operations center, posting locations, and
14 deployment)," including any consultant or expert reports, analyses, and/or
15 memoranda Mr. Ryals prepared.

16 46. All documents and communications relating to, or that support, the
17 potential testimony of Mr. Ryals, or any other witness for MA, concerning "the
18 potential financial impact of a CON being given to a provider seeking a CON
19 under the terms and conditions proposed by the Applicant and why public
20 necessity and convenience do not require an additional provider under these
21 circumstances," including any consultant or expert reports, analyses, and/or
22 memoranda Mr. Ryals prepared.

23 47. All documents and/or communications between any of the
24 Intervenors relating in any way to Community Ambulance's CON Application.

25 48. All documents and/or communications between MA (including its
26 lawyers) and any government entities and/or public officials, elected or not,
27
28

1 related to Community Ambulance's CON application, excluding filings submitted
2 by MA in this action, 2017-EMS-0104-DHS (EMS No. 0283).

3 49. 2017 Ambulance Revenue and Cost Report.

4 50. Any and all documents or communications evidencing an estimate
5 of annual ALS transports and BLS transports and miles MA would lose if
6 Community Ambulance is granted a CON.

7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28