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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
ABC AMBULANCE, LLC**

(Assigned to the Honorable
Tammy L. Eigenheer)

22
23
24 TO: Custodian of Records for ABC Ambulance, LLC, an Arizona limited
25 liability company
26 c/o Adriane J. Hofmeyer, Esq.
27 Quarles & Brady LLP
28 One South Church Avenue
Suite 1700
Tucson, Arizona 85701-1621

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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:

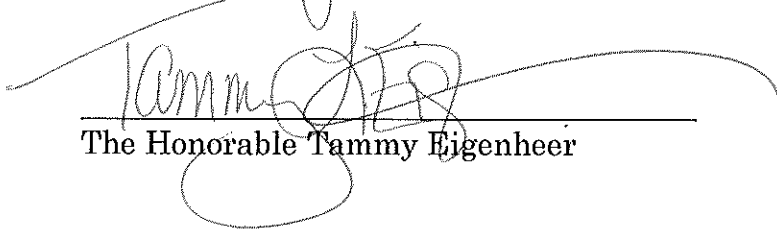
Jeffrey Meyerson, Esq.
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2555 East Camelback Road
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Phoenix, Arizona 85016

-and-

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



DATED this 22nd day of June, 2018



The Honorable Tammy Eigenheer

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EXHIBIT 1

Definitions

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

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

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

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

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

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

7. "CON 139" shall refer to ABC's Certificate of Necessity issued on March 30, 2016 to provide Interfacility Transports and Convalescent Transports.

8. "AMR CON Holders" shall refer to Intervenor American Medical Response of Maricopa, LLC (CON 136), Professional Medical Transport, Inc. dba PMT Ambulance (CON 71), R/M Arizona Holding, Inc., dba Canyon State Ambulance (CON 58), Life Line Ambulance Service, Inc. (CON 62), and Rural/Metro Corp.-Maricopa (CON 109) (and shall be read to include predecessor CON holders Southwest Ambulance of Maricopa, former holder of CON 86, now

1 consolidated with CON 136, Southwest Ambulance and Rescue of AZ, former
2 holder of CON 66, now consolidated with CON 136, Emergency Medical
3 Transport, Inc., dba American Ambulance, former holder of CON 75, now
4 consolidated with CON 71, ComTrans Ambulance Service, former holder of CON
5 46, now consolidated with CON 71), and their respective parent and/or subsidiary
6 companies, predecessor or successor companies, owners, directors, officers,
7 shareholders, managers, members, employees, independent contractors, agents,
8 accountants, bookkeepers, and/or attorneys.

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10 9. "MA" shall refer to Maricopa Ambulance, LLC, and its managers,
11 members, employees, independent contractors, agents, accountants,
12 bookkeepers, and/or attorneys.

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

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

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28 12. The term "including" as used herein shall mean "including but not
limited to."

1 **Documents to be Produced**

2 1. Copies of all ADHS approved agreements to provide ambulance
3 services in accordance with ABC's CON 139.

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

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

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

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

10 6. For any ground ambulance ABC has registered to service CON 136
11 (the "Registered Ambulances"), any document 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. All documents or communications relating in any way to any and all
17 interfacility and/or convalescent ambulance transports and or the "service that
18 ABC currently provides" pursuant to CON 139, including transports provided in
19 rural areas, to public or private health care providers and/or any government
20 agencies, political subdivisions, in Maricopa County, including ambulance
21 transports for the Maricopa Integrated Health Systems and/or the Maricopa
22 County Sheriff's Office.

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

25 9. Any and all documents or communications that show, reflect, and/or
26 report ABC's Interfacility Arrival Times for transports provided pursuant to CON
27 139.

1 10. Any and all documents and/or communications tracking or showing
2 (i) periods of unusual system overload; (ii) offload delays greater than 30 minutes;
3 (iii) late responses due to severe weather conditions; and/or (iv) late responses
4 due to circumstances not in the control of ABC (including documents or
5 communications that such determination was made by both the customer, payer,
6 or government entity and ABC), from the date ABC began providing ambulance
7 service pursuant to CON 139 to present.

8 11. Any and all audited financials and auditor's management letters for
9 ABC.

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

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

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

16 15. 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 16. Any and all federal, state and local tax returns for latest closed and
20 all open years for ABC.

21 17. Any and all tax reviews and/or tax audits with all accompanying
22 related documents and communications.

23 18. Any Corporate Integrity Agreements entered into with the Office of
24 Inspector General.

25 19. Any and all documents or communications evidencing ABC
26 employee/staff satisfaction scores and/or turnover reports from the first date ABC
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1 began providing ambulance service in Maricopa County pursuant to CON 139 to
2 the present date.

3 20. Any and all documents or communications evidencing patient
4 satisfaction scores from the first date ABC began providing ambulance service in
5 Maricopa County pursuant to CON 139 to the present date.

6 21. Any and all documents or communications evidencing complaints
7 received from any source regarding ABC, from the first date ABC began providing
8 ambulance services in Maricopa County pursuant to CON 139 to the present date.

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

11 23: All documents and/or communications evidencing data from ABC's
12 Computer Aided Dispatch ("CAD") system for Maricopa County from the first
13 date ABC began providing ambulance service in Maricopa County pursuant to
14 CON 139 to the present date.

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

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

21 **c. Data Fields:** The table below provides a list and general
22 description of the data fields Applicant requests:
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1	Data Field	Description
2	Incident Number/Incident ID	A unique identifier for each response
3	Agency name or identifier	Agency name or identifier of ambulance dispatched
4	Caller Type	Agency name or facility making the request
5	Date/time ambulance unit dispatched	Self explanatory
6	Date/time ambulance unit enroute to call	Ambulance unit acknowledges they received the call and are enroute to the scene
7	Date/time ambulance unit arrives at scene	Self explanatory
8	Date/time ambulance unit starts transport to hospital (if applicable)	Self explanatory
9	Date/time ambulance unit arrives at hospital (if applicable)	Self explanatory
10	Date/time ambulance unit is available	When the ambulance unit is clear from the incident and available to handle another response
11	Incident street address	Self explanatory
12	Incident City	Self explanatory
13	Incident location	Self explanatory
14	Type of response	ALS/BLS/Urgent/Convalescent
15	Pick up facility name	For IFT responses
16	Pick up facility address	For IFT responses
17	Destination hospital name or code	The destination facility associated with each transport
18	Unit disposition	e.g., transport, cancel, call for back-up
19	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.)
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24. Any document and/or communication indicating that any employee of ABC 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 first date

1 ABC began providing ambulance service in Maricopa County pursuant to CON
2 139 to the present date.

3 25. Any document or communication pertaining to any call for ground
4 ambulance services made to ABC that was referred to any other CON holder in
5 Maricopa County from the first date ABC began providing ambulance service in
6 Maricopa County pursuant to CON 139 to the present date.

7 26. System status/priority posting plans and locations for all
8 areas/systems from the first date ABC began providing ambulance service in
9 Maricopa County pursuant to CON 139 to the present date, including street
10 address and city.

11 27. Any and all documents or communications relating in any way to
12 Neal Thomas's expected testimony concerning "an analysis of Community
13 Ambulance's CON application, in particular its annual revenue and cost report
14 and other financial data [sic] produced, submitted as exhibits, or testified to in
15 these proceedings."

16 28. All documents or communications relating in any way to Mr.
17 Thomas's expected testimony concerning "the absence of public necessity for an
18 additional provider" in Maricopa County.

19 29. All documents or communications relating in any way to Mr.
20 Thomas's expected testimony concerning "whether Community Ambulance and
21 Dignity Health are fit and proper to hold a CON."

22 30. All documents or communications relating in any way to Mr.
23 Thomas's expected testimony concerning "the adverse financial impact ABC will
24 suffer if Community Ambulance is granted a CON."

25 31. All documents and/or communications between any of the
26 Intervenors relating in any way to Community Ambulance's CON Application.
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32. All documents and/or communications between ABC (including its lawyers) and any government entities and/or public officials, elected or not, related to Community Ambulance's CON application, excluding filings submitted by ABC in this action, 2017-EMS-0104-DHS (EMS No. 0283).

33. 2017 Ambulance Revenue and Cost Report.

34. Any and all documents and/or communications evidencing an estimate of annual ALS transports and BLS transports and miles ABC would lose if Community Ambulance is granted a CON.