

James J. Belanger (011393)  
**JBELANGER LAW PLLC**  
Po Box 447  
Tempe, Arizona 85280  
(602) 888-6072 (Phone)  
jjb@jbelangerlaw.com

*Attorneys for 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  
FIRST AMENDED LIST OF  
WITNESSES AND EXHIBITS**

(The Honorable Tammy Eigenheer)

Intervenor, Maricopa Ambulance, LLC, subject to amendment and supplementation for cause, submits this amended list of witnesses and exhibits. This list is subject to further amendment and supplementation based, *inter alia*, on (1) potential rulings on and responses to any pending subpoenas duces tecum in this proceeding including those issued by Maricopa Ambulance, (2) any witnesses and exhibits disclosed by any party to this proceeding on or after September 18, 2018, and (3) other matters or developments that would constitute good cause to allow amendment and supplementation of this list of witnesses and exhibits:

## Witnesses:

Bryan Gibson, Chief Executive Officer, Maricopa Ambulance. Bryan Gibson, president and CEO of Priority Ambulance, has more than 30 years of experience in the emergency medical services industry. Bryan founded Priority Ambulance in 2014 with a vision to set a higher national standard of clinical excellence and care in emergency medical services. Bryan began his career as a licensed paramedic working at a hospital in Corinth, Miss., and later with a fire department in Memphis, Tenn. In 1995, Bryan founded his first ambulance company, Priority EMS, based in Memphis. He served as president and CEO of Priority EMS and its 125 staff members and 45 ambulances, which generated \$11 million in annual revenue. In 1997, Bryan sold his company to Rural/Metro and joined its management team as Mid-South division general manager. Later that year, he was promoted to oversee business development and was responsible for operational productivity and profitability throughout the 10-state South Zone region.

One of Bryan's main functions was to support and direct staff in turnaround environments to ensure regional profitability. In 2002, Rural/Metro tapped Bryan to serve as division general manager for a multistate territory that included Mississippi, Alabama, West and Middle Tennessee and the Florida Gulf Coast – operations with annual revenues totaling \$19 million. From 2005 to 2010, Bryan served as group president of the South Region and then the Southwest Region, overseeing operations and business development in both territories and securing new contracts and renewals for key markets. In 2010, Bryan became chief operating officer at Rural/Metro Corporation, overseeing all operating aspects of one of the largest emergency services companies in the country. In May of 2012, Bryan returned to his entrepreneurial roots and founded his second ambulance company, Shoals Ambulance, in Florence, Ala., which was awarded the exclusive contract for 911 emergency and nonemergency services for Lauderdale County and the City of Florence in 2013. Shoals Ambulance became a part of the Priority Ambulance family when the corporation was founded in 2014. Bryan earned a bachelor's degree in business administration from Colorado Tech University. Bryan has been married to his wife, Lisa, for more than 20 years.

Mr. Gibson may testify about

- Maricopa Ambulance's response times including Interfacility ("IF") and convalescent response times *vis a vis* Dignity facilities;
- Maricopa Ambulance's financial and operational capability to do the transports called for under Applicant's application while meeting the requirements of its existing CON;
- The contracting and RFP process between consumers of ground ambulance services and providers of those services in Arizona and the related ramp-up process;
- Maricopa Ambulance's management (including experience, qualifications, and familiarity with Maricopa County);

- Maricopa Ambulance's personnel (including number and types of personnel, qualifications and capability, and training);
- Maricopa Ambulance's ambulances and equipment (including communications equipment, onboard technology, and other onboard equipment) and the ability to add equipment on a case by case basis;
- the potential financial impact of a CON being given to a provider seeking a CON under the terms and conditions proposed by the Applicant and why public necessity and convenience do not require an additional provider under these circumstances;
- potential rebuttal testimony to the proposed testimony set forth in the Applicant's initial list of witnesses and exhibits, and
- Maricopa Ambulance's efforts to reach out and market its services to ground ambulance service consumers in its CON area.

Michelle Angle, Director of Marketing and Business Development, Maricopa Ambulance. Ms. Angle is a marketing and business development expert with 15 years in the health care market. Ms. Angle most recently served as vice president of business development for the international social media network, Quepasa Corporation. Previously, she served for nearly a decade in business development and government relations roles with Arizona ambulance companies Rural/Metro Corporation, PMT Ambulance and American Ambulance. She may testify, *inter alia*, about the market for ground ambulance services in Maricopa County and in rebuttal to the proposed testimony of Applicant's listed witnesses.

Andrew Bigler, Director of Finance at Priority Ambulance. Mr. Bigler has an MBA and is a CPA. He may testify regarding issues and inconsistencies with and in Applicant's ARCR.

Alan Smith. Mr. Smith is West Region President for Maricopa Ambulance. He has more than 20 years' experience in the ambulance industry. Smith became an EMT in 1981, and quickly advanced as a paramedic, emergency dispatcher, field training officer and quality improvement manager over the next decade. He also served as the clinical manager and area general manager for two high performance ems systems. After earning his master's degree in business administration, Smith spent two decades developing and implementing national and global marketing and operational performance plans in diverse industries. Smith designed and implemented marketing plans for key focus areas of a Fortune 100 company with \$40 billion in annual revenue. Among other successes, Smith oversaw the marketing rollout of a global new products. Smith also served as a Senior Manager of Marketing Operations for a world-leading connected health technology company with more than 4 million cloud-connected devices treating sleep apnea, chronic obstructive pulmonary disease and other respiratory conditions.

- Maricopa Ambulance's response times including Interfacility ("IF") and convalescent response times *vis a vis* Dignity facilities;
- The contracting and RFP process between consumers of ground ambulance services and providers of those services and the related ramp-up process;
- Maricopa Ambulance's personnel (including number and types of personnel, qualifications and capability, and training);
- Maricopa Ambulance's ambulances and equipment (including communications equipment, onboard technology, and other onboard equipment) and the ability to add equipment on a case by case basis;
- potential rebuttal testimony to the proposed testimony set forth in the Applicant's initial list of witnesses and exhibits, and
- Maricopa Ambulance's efforts to reach out and market its services to ground ambulance service consumers in its CON area.

Roy Ryals. Mr. Ryals is an emergency medical services consultant. He has been intimately involved in the Arizona ground ambulance services market for years including high level management and operation positions with Rural Metro Corporation and Southwest Ambulance. Mr. Ryals may testify about

- the existence of ground ambulance service to all or part of the same service area as Applicant is seeking;
- the existence of certificate holders in all or part of the service area that is being sought by Applicant;
- the availability of emergency medical services in all or part of the service area being applied for;
- Applicant unit hour utilization;
- Issues and inconsistencies in Applicants ARCR;
- Maricopa Ambulance IF response time and unit availability *vis a vis* Dignity; and
- the need for additional convalescent or interfacility transport.

Kristi Ponczak. Ms. Ponczak, chief financial officer for Priority Ambulance, is responsible for all financial and accounting-related functions of the company. She has 15 years of experience managing finances in the emergency medical services industry. Before coming to Priority Ambulance, Kristi worked with publicly traded Rural/Metro Corporation, one of the country's largest emergency medical services companies, for 13 years. She started with the company as director of financial planning and later served as vice president and treasurer. She acted as senior vice president and chief financial officer at Rural/Metro Corporation from 2006 to 2011. Ms. Ponczak may testify about:

- Maricopa Ambulance's financial ability to provide the transports identified in Applicant's application and on an ongoing basis while maintaining its current

level of service under its CON

Jonathan Washko. Jonathan Washko is a leading expert in the field of system status management and EMS data analysis. Throughout a 30-year career, Washko has held various progressive leadership positions at local, regional and corporate levels with small, medium and large sized EMS agencies and is considered the leading industry expert on EMS system design, System Status Management and High Performance EMS concepts. Washko earned a Bachelor of Science in emergency medical services administration from Hahnemann University in Philadelphia, which focused on EMS system design and system status management, as well as a master's degree in business administration from Hofstra University. Additionally, he has completed the advanced system status management courses by the Fourth Party, a respected international public-safety consulting group. Through his contracting firm Washko & Associates, Washko has provided his system design analysis and expertise to some of the largest, highest-performing systems in the county. He currently serves as assistant vice president for CEMS and Sky Health at Northwell Health System Center for Emergency Medical Services in Syosset, New York.

- Mr. Washko is expected to testify about the negative financial and operational aspects and consequences of granting a CON to Applicant under the terms, conditions and context pursuant to and in which Applicant is seeking a CON, both *vis a vis* an individual ground ambulance CON holder as well as to the regulated ground ambulance system as it currently exists in Maricopa County and in Arizona.

Ithan Yanofsky/ Aaron Sams (w/BEMTS, ADHS) c/o Kevin Ray. These individuals may testify as to the duties and responsibilities at the Bureau; the issues, legal requirements, and burden of proof for the hearing on the Application; the Bureau's review of the Application; the Bureau's interpretation of statutes and rules governing ambulance services in Arizona, including the CON process, the process for reviewing and approving contracts for ground ambulance services, and the recent legislation limiting the number of hearing days found in A.R.S. § 362234(B)(5).

Maricopa Ambulance reserves the right to call witnesses listed or called by any other parties to this proceeding.

**Exhibits:**

1. RBR Community Ambulance Substantive Review – Response
2. Maricopa Ambulance DHS CON Map
3. DHS CON Guidance Document
4. 2015A-EMS-0190-DHS-0172 DIR decision re Mar AMB

5. 2015A-EMS-0190-DHS-0172 Final Order re Mar AMB
6. Washko CV
7. Mar AMB semiannual reports
8. Medicare Benefit Policy Manual
9. Medicare Ambulance Transports Booklet
10. Ryals CV
11. DHS Guidance Document re Political Subdivision Contracts
12. Map of Dignity Assets re Maricopa
13. Dignity Ambulance Policies
14. Dignity Jeff O'Malley emails
15. Mar AMB ARCR 2017
16. Mar AMB AZ Investment Summary
17. Dignity Performance Issues emails
18. Priority/ Mar AMB Org Chart
19. Priority 2017 Financials (w redactions)
20. EEF \$7 million Investment – Mar AMB CON
21. EEF Letter of Continuing Support
22. 2017 Dignity calls (source)
23. 2017 Unit Availability (source)
24. 2017 Unit Availability (exh)
25. Dignity CON 000093-102
26. 2018 Dignity Calls (source)
27. 2018 Unit Availability (source)
28. 2018 Unit Availability (exh)
29. Non-urgent Calls-Dignity 2017 (exh)
30. Non-urgent Calls- Dignity 2017 (source data)
31. Urgent Calls-Dignity 2017 (exh)
32. Non-urgent Calls-Dignity 2018 (exh)
33. Non-urgent Calls-Dignity 2018 (source data)
34. Urgent Calls-Dignity 2018 (exh)
35. Urgent Calls-Dignity 2018 (source data)
36. Applicant ARCR Comparison
37. MarAMB-Dignity Contract
38. Argue Outline of Testimony
39. All Exhibits disclosed by the Applicant, other Intervenors, and the Department.

Respectfully submitted this 18<sup>th</sup> day of September, 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 September 18, 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