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14 IN THE OFFICE OF ADMINISTRATIVE HEARINGS

15 In the Matter of:

16 ABC Ambulance,

17 Applicant

Case No.: 2019-EMS-0151-DHS

**ADHS/BEMSTS' RESPONSE TO
MARICOPA AMBULANCE'S
MOTION TO INTERVENE AND
REQUEST FOR PREHEARING
CONFERENCE**

(Assigned to the Hon. Thomas Shedden)

18 The Arizona Department of Health Services, Bureau of Emergency Medical
19 Services and Trauma System ("the Bureau" or "BEMSTS"), hereby responds to the
20 Motion to Intervene and Request for Prehearing Conference filed by Maricopa
21 Ambulance (C.O.N. No. 147).

The Motion to Intervene

22 Since the Office of Administrative Hearings does not have its own procedures
23 for intervention, Maricopa Ambulance seeks the right to intervene and to actively
24 participate in this hearing pursuant to Rule 24 of the Arizona Rules of Civil Procedure.
25 That rule provides, in pertinent part, that anyone shall be permitted to intervene in an
26 action who:

27 claims an interest relating to the subject of the action and is
28 so situated that the disposing of the action in the person's
absence may as a practical matter impair or impede the

1 person's ability to protect that interest, unless existing
parties adequately represent that interest.

2 *Id.*

3 The Bureau's position is that if the proposed service area of a particular C.O.N.
4 application overlaps the current service area of another C.O.N. holder, then that C.O.N.
5 holder has a right to intervene. In this situation, the Bureau is satisfied that ABC's
6 current service area overlaps a large part of Maricopa Ambulance's C.O.N. service area
7 and that Maricopa Ambulance already has the legal authority to perform immediate and
8 interfacility/convalescent advanced life support ("ALS") and basic life support ("BLS")
9 ambulance transports, twenty-four hours per day, seven days a week. Based on the
10 foregoing, the Bureau believes that Maricopa Ambulance has a protectable interest at
11 stake and therefore has no objection to Maricopa Ambulance's pending motion for
12 intervention.

13 Request for Prehearing Conference

14 The Bureau agrees that a Prehearing Conference held pursuant to A.A.C. R2-19-
15 112 would be appropriate to facilitate and streamline the parties' preparation for the
16 hearing, including establishing deadlines to the filing and exchange of the parties' lists
17 of witnesses and exhibits, issuing subpoenas as necessary, and dealing with any
18 prehearing motions filed in this matter.

19 DATED this 5th day of June, 2019.

20 MARK BRNOVICH
21 Attorney General

22 /s/ Kevin D. Ray
23 Kevin D. Ray
24 Assistant Attorney General
25 *Attorneys for BEMSTS*
26
27
28

1 **CERTIFICATE OF SERVICE**

2 **ORIGINAL** filed using the OAH electronic document filing system
3 <https://portal.azoah.com/oedf> this 5th day of June, 2019, with copies provided to all
4 parties on the approved mailing list this 5th day of June, 2019, by posting through the
designated OAH website at [https://portal.azoah.com/oedf/documents/2019-EMS-0151-
DHS/index.html](https://portal.azoah.com/oedf/documents/2019-EMS-0151-DHS/index.html).

5 **COPY** of the foregoing sent via email
6 this 5th day of June, 2019, to:

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10 Tempe, AZ 85280
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11 By: /s/ Koren Lyons
12 PHX #7949355