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13 Bureau of Emergency Medical Services and Trauma System*

14 IN THE OFFICE OF ADMINISTRATIVE HEARINGS

15 In the Matter of:

16 Critical Air Response Enterprises, LLC dba
17 AirCare1 Ground Ambulance Division,

18 Applicant.

Case No.: 2020-EMS-0004-DHS

**ADHS/BEMSTS' RESPONSE TO
AMR CON HOLDERS' MOTION FOR
INTERVENING PARTY STATUS
AND REQUEST FOR PREHEARING
CONFERENCE**

(Assigned to the Hon. Tammy Eigenheer)

19 The Arizona Department of Health Services, Bureau of Emergency Medical
20 Services and Trauma System ("the Bureau" or "BEMSTS"), hereby responds to the
21 Motion for Intervening Party Status and Request for Prehearing Conference filed by the
22 AMR C.O.N. Holders (C.O.N. Nos. 136, 109, and 71).

23 The Motion to Intervene

24 Since the Office of Administrative Hearings does not have its own procedures
25 for intervention, the AMR C.O.N. Holders seek the right to intervene and to actively
26 participate in this hearing pursuant to Rule 24 of the Arizona Rules of Civil Procedure.
27 That rule provides, in pertinent part, that anyone shall be permitted to intervene in an
28 action who:

claims an interest relating to the subject of the action and is
so situated that the disposing of the action in the person's
absence may as a practical matter impair or impede the
person's ability to protect that interest, unless existing
parties adequately represent that interest.

1 *Id.*

2 The Bureau's position is that if the proposed service area of a particular C.O.N.
3 application overlaps the current service area of another C.O.N. holder, then that C.O.N.
4 holder has a right to intervene. In this situation, the Bureau is satisfied that ABC's
5 current service area overlaps a large part of the AMR C.O.N. Holders' service areas and
6 that the AMR C.O.N. Holders already have the legal authority to perform the
7 interfacility/convalescent advanced life support ("ALS") and basic life support ("BLS")
8 ambulance transports sought by the Applicant. Based on the foregoing, the Bureau
9 believes that the AMR C.O.N. Holders have a protectable interest at stake and that no
10 other party to the proceeding can adequately represent the AMR C.O.N. holders at the
11 hearing. Therefore, the Bureau has no objection to the AMR C.O.N. Holders' pending
12 motion for intervention and request for a prehearing conference.

13 DATED this 18th day of July, 2019.

14 MARK BRNOVICH
15 Attorney General

16 /s/ Kevin D. Ray
17 Kevin D. Ray
18 Assistant Attorney General
19 *Attorney for BEMSTS*
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1 **CERTIFICATE OF SERVICE**

2 **ORIGINAL** filed electronically this
3 this 18th day of July, 2019, with:

4 Honorable Tammy Eigenheer
5 Office of Administrative Hearings
6 1740 W. Adams St., Lower Level
7 Phoenix, Arizona 85007

8 **COPIES** of the foregoing sent via U.S. Mail
9 this 18th day of July, 2019, to:

10 Clerk of the Department
11 Arizona Department of Health Services
12 150 N. 18th Ave., Room 200
13 Phoenix, AZ 85007

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