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Attorneys for Maricopa Ambulance, LLC

IN THE OFFICE OF ADMINISTRATIVE HEARINGS

In the Matter of:

**Critical Air Response Enterprises LLC
dba AirCare1 Ground Ambulance
Division**

Applicant.

**Docket No. 2020--EMS-0004-DHS
(EMS No. 0283)**

MOTION TO INTERVENE

(The Honorable Tammy Eigenheer)

Maricopa Ambulance, LLC, dba Maricopa Ambulance, through undersigned counsel, moves for an order authorizing its intervention in the above referenced matter. If this motion to intervene is granted, this pleading will also constitute undersigned counsel's notice of appearance on behalf of Maricopa Ambulance.

Maricopa Ambulance is the holder of CON No. 147. Maricopa Ambulance's legal interests are not represented by any other party to this proceeding and will likely be materially affected by any hearing and determination in this matter.

The Notice of Hearing for this matter states that the Applicant proposes to provide scheduled interfacility and convalescent ground ambulance transports throughout Maricopa County and into the incorporated sections of Apache Junction in Pinal County. With very limited geographical exception, Maricopa Ambulance's CON authorizes it to

provide the full array of ground ALS and BLS ambulance services throughout Maricopa County, including 911 initiated transports and scheduled interfacility and convalescent transports. Because there is a significant overlap in the Applicant's proposed ground ambulance service and service area and Maricopa Ambulance's authorized ground ambulance service and service area, Maricopa Ambulance's interests are clearly implicated and affected by this proceeding.

OAH's rules permit Maricopa Ambulance to intervene in this matter pursuant to A.A.C. R2-19-102(C):

If a procedure is not provided by statute or these rules, an administrative judge may issue an order using the Arizona Rules of Civil Procedure or related local rules for guidance.

Rule 24(a)(2), A.R.C.P., provides that a party has a right to intervene in a matter when it "claims an interest relating to the property or transaction which is the subject of the action and the applicant is so situated that the disposition of the action may as a practical matter impair or impede the applicant's ability to protect that interest, unless the applicant's interest is adequately represented by existing parties."

Maricopa Ambulance has one or more protectable interests in these proceedings sufficient to satisfy the standard under Rule 24, as discussed above. No other parties will adequately protect those interests. In addition, it has been the accepted practice in these types of proceedings that the existing provider in a given service area is deemed to have an interest sufficient to justify intervention when another provider seeks to obtain a CON serving that existing provider's service area. This is so because, among other things, at

issue will be whether the existing providers are is satisfactorily meeting the needs of the community it serves and/or whether there has been substandard performance.

Based upon the foregoing and the record in this matter, Maricopa Ambulance requests:

1. that the Administrative Law Judge (“ALJ”) grant Maricopa Ambulance’s Motion to Intervene, after a hearing if the ALJ deems that to be necessary, and that Maricopa Ambulance be allowed access to OAH’s electronic database for filing and automatic notice of items filed by other parties;

2. that the ALJ schedule and conduct a Prehearing Conference pursuant to A.A.C. R2-19-112, to discuss and enter appropriate prehearing orders to facilitate the parties’ preparation for the hearing, including establishing deadlines to the filing of lists of witnesses and exhibits and exchanges of exhibits, issuing subpoenas (if necessary); and

3. that the ALJ enter other orders deemed to be just and equitable in this matter.

Respectfully submitted this 22nd day of July, 2019.

JBELANGER LAW PLLC

By /s/ James J. Belanger
James J. Belanger
Attorneys for Maricopa Ambulance, LLC

CERTIFICATE OF FILING

ORIGINAL filed July 22, 2019, on the OAH website at
<http://www.azoah.com/motions.html>

And emailed/mailed as follows:

Donald Waye at wayede@aircareone.com (for the Applicant)

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/s/ James J. Belanger
