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IN THE OFFICE OF ADMINISTRATIVE HEARINGS

In the Matter of:

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

Applicant.

Case No.: 2020-EMS-0004-DHS

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

(Assigned to the Hon. Tammy Eigenheer)

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

The Motion to Intervene

Since the Office of Administrative Hearings does not have its own procedures for intervention, Maricopa Ambulance seeks the right to intervene and to actively participate in this hearing pursuant to Rule 24 of the Arizona Rules of Civil Procedure. That rule provides, in pertinent part, that anyone shall be permitted to intervene in an 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 Critical  
5 Air's requested service area overlaps a large part of Maricopa Ambulance's service area  
6 and that Maricopa Ambulance already has 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 Maricopa Ambulance has a protectable interest at stake and that no other  
10 party to the proceeding can adequately represent Maricopa Ambulance at the hearing.  
11 Therefore, the Bureau has no objection to Maricopa Ambulance's pending motion for  
12 intervention and request for a prehearing conference.

13 DATED this 26th 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 26th 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 OAH electronic filing system  
9 this 26th day of July, 2019, to:

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**COPIES** of the foregoing sent via U.S. Mail  
this 26th day of July, 2019, to:

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By: /s/ Koren Lyons  
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