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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 ABC
AMBULANCE'S MOTION TO
INTERVENE AND MOTION 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 Motion for Prehearing Conference filed by ABC Ambulance, LLC (C.O.N. No. 139).

The Motion to Intervene

Since the Office of Administrative Hearings does not have its own procedures for intervention, ABC 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.

Id.

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

12 DATED this 26th day of July, 2019.

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MARK BRNOVICH
Attorney General

/s/ Kevin D. Ray
Kevin D. Ray
Assistant Attorney General
Attorney for BEMSTS

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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