

1 BEFORE THE DIRECTOR OF THE ARIZONA DEPARTMENT OF HEALTH SERVICES

2
3 In the Matter of:

) Case No.: 2016-EMS-T0003-DHS
) EMS No. 4039

4
5 **City of San Luis dba**
6 **City of San Luis Fire Department**

)
) DECISION-GRANTED UPON WAIVER-
) ISSUE AN INITIAL CERTIFICATE OF
) NECESSITY AND ESTABLISH INITIAL
) GENERAL PUBLIC RATES

7 Applicant.
8

9 WHEREAS, pursuant to an application filed on March 18, 2015, City of San Luis dba
10 City of San Luis Fire Department ("Applicant") requests that the Arizona Department of Health
11 Services ("Department") issue it an initial Certificate of Necessity ("C.O.N") to operate an
12 ambulance service in the State of Arizona and establish initial general public rates for Advanced
13 Life Support ("ALS") and Basic Life Support ("BLS") services in accordance with Arizona
14 Revised Statutes ("A.R.S.") § 36-2233 and Arizona Administrative Code (A.A.C.) R9-25-902
15 and R9-25-1101. The Applicant requests the authority to provide ALS and BLS services twenty-
16 four hours per day, seven days per week.

17 The Department, acting through the Bureau of Emergency Medical Services and Trauma
18 Systems ("BEMSTS"), is the agency within the State of Arizona empowered to administer a
19 statewide system of emergency medical services, which includes the certification and regulation
20 of all levels of emergency medical technicians and the certification and regulation of ambulance
21 services in Arizona. The Department's authority to consider this application for an initial C.O.N.
22 and initial general public rates is established under A.R.S. Title 36, Chapter 21.1 (A.R.S. §§ 36-
23 2201-36-2264), and A.A.C. R9-25-901, *et. seq.* and A.A.C. R9-25-1101 *et seq.* Those statutes
24 and regulations require that, before an Applicant can operate an ambulance service in Arizona, it
25 must be granted a C.O.N. by the Director of the Department ("Director").

1 **WHEREAS**, pursuant to A.R.S. §§ 36-2232(A)(1) and (4) and § 36-2234(C) the Director
2 may determine rates and charges for ambulance services, issue a certificate of necessity and
3 waive the hearing required by A.R.S. § 36-2234(A) for such actions.

4 **WHEREAS**, notices of proposed action were properly transmitted and published as
5 allowed by A.R.S. § 36-2234(C), and no timely request for hearing was received by 5:00 p.m.
6 August 10, 2015.

7 Having considered the request and the record in the matter,

8 **THE DIRECTOR FINDS:**

- 9 A. Per A.A.C. R9-25-902, the Applicant submitted an application for an initial C.O.N.
10 B. Per A.A.C. R9-25-902(B), the Applicant applied for and is authorized to provide ALS
11 and BLS services twenty-four hours per day, seven days per week.
12 C. The Applicant applied for and is approved to provide immediate response transports.
13 D. The Applicant did not apply for inter-facility and convalescent transports.
14 E. The Applicant requested and is approved for an initial C.O.N. for the following
15 service area:

16 The corporate boundaries of the City of San Luis not limited to a
17 specific date including unincorporated islands within the municipal
18 boundaries of the City of San Luis.

- 19 F. The Applicant's service area is currently covered by existing certificated ambulance
20 providers, City of Somerton dba Somerton Fire Department C.O.N. No. 79 and
21 Rural/Metro (Yuma) C.O.N. No. 65.

- 22 G. The Applicant requested and is approved for an initial C.O.N. with the following
23 response times:

- 24 1. Five (5) minutes on ninety (90) percent of all ambulance calls.
25 2. Ten (10) minutes on ninety-five (95) percent of all ambulance calls.

1 3. Twenty (20) minutes on ninety-nine (99) percent of all ambulance calls.

2 H. Per A.A.C. R9-25-902(A)(3)(g), the Applicant will not be offering ambulance
3 subscription service contracts under A.R.S. §§ 36-2232(A)(1) and 36-2237(B).

4 I. The Applicant requested and is approved for the establishment of the following initial
5 general public rates and charges.

6 Advanced Life Support Base Rate	\$1205.00
7 Basic Life Support Base Rate	\$1205.00
8 Mileage Rate (Per Loaded Patient Mile)	\$10.85
9 Standby - Waiting Charge (per hour)	NONE
10 Subscription Service	NONE
11 Disposable Supplies, Medical Supplies	Per A.R.S. § 36-2239(D) and
12 and medication, and oxygen related costs	A.A.C. R9-25-1109

13 J. The Applicant provided documents demonstrating that it is fit and proper in regard to
14 its organizational expertise, integrity, fiscal competence and resources to provide the
15 services proposed in the application. *See* A.R.S. §§ 36-2233(B)(3) and 36-2201(21).

16 K. The Applicant provided documents demonstrating that there is public necessity for
17 the services proposed in the application and that such services would be in the
18 public's best interest. *See* A.R.S. § 36-2233(B)(2) and A.A.C. R9-25-903.


19 L. The Applicant will begin, if it has not already done so, and will thereafter maintain
20 participation in the collection and submittal of electronic patient care reports
21 consistent with the BEMSTS' guidelines, clinical guidelines and best practices
22 guidelines including AZ-PIERS, ST-Elevation Myocardial Infarction ("STEMI")
23 program, EPIC-TBI, Premier EMS Agency Program ("PEAP") and Save Hearts in
24 Arizona Registry & Education ("S.H.A.R.E.") programs.

1 M. The Applicant will have at least one (1) manager attend and participate in the
2 following: the Arizona Emergency Medical Services Council, the Arizona's Western
3 Regional Council (Arizona Emergency Medical System), and the Arizona Ambulance
4 Association.

5 N. Details of the Applicant's request for an initial C.O.N. and the establishment of initial
6 general public rates are open to the public and are contained in its application on file
7 with the Clerk of the Department, Office of Administrative Counsel and Rules,
8 Arizona Department of Health Services, 1740 West Adams, Suite 203, Phoenix,
9 Arizona 85007.

10 **THEREFORE, IT IS HEREBY ORDERED GRANTING** the requested application to
11 issue an initial Certificate of Necessity and to establish initial general public rates.

12
13 Dated this 2nd day of September, 2015

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15 
16 Cara M. Christ, M.D.
17 Director
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1 ORIGINAL filed on this 3rd day of September, 2015, with:
2 15th day of July, 2015 with:

3 Clerk of the Department
4 Arizona Department of Health Services
5 1740 W. Adams, Room 203
6 Phoenix, AZ 85007

7 A COPY of the foregoing sent by certified mail, return receipt requested
8 this 3rd day of September, 2015 to:

9 Hank Green, Fire Chief
10 CITY OF SAN LUIS dba
11 CITY OF SAN LUIS FIRE DEPARTMENT
12 1165 North McCain Avenue
13 San Luis, Arizona 85349

14 COPIES of the foregoing sent by electronic/interdepartmental/regular mail
15 this 3rd day of September, 2015 to:

16 Hank Green, Fire Chief
17 CITY OF SAN LUIS dba
18 CITY OF SAN LUIS FIRE DEPARTMENT
19 1165 North McCain Avenue
20 San Luis, Arizona 85349

21 Don Herrington, Assistant Director
22 ADHS/Public Health Services
23 150 N. 18th Ave., Suite 505
24 Phoenix, AZ 85007

25 Todd Jaramillo, MHA
Ambulance Services, Certification, & Enforcement Manager
ADHS/Bureau of Emergency Medical Services & Trauma System
150 N. 18th Avenue, Suite 540
Phoenix, Arizona 85007-3248
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Kevin Ray, Patricia LaMagna,
and Laura Flores
Office of the Attorney General
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Phoenix, Arizona 85007

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Clerk of the Department
Arizona Department of Health Services
1740 W. Adams, Room 203
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4 Victoria Burns
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222 E. Main Street
8 Mesa, Arizona 85201

9 Glenn Kasprzyk, General Manager
10 AMERICAN MEDICAL RESPONSE OF
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11 1099 W. Iron Springs Rd.
Prescott, AZ 86305

12 Paul De Anda, Fire Chief
13 City of Somerton dba
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14 P.O. Box 638
Somerton, AZ 85350

15 Steve Irr, Fire Chief
16 City of Yuma dba
CITY OF YUMA FIRE DEPARTMENT
17 One City Plaza
Yuma, AZ 85364-1436

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