



ARIZONA DEPARTMENT OF HEALTH SERVICES

PREPAREDNESS

NOTICE OF INVESTIGATION EMS-21-0437

September 22, 2021

Law Office of Nicolas J. Cornelius, PLLC
5090 North 40th Street, Suite 200
Phoenix, AZ 85018

Dear Mr. Cornelius,

The purpose of this letter is to inform you that the Arizona Department of Health Services ("Department") Bureau of Emergency Medical Services and Trauma System ("Bureau") has received written complaints against Central Arizona Fire & Medical Authority ("CAFMA"). Therefore, we have initiated an investigation for the purpose of gathering additional information.

This investigation is conducted pursuant to Arizona Revised Statute (A.R.S.) § 36-2245 and is based on written complaints.

The Bureau is the State program charged by the Legislature with the regulation of ambulance services within the state or the operating of an ambulance in the state which does not comply with the provisions of Arizona Revised Statute. Part of that regulatory responsibility is to investigate when a written complaint is received alleging a violation of relevant Arizona State laws. An investigation is a thorough assessment of available information by Bureau staff to identify whether or not there is evidence that an infraction occurred. Investigations such as this can take approximately 120 days to complete but may take less or more depending upon the complexity of the case, the availability of records, and scheduling.

The complaint alleges that on the dates and locations listed below CAFMA inappropriately transported a patient when it was not medically necessary.

August 20, 2021 Chino Valley - 8 month old infant - Cardiac/Respiratory Arrest
August 22, 2021 Yavapai County - Traffic Accident
August 23, 2021 Chino Valley - Allergic Reaction – difficulty breathing, rash all over & face swollen

Douglas A. Ducey | Governor Don Herrington | Interim Director

August 24, 2021 Chino Valley - Stroke – right side weakness, facial droop
August 24, 2021 Chino Valley - Walk-in possible heart attack
August 24, 2021 Chino Valley - Fall – possible broken hip – can't move left leg
August 24, 2021 Prescott Valley - punched in the face / no bleeding
August 31, 2021 Prescott Valley - Traffic Accident – Blue BMW into back wall of Kohls
September 3, 2021 Chino Valley - Convulsions/Seizures
September 4, 2021 Prescott Valley - Gunshot Wound
September 4, 2021 Prescott Valley - Breathing Problems
September 4, 2021 Prescott Valley - Jumped into pool and hit head
September 5, 2021 Chino Valley - Heart Problems
September 5, 2021 Prescott Valley - fell on face – not responding – breathing
September 7, 2021 Chino Valley - Stroke

In order for you to best respond to this Notice of Investigation, the Bureau provides the following citations from Arizona Revised Statutes and Arizona Administrative Code that are relevant to the investigation:

Arizona Revised Statutes:

- A.R.S. §36-2245(A): The department may conduct an investigation into the operation of ambulances and ambulance services.
- A.R.S. § 36-2233(A): Any person wishing to operate an ambulance service in this state shall apply to the department on a form prescribed by the director for a certificate of necessity.
- A.R.S. § 36-2212(A): A person shall not operate an ambulance in this state unless the ambulance has a certificate of registration and complies with this article and the rules, standards and criteria adopted pursuant to this article.
- A.R.S. § 36-2201(5): "Ambulance" means any publicly or privately owned surface, water or air vehicle, including a helicopter, that contains a stretcher and necessary medical equipment and supplies pursuant to section 36-2202 and that is especially designed and constructed or modified and equipped to be used, maintained or operated primarily for the transportation of individuals who are sick, injured or wounded or who require medical monitoring or aid. Ambulance does not include a surface vehicle that is owned and operated by a private sole proprietor, partnership, private corporation or municipal corporation for the emergency transportation and in-transit care of its employees or a vehicle that is operated to accommodate an incapacitated or disabled person who does not require medical monitoring, care or treatment during transport and that is not advertised as having medical equipment and supplies or ambulance attendants.

- A.R.S. § 36-2216(A)(B): Prohibited acts: It is unlawful for any person to operate an ambulance in this state which does not comply with the provisions of this article or the rules adopted by the director under this article. A person who violates subsection A is guilty of a class 1 misdemeanor.

Please provide your assigned investigator with the following information and/or documents within 15 days of receipt of this notice:

1. A detailed written narrative response explaining all details and circumstances leading to transporting these patients.
2. A copy of the Patient Care Report for each patient.

You may mail the requested information and/or documents to the address below, or you can email them to your assigned investigator Brent Caswell at brent.caswell@azdhs.gov.

Arizona Department of Health Services – BEMSTS
Attention: Brent Caswell
150 N. 18th Ave Suite 540
Phoenix, AZ 85007

If you have any questions or require assistance, please feel free to contact your assigned investigator, Brent Caswell at 602-364-3180 or via email at brent.caswell@azdhs.gov.

Sincerely,

Marlee McCormick

Marlee McCormick, MPA
Compliance and Enforcement Program Manager
Bureau of Emergency Medical Services and Trauma System