

Cause #: 00-4M

Name: United Life Care Ambulance Service and

Ambulance Certificate Nos. 1796, 1795, 0833, 0950, 0967, 0857

Administrative Law Judge: William K. Teegarden

Date: April 28, 2000

Appeal of Emergency Order

FINDINGS OF FACT

1. The EMSC is an agency within the meaning of IC 4-21.5.
2. IC 4-21.5 and IC 16-31 apply to this proceeding.
3. The EMSC is the state agency responsible for regulating ambulances.
4. At all times relevant to this proceeding, the Service held Ambulance Certificates 1796, 1795, 0833, 0950, 0967, and 0857 and Basic Life Support and Advanced life Support Provider Certificate 0346 (“certificates”) issued by the EMSC which allowed the Service to operate ambulances in Indiana.
5. IC 16-31-3-14(d) gives the EMSC the authority to issue 90 day suspensions of permits.
6. Appeals of emergency orders are governed by IC 4-21.5-4.
7. IC 4-21.5-4-4 gives the final decision on voiding, terminating, modifying, staying, or continuing the Order to the administrative law judge.
8. On April 11, 2000, the ESMC issued the Order suspending all of Service’s Certificates for 90 days.
9. The sole basis of the Order was the fact that the EMSC had been informed that the Service’s vehicle insurance had been canceled on April 1, 2000.
10. Service filed a petition for administrative review and a hearing was held in Rockville, Indiana, the location of business headquarters of the Service.
11. At the hearing, the Service admitted its insurance had been canceled but that it had arranged for new insurance on two units.

12. The documentation provided at the hearing was insufficient to demonstrate this fact because the binder did not show the Service as the named insured.
13. IC 16-31-3-2 required each ambulance to have insurance or be owned by a governmental entity.
14. Service is not a governmental entity.
15. When the Service lost its insurance, it became ineligible to operate ambulances.
16. Based on representations of the manager of Service, the administrative law judge left the record open until April 27, 2000, for the submission of an insurance binder that showed proof of insurance.
17. On April 26, 2000, such a document was faxed to the EMSC by an authorized insurance agency showing coverage had been obtained for the vehicles regulated under Certificate Numbers 0967 and 0833. See exhibit 3.
18. The decision of the EMSC to suspend all operating Certificates of the Service was not only valid but was required by law.
19. However, since the Service has now obtained proof of insurance for two units, the Order must be modified.

FINAL ORDER

The Emergency Order dated April 11, 2000, issued by the Emergency Medical Services Commission to United Life Care Ambulance Service is hereby modified. The Emergency order, as issued, is continued and remains in effect with respect to Ambulance Certificates 1796, 1795, 0950, and 0857 and with respect to Basic Life Support and Advanced Life Support Provider Certificate 0346. The Emergency Order is terminated with respect to Ambulance Certificates 0967 and 0833.

