

1 ALABAMA PUBLIC SERVICE COMMISSION

2 MONTGOMERY, ALABAMA

3

4 IN RE:

5 DOTHAN AMBULANCE SERVICE,
6 INC., d/b/a PILCHER'S

WHEELCHAIR TRANSPORT DOCKET NO. 31717

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10 TESTIMONY AND PROCEEDINGS before the
11 Honorable Suellen Young, Administrative Law
12 Judge, at the Carl L. Evans Chief
13 Administrative Law Judge Hearing Complex,
14 RSA Union Building, 100 North Union Street,
15 Montgomery, Alabama, on Thursday, October 6,
16 2011, commencing at approximately
17 10:05 a.m.; and reported by Gwendolyn P.
18 Timbie, Certified Court Reporter and
19 Commissioner for the State of Alabama at
20 Large.

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23

1 APPEARANCES

2 ADMINISTRATIVE LAW JUDGE:

3 Ms. Suellen Young
4 Administrative Law Judge
5 ALABAMA PUBLIC SERVICE COMMISSION
6 100 North Union Street
7 Suite 900
8 Montgomery, Alabama 36130

9 FOR THE APPLICANT:

10 Mr. Scott Daughtery
11 923 South Foster Street
12 Dothan, Alabama 36301

13 FOR EMERGENCY MEDICAL TRANSPORTERS:

14 Ms. Dana Billingsley
15 WILKERSON & BRYAN
16 Attorneys at Law
17 405 South Hull Street
18 Montgomery, Alabama 36104

19 FOR THE PUBLIC SERVICE COMMISSION:

20 Mr. Don Williamson
21 Ms. Kathleen McPherson
22 ALABAMA PUBLIC SERVICE COMMISSION
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9 ALJ YOUNG: Today is October
 10 6, 2011, 10 o'clock. We're here
 11 for Docket 31717. Applicant is
 12 Dothan Ambulance Service, Inc.,
 13 d/b/a Pilcher's Wheelchair
 14 Transport.

15 This is an application to
 16 institute a new operation as a
 17 common carrier by motor vehicle in
 18 intrastate commerce over irregular
 19 routes in the transportation of
 20 passengers and their baggage, one,
 21 between all points in the counties
 22 of Barbour, Henry, Houston,
 23 Geneva, Dale, and Coffee; and two,

1 from points in one above to all
2 points in Alabama and return.

3 I can't remember if I
4 said the docket number, but it's
5 31717.

6 The application was filed
7 on or about September 15, 2011.
8 And the date for the notice of
9 hearing was served on September
10 15, 2011.

11 I show that we have a
12 protest filed by Ala-Three, LLC,
13 d/b/a Express Medical
14 Transporters. It's the only
15 protest that I show at this time.

16 So we'll start with
17 taking appearances.

18 Who's appearing on behalf
19 of the applicant?

20 MR. DAUGHTERY: I am. Scott
21 Daughtery.

22 ALJ YOUNG: All right. If you
23 could tell us your name, your

1 position, and your business
2 address, please.

3 MR. DAUGHTERY: Scott
4 Daughtery. I'd be the CEO and
5 business manager. My address is
6 923 South Foster, Dothan, Alabama,
7 36301.

8 ALJ YOUNG: And you're the
9 business manager of Dothan
10 Ambulance Service, Inc. --

11 MR. DAUGHTERY: Yeah.

12 ALJ YOUNG: -- d/b/a Pilcher's
13 Wheelchair Transport?

14 MR. DAUGHTERY: Yes, ma'am.

15 ALJ YOUNG: Any further
16 appearances?

17 MS. BILLINGSLEY: Your Honor,
18 for Ala-Three, Dana Billingsley,
19 Wilkerson & Bryan, P.C., 405 South
20 Hull Street, Montgomery, Alabama,
21 36104.

22 ALJ YOUNG: Any other
23 appearances?

1 MR. WILLIAMSON: Donald
2 Williamson, Public Service
3 Commission, 100 North Union
4 Street, Montgomery, Alabama.

5 MS. McPHERSON: Kathleen
6 McPherson, 100 North Union Street,
7 Montgomery, Alabama.

8 ALJ YOUNG: And y'all are here
9 on behalf of the staff, if needed?

10 MR. WILLIAMSON: Yes.

11 ALJ YOUNG: Anyone else that
12 needs to make an appearance?

13 Let the record reflect
14 that no one else has come
15 forward.

16 Are there any preliminary
17 matters that need to be addressed,
18 any changes to the application,
19 any updated information?

20 MR. DAUGHTERY: I'd like to
21 exclude Barbour County.

22 ALJ YOUNG: Okay. You'd like
23 to offer a restrictive amendment?

1 MR. DAUGHTERY: I don't --
2 putting it -- putting it on there,
3 but I want to have that taken off.

4 ALJ YOUNG: Okay. You're
5 offering a restrictive amendment
6 to remove Barbour County from the
7 list of --

8 MR. DAUGHTERY: Yes, ma'am.

9 ALJ YOUNG: -- of counties?
10 Okay. Anything else?

11 MR. DAUGHTERY: That's all.

12 MS. BILLINGSLEY: I have
13 nothing, Your Honor.

14 ALJ YOUNG: Okay. Seeing that
15 there's nothing else, we'll swear
16 the witnesses in at this time.
17 We'll swear everybody in at one
18 time.

19 Everybody who plans on
20 testifying, please stand. We'll
21 have you state your name so we'll
22 know who we're swearing in and who
23 you're with.

1 Go ahead again.

2 MR. DAUGHTERY: Scott
3 Daughtery, Dothan Ambulance
4 Service, Incorporated.

5 MS. WARHURST: Janice
6 Warhurst, Ala-Three, doing
7 business as EMT.

8 ALJ YOUNG: All right. And is
9 anybody from the staff planning on
10 testifying? Just go ahead and be
11 sworn in, in case you decide you
12 need to. How about that?

13 MR. WILLIAMSON: Okay.

14 MR. DAUGHTERY: I brought a
15 witness. Do I need to --

16 ALJ YOUNG: Yes. Your witness
17 needs to -- you need to tell us
18 who that is, and they need to be
19 sworn in.

20 If you'll come forward,
21 please. If you'll state your name
22 and your address for us, please.

23 MS. CULP: Elaine Culp, 1563

1 County Road 30, Ozark, Alabama.

2 ALJ YOUNG: And you're a
3 witness for the applicant?

4 MS. CULP: Yes.

5 ALJ YOUNG: All right. If
6 you'll raise your right hand.

7 (Prospective witnesses were
8 collectively sworn.)

9 ALJ YOUNG: Everyone has made
10 an affirmative statement.

11 All right. We're ready
12 to start.

13 You have the burden of
14 proof on your application. So
15 it's time for you. And you can
16 come sit right here in the
17 middle.

18 MR. DAUGHTERY: All right.

19 ALJ YOUNG: And if you'll put
20 your case on; and then they're
21 going to ask you questions, I feel
22 certain.

23 MR. DAUGHTERY: All right.

1 ALJ YOUNG: Start again with
2 your name.

3 SCOTT DAUGHTERY

4 The witness, previously having been
5 sworn to speak the truth, the whole truth
6 and nothing but the truth, testified as
7 follows:

8 MR. DAUGHTERY: Scott
9 Daughtery.

10 All right. What I
11 applied for -- we have a nonprofit
12 status already to do nonemergency
13 transports. And I was approached
14 by Lieutenant Brenson with the
15 Public Service Commission about
16 obtaining a -- this particular
17 license for passenger for hire,
18 because I had advertised the
19 potential to do it.

20 And it -- where -- the
21 cover area, it's spread out. It
22 was all the way to Covington
23 County, all the way up here to

1 Pike County, and all the way up
2 the Coast. So he was telling me I
3 needed to get a license to do
4 specific areas for passenger for
5 hire, according to the Public
6 Service Commission rules.

7 So I applied for that in
8 those counties. And I've stayed
9 in Houston County for now because
10 of the advisement from the State,
11 but I continuously kept getting
12 requests to go everywhere to do
13 passenger-for-hire transports when
14 we do the nonprofit transports.

15 So essentially, that's
16 why I was applying for the
17 license --

18 ALJ YOUNG: Okay.

19 MR. DAUGHTERY: -- so I can do
20 the passenger for hire according
21 to the State's rules.

22 ALJ YOUNG: Okay. Can you
23 tell us what service you propose

1 to offer?

2 MR. DAUGHTERY: Really,
3 what -- the focus group we're
4 doing is just them -- the
5 disability people, because the
6 reason why we -- it's a nonprofit
7 status was because it was a lack
8 of service to do it. And since
9 we've started, it's expanded so
10 fast, so quickly, that people are
11 wanting us to take them to
12 funerals and churches and shopping
13 and anywhere.

14 And then as it creeped
15 out of Dothan into Houston County,
16 into outward counties, as I was
17 explaining to Lieutenant Brenson,
18 that's how this is coming.

19 And I really want to be
20 according to State rules. I don't
21 want to do nothing illegally. And
22 that's the areas that we've
23 decided that we're getting the

1 most call volume from. Plus,
2 where we're located, that's the
3 easiest area. We can cover those
4 areas easily. That's why I want
5 to exclude Barbour County, because
6 it's just really too far away.

7 ALJ YOUNG: Okay.

8 MR. DAUGHTERY: And we don't
9 want to go no further north than
10 what we've got right here. This
11 is our expansion area, and we're
12 not going anywhere else except in
13 that corner right there.

14 ALJ YOUNG: Can you tell us
15 about your -- generally your
16 experience with business, your
17 driver qualifications, how you
18 plan on screening? Just give us
19 an overview of this business.

20 MR. DAUGHTERY: Dothan
21 Ambulance Service has been in
22 business for 45 years. We hire --
23 everybody is paramedic and EMTs,

1 is regulated by the State of
2 Alabama Department of Public
3 Health, EMS Division. So we go by
4 their rules for the screening
5 process, all the drug policies
6 that we have to go by, all the
7 training requirements that we're
8 required to have, the continuous
9 education we're required to have.

10 So we're using what we
11 already had in place just on the
12 different type of vehicle, the
13 wheelchair limited-access
14 vehicles. So essentially we're
15 doing the same ambulance transport
16 modeled by the State, using it on
17 these type of transports.

18 And even on the passenger
19 for hire, it's not going to
20 change. It's the same. We're
21 doing the same thing, just
22 passenger for hire.

23 ALJ YOUNG: What kind of

1 equipment do you have?

2 MR. DAUGHTERY: Besides
3 ambulances, we run in E-250 vans
4 with Braun wheelchair lifts. It's
5 all ADA compliant. We order them
6 from the same manufacturer in
7 Ohio.

8 And all of our -- it's
9 set up just like our ambulances
10 are. I mean, we mirrored them
11 to -- for the ease of the drivers
12 and our attendants, paramedics and
13 all. You can get in one vehicle
14 and the other vehicle, and it's
15 the same. So there's no -- really
16 no difference except you don't
17 have a stretcher. You don't have
18 the advanced medical equipment.

19 We've got basic medical
20 equipment in our stretcher -- I
21 mean our wheelchair vans, which is
22 licensed by the State. The State
23 EMS Division governs that.

1 So the only difference is
2 there's no stretcher, there's no
3 ambulance equipment. It's
4 wheelchairs. Be less equipment.

5 ALJ YOUNG: Are you familiar
6 with the rules of the Commission
7 and understand that it's your
8 responsibility to know the rules
9 and follow them?

10 MR. DAUGHTERY: Yes, ma'am.

11 ALJ YOUNG: Is there anything
12 else you'd like to say on behalf
13 of your application?

14 MR. DAUGHTERY: Not really. I
15 mean, there's a need, and I want
16 to fill the need, because I'm
17 getting too many calls.

18 And I -- as I was
19 advised, I'm not going to take any
20 calls outside of my area, as
21 Lieutenant Brenson explained to
22 me, till I can get my license.
23 But there's lots and lots of

1 people that need the transport.

2 ALJ YOUNG: Okay. They'll
3 probably have some questions for
4 you on cross-examination now.

5 MS. BILLINGSLEY: I do. Thank
6 you, Your Honor.

7 CROSS-EXAMINATION

8 BY MS. BILLINGSLEY:

9 Q. Mr. Daughtery, I'm Dana Billingsley.
10 Were you not aware that you had to
11 have a certificate from this Commission
12 to provide nonemergency medical
13 transport?

14 A. I have my nonprofit. I obtained that
15 when I started business. But the
16 for-hire part was no.

17 And they -- Lieutenant Brenson
18 explained that if I was going to do for
19 hire out of the city limits of Dothan
20 and continuous city limits, I would have
21 to. So we haven't been doing it.

22 But the people are calling. And I
23 hate to tell somebody I can't pick you

1 up because it's against the law.

2 Q. But your testimony is that you didn't
3 know it. You've been in the ambulance
4 business for 45 years and --

5 A. Ambulance.

6 Q. But you didn't -- you didn't know that?
7 You've been in the Dothan area that
8 long, and you did not know you had to
9 have a certificate?

10 A. I have a certificate --

11 Q. Is that your testimony?

12 A. -- for my -- for nonprofit certificate.
13 I obtained that.

14 Q. I understand that.

15 A. I was not going to do passenger for
16 hire. I was approached to do passenger
17 for hire.

18 There was a complaint registered to
19 me -- read to state -- Lieutenant
20 Brenson investigated the complaint. And
21 I was not doing the complaint that was
22 registered. And I explained how my
23 business is and where we were at, but

1 that we have all these outlying counties
2 and communities that want our service.

3 And I would turn it down or move it
4 to, like for instance, AAA Cab or Bay
5 Limo to do those transports. Because I
6 couldn't do the for hire at the time.

7 But I've bought five more vehicles.
8 So we're in the position now to do for
9 hire. And on top of all our other
10 contracts.

11 Q. But, Mr. Daughtery, I mean, you did
12 advertise in the Dothan Eagle back in
13 July --

14 A. Yes, ma'am.

15 Q. -- of this year that you were providing
16 service.

17 A. Yes, ma'am.

18 Q. Did you not?

19 A. Yes, ma'am.

20 Q. So you were providing service?

21 A. We would, but we didn't.

22 Q. Well, that's not what the article says.

23 A. Oh, I understand. That's exactly the

1 way that Mr. Brenson approached it too.

2 Q. That's not what the article says.

3 A. And that's why I applied. We was doing
4 the application process.

5 Q. So my question to you is, were you
6 providing for-hire service without a
7 certificate from the Commission?

8 A. Not at that time.

9 Q. Have you ever?

10 A. Yes, we have. In Dothan.

11 Q. Outside the city limits.

12 A. No. In the city limits of Dothan.

13 Q. I'm asking you have you ever outside the
14 city limits.

15 A. No, ma'am. I've been approached. I've
16 been approached in her town, Ms. Law --
17 not Lawhorn. I'm sorry. Warhurst. And
18 I tell them the same. I can't do it,
19 and there's other people to call. Them,
20 for instance, and AAA Cab.

21 MS. BILLINGSLEY: Your Honor,
22 if I need to enter this as an
23 exhibit, I'm happy to. But I

1 wanted to show the witness -- and
2 this is a response from Express
3 Medical, dated September the 30th,
4 filed in response to a request for
5 a declaratory ruling. And it has
6 appended to it an article from the
7 Dothan Eagle, dated July the 8th,
8 2011.

9 And I'm happy to enter it
10 if I need to.

11 ALJ YOUNG: Are you just going
12 to use it to question him?

13 MS. BILLINGSLEY: Yes, I am.

14 ALJ YOUNG: It's up to you
15 whether you want to enter it or
16 not.

17 MS. BILLINGSLEY: Okay. I
18 think I probably will.

19 ALJ YOUNG: Okay.

20 A. And also at Lieutenant Brenson's
21 request, we pulled the article. And
22 once it run, he told me -- he advised me
23 what I needed to do. And we stopped the

1 program.

2 MS. BILLINGSLEY: This would
3 be Exhibit 1, Your Honor. And
4 then I'll give this to you for the
5 record.

6 Q. Mr. Daughtery, would it be fair to
7 represent that this is an article from
8 the Dothan Eagle, at dothaneagle.com,
9 published on July the 8th, 2011,
10 entitled Wheelchair Bound have New
11 Travel Option. Is that correct?

12 A. Yes, ma'am.

13 Q. Okay. And if you look down, about the
14 third paragraph, what does that say?
15 Would you read that for the record?

16 A. This whole paragraph?

17 Q. Uh-huh.

18 A. Related --

19 Q. That one right there.

20 A. The whole paragraph or just the line?

21 Q. Owner/operator, Jerry -- Joe Pilcher.

22 A. Joe Pilcher, whose family has been in
23 business since 1965, said the service

1 they had about three months ago to offer
2 nonemergency wheelchair transport to
3 medical-related destinations -- it can
4 also provide trips to hair appointments,
5 weddings, family events, grocery
6 shopping, and other destinations.

7 Q. Okay. It was added about three months
8 ago.

9 A. Uh-huh.

10 Q. Is that correct?

11 So really back as far as May of 2011
12 y'all had already started providing this
13 service?

14 A. No. I was doing my for nonprofit
15 status, which I got in April.

16 Q. That's not what this says.

17 A. We were providing wheelchair
18 transport -- nonemergency wheelchair
19 transport service, which it says --

20 Q. Right.

21 A. -- starting in April, when I got my for
22 nonprofit.

23 Q. So you started in April. But you

1 weren't doing it just for nonprofits; is
2 that correct?

3 A. Yes, I was. No. I was.

4 Q. That's not what this says.

5 A. It says I started three months ago
6 nonemergency transport.

7 Q. Right.

8 A. Which is what I was doing and what I'm
9 still doing.

10 Q. So you were doing nonprofits for
11 appointments, weddings, family events,
12 grocery shopping, and other
13 destinations?

14 A. No. It says to medical facilities -- is
15 the way the article reads.

16 Q. But I'm asking you what you were doing.

17 A. We were picking people up at hospitals,
18 nursing homes, taking them to doctor
19 appointments, dialysis treatments,
20 cancer treatments, so forth and so on.

21 Q. If I were to provide a witness to say
22 that they have seen you outside the city
23 limits of Dothan, would that change your

1 testimony in any way?

2 A. No. Because that's true.

3 Q. So it is true?

4 A. Yes. Because we pick up people and take
5 them from all of our facilities in
6 Dothan all over Alabama.

7 ALJ YOUNG: Are you going
8 to -- are you going to let me mark
9 that?

10 MS. BILLINGSLEY: Oh, I'm
11 sorry, Your Honor.

12 Q. Mr. Daughtery, let me ask you this
13 question. You mentioned in your
14 testimony that you were wanting to
15 provide transportation -- or that you
16 had been providing transportation from
17 Covington and Pike County.

18 A. No, ma'am.

19 Q. What did you say about Covington and
20 Pike County?

21 A. No, ma'am. We transport -- we have
22 transported from the hospitals to those
23 counties, which we do every day.

1 Q. As Pilcher's Wheelchair Service?

2 A. We've been to Andalusia twice to the
3 nursing home, and we've been to Pike
4 Manor one time that I can recall.

5 ALJ YOUNG: Let me interrupt
6 you.

7 A. As a wheelchair.

8 ALJ YOUNG: Let me interrupt
9 just a moment and ask a question
10 about this. Do you just want --

11 MS. BILLINGSLEY: No, Your
12 Honor. I'd like the whole -- the
13 whole thing in.

14 ALJ YOUNG: Okay. So --

15 MS. BILLINGSLEY: I should
16 have stuck that on the front page.

17 ALJ YOUNG: Okay. All right.
18 So I'm going to stamp it on the
19 front, then.

20 And I show that that's
21 your opposition to a request for
22 declaratory rule in your motion to
23 dismiss?

1 MS. BILLINGSLEY: Correct,
2 Your Honor.

3 ALJ YOUNG: And it also has
4 the article and a letter with the
5 article; is that correct?

6 MS. BILLINGSLEY: Yes, Your
7 Honor.

8 ALJ YOUNG: And another
9 advertisement?

10 MS. BILLINGSLEY: Yes, Your
11 Honor.

12 ALJ YOUNG: Okay. All right.
13 I'm sorry. Now you can continue.

14 Q. So you've transported to Andalusia two
15 times and where else?

16 A. Pike Manor in Troy. At least once that
17 I remember.

18 Q. But you're not seeking authority in
19 either one of those counties?

20 A. No. Not for hire.

21 Q. How many -- how many trips have you
22 provided as Pilcher's?

23 A. Since we started?

1 Q. Uh-huh.

2 A. Over a thousand.

3 Q. And I'm not talking about your for
4 nonprofit. I'm talking about your other
5 trips.

6 A. Oh. Couldn't be more than 50. Because
7 I have about three regular clients in
8 town that we take two or three times a
9 week.

10 Q. Is that within the city limits?

11 A. Yes, ma'am.

12 Q. Of Dothan?

13 A. Yes, ma'am.

14 Q. What do you charge for those trips?

15 A. They do it by the hour. So it's \$65 an
16 hour. Because they want -- basically
17 renting the truck and the van -- I mean,
18 the driver and the van for -- to get
19 their hair done or whatever they want to
20 do. I mean, whatever they want to do.

21 Q. Why would you need a paramedic and an
22 EMT to transport people to funerals or
23 grocery store or hair appointment?

1 A. To provide -- the people that were --
2 like even my people, client -- group
3 clients, like elderly people that are in
4 wheelchairs, they like the knowing that
5 we can take care of them if they have
6 something happen to them.

7 And, actually, we've had two
8 instances so far where one person was
9 having a heart attack and the other one
10 was having a stroke. And we were able
11 to say, okay, we've got a problem. Call
12 and get an ambulance and get them to the
13 hospital and the people like that.

14 Q. Let me ask you this. How can you afford
15 to have an EMT and a paramedic on board
16 and only charge \$65 an hour for your
17 service?

18 A. I'm very efficient. That's the easiest
19 way to put it.

20 Q. But the truth is, you can't sustain that
21 at that rate.

22 A. Yes, ma'am. I'm making money.

23 Q. Within the city limits of Dothan.

1 A. Oh, yes. Yes. Oh. If I -- to --
2 that's why I -- like the Pike Counties
3 and all those outlying areas. It's not
4 practical. The only way it would be
5 practical is to put a business over
6 there -- physical business there. And I
7 have no intention or desire to do that.

8 Q. But when you go to Henry, Geneva, Dale,
9 and Coffee County, what is your rate
10 going to be?

11 A. That's -- Medicaid pays for all those.

12 All right. Now, for hire, it's
13 still going to be the \$65 an hour.

14 Q. Those are all -- let me put the caveat
15 in. All of my questions concern your
16 for hire.

17 A. For hire. Okay.

18 Q. Your present application that you have
19 pending before the Commission.

20 A. Sixty-five dollars an hour for -- hourly
21 charge or \$3 a mile.

22 Q. Or \$3 a mile?

23 A. Yes. Whichever -- if you want it by the

1 hour, we'll rent it for the hour. Or if
2 you just need to go from A to B, it's \$3
3 a mile.

4 Q. And you're going to staff those with an
5 EMT and a paramedic?

6 A. Yes, ma'am.

7 Q. At \$65 an hour?

8 A. Yes, ma'am.

9 Q. And you think you're going to sustain
10 the business at that rate?

11 A. Well, I know I can.

12 Q. Have you filed a tariff yet with the
13 Commission for its review?

14 A. No. I talked to -- I can't remember his
15 name. I didn't talk to Mr. Williams
16 yet. It was somebody with the court.
17 Hold on. Not Mr. Johnson.

18 ALJ YOUNG: Scott Morris?

19 A. Walter Thomas.

20 ALJ YOUNG: Scott Morris?

21 MR. DAUGHTERY: It was
22 something with a "T".

23 ALJ YOUNG: Walter Thomas?

1 MR. DAUGHTERY: Well, maybe it
2 was Walter Thomas. About the
3 tariff. He told me to wait till
4 the hearing and then talk to
5 Mr. Williams about the tariff.

6 ALJ YOUNG: Well, you talked
7 to somebody at the Commission.

8 MR. DAUGHTERY: Walter
9 Thomas. Walter Thomas.

10 ALJ YOUNG: You think it was
11 Walter Thomas?

12 MR. DAUGHTERY: Yes, ma'am.

13 ALJ YOUNG: Okay. He's the
14 secretary of the Commission. I
15 don't -- he would normally send
16 you to somebody else.

17 MR. DAUGHTERY: Because I was
18 -- yeah. I was talking about the
19 application process. And he said
20 Mr. Williams would be handling
21 that tariff part. To -- once I do
22 this -- well, if I get it, to
23 catch up with him about the tariff

1 part.

2 Q. Will you only be transporting wheelchair
3 passengers? Was that your testimony?

4 A. Yes, ma'am.

5 Q. So you're not going to take any
6 ambulatory passengers at all?

7 A. Not unless they -- for instance, you
8 want to ride with your mother or
9 whatever. We'll take one passenger to
10 Go with them. Because all we have is an
11 extra passenger seat.

12 And I -- like for instance, I'm not
13 going to have any desire to get a
14 12-passenger van or nothing like that.
15 All we seek to do is to take care of the
16 wheelchair people and the limited
17 mobility people. And it's hard to get
18 in and out of vehicles.

19 But we have one passenger that can
20 be included in the extra seat.

21 Q. Do you know how many other nonemergency
22 medical transporters there are in your
23 area?

1 A. One that I know of. Let me rephrase
2 that. There is one other doing it. And
3 I don't -- as far as I know, he's under
4 the taxi license. AAA Cab. But I don't
5 know how -- he's got a van, and he does
6 transports. I don't know how or why or
7 nothing.

8 But I know I haven't seen a for-hire
9 passenger type that I'm applying with
10 his name on it.

11 Q. What about --

12 A. Since I started the for-hire part. He
13 expressed he -- that's fine. He don't
14 want nothing to do with it anyway. He's
15 tired of doing it. He wants to get out
16 of it.

17 MS. BILLINGSLEY: Well, I'm
18 going to object to that hearsay
19 testimony.

20 A. Oh, I know. I mean, that's just what me
21 and him talked about.

22 Q. What about triple -- I mean, Dothan Cab?

23 A. Same -- it's the same company.

1 Q. But you -- but they are providing
2 nonemergency medical?

3 A. I don't know if he's doing it anymore.
4 He says -- tells me he's not. Because
5 he helped me get started. And for for
6 hire, I don't know. He says he's not,
7 you know, since he don't want to do it.
8 He wants me to do it. That's just him
9 telling me.

10 Q. Are you aware that Express Medical
11 Transporters is providing service in
12 your area?

13 A. Yes.

14 Q. How about Lawhorn Transport?

15 A. Yes, ma'am.

16 Q. How is your operation set up between
17 Pilcher's and Dothan Ambulance Service?
18 When somebody --

19 Let me ask you this. Do you have a
20 1-800 telephone number set up?

21 A. No. We have a central dispatch. We've
22 got local phone numbers. You use it to
23 call like you call your house.

1 Q. All right.

2 A. We don't have -- we don't do 800
3 numbers.

4 Q. And when someone calls, how do you
5 answer the phone for Pilcher's?

6 A. It's Dothan Ambulance Service,
7 Incorporated.

8 Q. And then -- so when they call, they're
9 calling Dothan Ambulance Service?

10 A. That's correct.

11 Q. And then how do you handle the call from
12 there?

13 A. Tell me what you need, and then we'll
14 dispatch the truck.

15 Q. Out of the same business office?

16 A. Yes, ma'am.

17 Q. In whose name are your vehicles titled?
18 The two vehicles you talked about
19 previously.

20 A. Dothan Ambulance Service, Incorporated.
21 Well, all five of them are Dothan
22 Ambulance, Incorporated.

23 Q. You have five vehicles?

1 A. Just taking delivery of -- since the
2 application process, we went to five.

3 Q. And what -- and they're all E-250s?

4 A. Yes, ma'am.

5 Q. All have lifts?

6 A. Yes, ma'am.

7 Q. Have you had any meetings with people
8 outside the Dothan area about providing
9 your services prior to filing this
10 application?

11 A. The for hire? No.

12 Q. Yes.

13 A. Just for the nonprofit.

14 Q. How about Ms. Morrison?

15 A. Morrison?

16 Q. Do you know who that is?

17 A. No. I'd have to -- I don't deal with
18 the names. I just deal with agencies,
19 home cares, hospices.

20 The people we transfer -- there's
21 very few people I know. I know direct
22 customers in Dothan, which is three
23 pretty -- they're pretty regular.

1 That's really -- I mean, it's too
2 many -- there's way too many names to
3 keep up with.

4 And I don't deal with that. I don't
5 deal with the dispatch. I don't deal
6 with sending the calls out or the
7 billing, for that matter.

8 Q. Do you know how the dispatch works?

9 A. You call. They ask you what you need.
10 You need a wheelchair transport to the
11 doctor, for instance. Get your name,
12 address, what time, and we'll go pick
13 you up.

14 Q. How -- I mean, how do you plan to be
15 profitable taking somebody from Dothan,
16 Alabama to UAB in a one-person capacity
17 vehicle all day long?

18 A. Because I know how to do it
19 economically. I've been running the
20 ambulance part for 20 years. And I've
21 done the business part. I know how much
22 it cost to operate to the penny the
23 vehicles, payroll, taxes, everything.

1 It's a simple process for me to take
2 this new venture to know how much it's
3 going to cost me to operate it.

4 Q. But you have -- you have more than five
5 vehicles for ambulance service; is that
6 right?

7 A. I have 14.

8 Q. So how are you going to organize your
9 trips? I guess my question is, aren't
10 you going to be turning down a lot of
11 trips?

12 A. No, ma'am.

13 Q. If I call and --

14 A. The for hire -- I mean, for hire now,
15 yes. I mean, I have no choice.

16 Q. Yes, for hire. That's what I'm talking
17 about --

18 A. I have no choice.

19 Q. -- is for hire.

20 A. Once -- if I can get my authority, I can
21 do it. It's not a problem.

22 Q. And you're going to turn down
23 ambulatory?

1 A. I don't want to do ambulatory. I'm
2 focusing on the same people that I'm
3 going to be transporting on ambulance
4 eventually on the wheelchair side and
5 them the access. I have no desire to do
6 walking passengers, for instance, or
7 taxi type of service.

8 Q. So you're going to share drivers, you're
9 going to share employees, you're going
10 to share dispatch, you're going to share
11 everything with Dothan Ambulance; is
12 that correct?

13 A. We're just all one and the same. Yes,
14 ma'am.

15 Q. Are you already approved by Medicaid?

16 A. Yes, ma'am.

17 Q. How much notice are you going to require
18 a customer to give you before they can
19 utilize your service?

20 A. Just call me. I mean, the soon -- but
21 the farther in advance, the better.
22 But, I mean, we're 24 hours a day, seven
23 days a week.

1 Because I'm -- I'm not changing the
2 way I operate business. We're a 911
3 type business. So we treat -- do the
4 same business model.

5 If you call, I'm going to come pick
6 you up. If there's a reason why I can't
7 pick you up right this exact minute,
8 we'll tell you why and then we'll make
9 it happen.

10 Q. Do you have the required general
11 liability insurance that the Commission
12 rule provides for in Rule 4.3?

13 A. Yes, ma'am.

14 Q. And you have workers' compensation for
15 your employees?

16 A. Yes, ma'am.

17 MS. BILLINGSLEY: I don't have
18 any further questions, Your
19 Honor.

20 ALJ YOUNG: Any staff
21 cross-examination of the witness?

22 MR. WILLIAMSON: I've got a
23 couple of questions, if I could.

1 ALJ YOUNG: If you'll just
2 come up. State who you are so
3 it's on the record who's asking.

4 MR. WILLIAMSON: Donald
5 Williamson, PSC staff.

6 CROSS-EXAMINATION

7 BY MR. WILLIAMSON:

8 Q. On the trips that you're currently
9 operating or conducting under for
10 nonprofit, who pays for those different
11 trips?

12 A. Medicaid is probably going to be number
13 one. Hospice is going to be pretty
14 close to Medicaid. I've got every
15 hospital in the area.

16 Q. I'm talking about the ones that you're
17 currently --

18 A. Medicaid is predominant.

19 Q. But who else would be paying?

20 A. That's what I was going through. It's
21 like I've got all the health
22 departments, Alabama Rehabilitative
23 Services, every hospital.

1 Q. No insurance payer --

2 A. No. As far as I can find, there's no
3 insurance that will pay. There are some
4 people who have policies that they can
5 file afterwards to recoup the loss.

6 So like if I picked you up and took
7 you to the doctor, there's people that
8 have -- I guess it's like Aflac. I'm
9 not really sure what it is, because I
10 don't do it for them.

11 Q. Okay.

12 A. But as far as any other insurance, no.
13 Medicare is not interested. Blue Cross
14 is not interested. None of them.

15 Q. The insurance pay, you would not be
16 authorized to make those trips right
17 now?

18 A. The -- well, see, I'm going from -- to
19 the doctor's appointments from nursing
20 homes is pretty much all I do.

21 Say I go to the nursing home to pick
22 you up. Take you to doctor whomever.
23 Most of those nursing homes are going to

1 pay for it. There is some --

2 Q. Well, when you say nursing home is going
3 to pay for it --

4 A. Yes.

5 Q. -- does the nursing --

6 A. See, I've got contracts with all of the
7 nursing homes to do transports.

8 Q. Well, does nursing homes have the
9 federal 501(c) tax exemption?

10 A. All of ours in our -- because they're
11 all -- most all of them are Medicaid
12 providers. And most all of them are
13 Medicaid --

14 Q. Well, they may provide Medicaid, but
15 that's not all they provide for them.

16 A. I mean, that's -- that's how they're
17 getting their money. Because that's why
18 most of them are Medicare patients. The
19 ones that are Medicare patients, the
20 facility is responsible for taking care
21 of their bills. So they have to pay me
22 to take them to their appointments.

23 Q. Oh, yeah. I guess what I'm getting at

1 is, that doesn't fall under the
2 for-nonprofit authority, and I think
3 you're mistaken on thinking that it
4 does.

5 A. I was going by what I'm told by coming
6 up here -- I mean, calling up here.
7 See, I have contracts with the facility
8 to do all transports for them.

9 MR. WILLIAMSON: One other
10 thing. I guess I want to ask you
11 a question, ma'am.

12 (Off the record)

13 MR. WILLIAMSON: All right.
14 That's all I've got.

15 MR. DAUGHTERY: If I could
16 add. I guess -- because we're an
17 ambulance service, the State EMS
18 division regulates stretcher and
19 wheelchair transports per my
20 license.

21 So we're providing
22 patient care to these people while
23 we're going to the doctor's

1 office, to the dialysis. Like
2 dialysis for instance. That's a
3 big one for these facilities.

4 ALJ YOUNG: Is this all within
5 the city limits?

6 MR. DAUGHTERY: Yeah. Most
7 every one of them are. I mean,
8 we've got -- two people has got to
9 go to a doctor in Columbus now for
10 some procedure they had done, and
11 one goes to Birmingham once a
12 month for a surgery they have
13 performed. But they're patients
14 at these nursing facilities.

15 So by -- Gary Mackey at
16 State EMS states -- even in the
17 rules, it's defined wheelchair and
18 defined stretcher. And, see,
19 we're providing patient care, and
20 we have to document everything
21 according to State rules for these
22 people. It's not like I pick you
23 up and give you money.

1 Q. (BY MR. WILLIAMSON) Well, are you
2 transporting them under your
3 for-nonprofit authority, though?

4 A. Not really, because it's the ambulance
5 contract.

6 MR. WILLIAMSON: That's all
7 I've got.

8 MR. DAUGHTERY: It's kind of
9 messed up.

10 ALJ YOUNG: It seems like
11 maybe we're having a hard time
12 finding where the line is.
13 There's a lot of gray -- maybe
14 bleeding into gray areas. And
15 that's what -- what I think
16 everybody here is trying to
17 find --

18 MR. DAUGHTERY: That's why I
19 consulted with --

20 ALJ YOUNG: -- where all the
21 different parts are.

22 MR. DAUGHTERY: -- EMS
23 division. I didn't ask him to

1 come. He said he would have
2 came. But I felt like I could
3 explain it to you. Because it is
4 defined in there wheelchair -- how
5 to do wheelchair transports, the
6 types of wheelchairs, locking
7 mechanism, the vehicles.
8 Everything is defined.

9 And as we're providing
10 patient care -- which is what
11 we're doing --

12 ALJ YOUNG: Even if it's
13 nonemergency?

14 MR. DAUGHTERY: Oh, yes.
15 Basic life -- it's called basic
16 life transport, which is
17 nonemergency. Not advanced life
18 support. That's why I say our
19 vehicles -- the wheelchair
20 vehicles are basic life support
21 transport vehicles by the State
22 EMS laws.

23 And we're providing

1 patient care. That's why we have
2 EMTs and paramedics on there and
3 basic life support equipment,
4 oxygen, and, you know, anything to
5 do CPR with. AEDs. We maintain
6 all the biohazard policies just
7 like that.

8 We're HIPAA compliant,
9 private health information. All
10 that stuff is part of the EMS
11 division, and that's the way I
12 operate that.

13 I've been approached for
14 the for hire because people just
15 want to use us to take Grandma to
16 the funeral or church or family
17 reunion or whatever the case may
18 be.

19 ALJ YOUNG: Let me ask you
20 this question. What's the
21 difference in what you've been
22 doing in taking Grandma -- instead
23 of to have her hair done or to the

1 funeral, you're taking her to the
2 doctor or to dialysis? Or where
3 do you -- where does that fall
4 in --

5 MR. DAUGHTERY: According to
6 Gary Mackey --

7 ALJ YOUNG: -- with the
8 service that you -- the authority
9 that you have and the authority
10 that you're seeking and the
11 authority you've been operating
12 under? Tell me where that would
13 fall.

14 MR. DAUGHTERY: All right.
15 The for nonprofit was for the
16 Medicaid vouchers. For the -- a
17 lot of these nursing homes are
18 Medicaid patients. So the
19 Medicaid agency, nonemergency
20 transport, pays me to transport
21 them to their doctors'
22 appointments and their dialysis
23 treatments and such as that.

1 The ambulance contracts I
2 have with all the facilities is
3 for transportation by the
4 ambulance side, which goes under
5 the EMS rules -- Department of
6 Public Health rules.

7 ALJ YOUNG: All right. And
8 I'm looking at --

9 MR. DAUGHTERY: To go for the
10 for hire was because the people
11 were requesting to go to the
12 for-hire events.

13 ALJ YOUNG: And what you're
14 asking for is not -- the way your
15 application reads -- it's just,
16 common carrier by motor vehicle
17 intrastate commerce over regular
18 routes in the transportation of
19 passengers and their baggage
20 between all the points in the
21 counties of Henry, Houston,
22 Geneva, Dale, and Coffee and, two,
23 from points in one above --

1 MR. DAUGHTERY: Yes, ma'am.

2 ALJ YOUNG: -- to points in
3 Alabama return.

4 MR. DAUGHTERY: Yes, ma'am.

5 For instance, the Birmingham -- I
6 was approached two weeks ago. A
7 lady wanted to go to Birmingham,
8 which I told her other agencies to
9 call because, you know, I couldn't
10 do it. And that was actually for
11 hire, paying me to take her to
12 Birmingham.

13 ALJ YOUNG: But you're still
14 only -- even though you're not
15 just nonemergency medical, you're
16 not -- I mean, you're all kinds
17 of -- passengers and baggage.
18 You're still going to -- you plan
19 on limiting yourself to wheelchair
20 bound?

21 MR. DAUGHTERY: Yes, ma'am.
22 That's the clientele we want to
23 take care of.

1 ALJ YOUNG: But you're not
2 necessarily taking them to
3 nonemergency medical. You're
4 taking them --

5 MR. DAUGHTERY: That's going
6 to be --

7 ALJ YOUNG: -- wherever they
8 want to go?

9 MR. DAUGHTERY: That's what we
10 want to expand to.

11 ALJ YOUNG: Okay.

12 MS. BILLINGSLEY: Your Honor,
13 may I ask another corresponding
14 question?

15 ALJ YOUNG: Let me see if he's
16 through with --

17 Are you finished with
18 anything else that you'd like to
19 say, more or less, to clear
20 anything up that she asked on
21 cross? Because she has some more
22 questions. But we'll let you
23 finish that before we move on.

1 MR. DAUGHTERY: Not that I can
2 think of. I mean -- and the
3 reason why -- I'll tell you why
4 we're getting the calls, is these
5 people that are in these
6 wheelchairs have lots of medical
7 problems. They're a lot more
8 comfortable with -- and I would be
9 too -- having a trained medical
10 person to help me.

11 I mean, it's taken off
12 pretty good. There's a lot of
13 requests for it. That's why I
14 know I'm going to get a lot of
15 calls, and that's why a future
16 expansion for more vehicles.

17 And then, also, I can see
18 by dealing with Medicare and
19 insurance, Medicare is going to
20 cut back payments again, which is
21 going to put people in a bind to
22 where they're not going to be able
23 to -- can't use an ambulance,

1 because it's not going to pay for
2 it. And they're still going to
3 have to go to these places.

4 And then on the side, I
5 can take them to dinner, you know,
6 help them out. I'd hate to be
7 stuck at home and couldn't go
8 nowhere all the time either.

9 But really that's what
10 we're seeking for, I mean. That's
11 all.

12 ALJ YOUNG: Okay. Go ahead
13 for redirect -- recross.

14 RECROSS-EXAMINATION

15 BY MS. BILLINGSLEY:

16 Q. Mr. Daughtery, I do -- I want to clarify
17 for the record that -- I mean, do you
18 understand that your for nonprofit -- a
19 hospice is not a for-nonprofit
20 organization. Do you understand that?

21 A. That's correct.

22 Q. A doctor's office is not a for-nonprofit
23 organization, correct?

1 A. Uh-huh.

2 Q. A hospital is not a for-nonprofit
3 organization; is that correct?

4 A. Southeast Alabama --

5 Q. There are some. There are some. But
6 generally speaking, they're for profit.

7 A. Half and half.

8 Q. I guess my question -- my question to
9 you is, do you understand that just
10 because Medicaid provides reimbursement
11 that you can't transport under your
12 for-nonprofit certificate?

13 A. Yes.

14 Q. But that's precisely what you've been
15 doing; isn't that correct? Since
16 April.

17 A. To a few elderly ladies in town. Yes.

18 Q. But that's -- have you been providing
19 transport to Hartford Nursing Home?

20 A. Yes, ma'am. I have a contract to do
21 transport for Hartford Nursing Home.

22 Q. When you say you have a contract, that's
23 with Dothan Ambulance, for ambulance

1 service?

2 A. And wheelchair per the State EMS rules.

3 Q. But that's not under for nonprofit.

4 A. That's right. It's an ambulance
5 contract. The for nonprofit is for the
6 Medicaid patients to get -- pay for
7 their transports from Hartford
8 Healthcare to the doctor.

9 Q. When you transport to UAB as you just
10 mentioned, what are you transporting
11 under?

12 A. It would be under ambulance.

13 Q. Let me ask -- let me ask this question.
14 Maybe this is the question to ask.

15 A. That's what the lady wanted to do. I
16 can't do it. Unless she wants an
17 ambulance.

18 Q. That's the question I'm going to ask
19 you.

20 A. Yes.

21 Q. When you transport, for example, to
22 Hartford Nursing Home for nonemergency
23 medical, what vehicle are you

1 dispatching?

2 A. If it's -- the Medicaid is going to pay
3 for it, it will be a wheelchair van. If
4 it's the ambulance contract, it's going
5 to be an ambulance.

6 Q. But you don't have the authority to do
7 that, not even under your for
8 nonprofit.

9 A. Medicaid required me to have a for
10 nonprofit to pay me under Medicaid
11 vouchers for the nonemergency
12 transports. Alabama Medicaid Agency.

13 Now, I go to Hartford -- I go to all
14 these nursing homes --

15 Q. But you say you're doing it --

16 A. -- taking people back and forth --

17 Q. -- pursuant to your contract. But
18 you're not doing it pursuant to your
19 contract because the contract is for
20 Dothan Ambulance for emergency ambulance
21 service, not for wheelchair
22 transportation.

23 A. It's in the State rules. Yes, it is.

1 ALJ YOUNG: Can you tell us
2 where the State rules are? I'm
3 not familiar. I'm sorry.

4 MR. DAUGHTERY: It's --

5 Q. If you're dispatching a vehicle that
6 says Pilcher's Wheelchair Transport,
7 that is not pursuant to your contract
8 with Hartford Nursing Home, is it? You
9 should still be dispatching a vehicle
10 that just says Dothan Ambulance; is that
11 correct?

12 A. Yes. They say Dothan Ambulance on all
13 of them.

14 Q. But you told me a minute ago that you
15 were dispatching a vehicle that said
16 Pilcher's wheelchair Transport.

17 A. And Dothan Ambulance, Incorporated.

18 If Hartford calls -- I'll redirect
19 that whole deal. If the state Medicaid
20 agency calls me -- which they do.
21 They're going to send me a voucher. And
22 then the voucher says go to Hartford
23 Healthcare and pick up miss whoever,

1 take her to doctor whoever, and take her
2 back to Hartford Healthcare. I have to
3 have for nonprofit status to obtain that
4 type of transport.

5 Now, you call me from Hartford. Say
6 Ms. Jones needs to go to doctor whoever
7 tomorrow. That's the ambulance.

8 Because that goes back to the -- it's a
9 patient that's requiring treatment. And
10 they have to use us to do that by
11 Medicare rules.

12 Part A rules state they have to pay
13 for that person to have their
14 treatments. They contract with us to do
15 the transports back and forth. Because
16 they can't operate the ambulance side of
17 every nursing home. I mean, it's not
18 practical.

19 Q. I think the question we all have is --

20 A. I know where you're going with the
21 question.

22 Q. -- how are you transporting nonemergency
23 medical transport under Pilcher's

1 pursuant to your contract with these
2 other -- with these other healthcare
3 entities? You can't -- you can't do
4 it.

5 A. As I stated, the Alabama Medicaid Agency
6 calls me with the transport. They send
7 me the voucher. I take the transport,
8 send the voucher in, she pays it.

9 When you call for the ambulance,
10 you're going to get an ambulance.

11 Because I have a contract with these
12 facilities to do transportation for
13 these facilities.

14 Q. But it's only for the ambulance.

15 A. Ambulance.

16 Now, see here, all these rules that
17 specifies the types of vehicle, industry
18 standard wheelchair locking device,
19 industry standard stretcher device, I
20 mean, it's all written in here.

21 Emergency transports, advanced life
22 support transports, basic life support
23 transports, emergency --

1 ALJ YOUNG: If you will, could
2 you tell me -- just give me the
3 cite on that.

4 MS. BILLINGSLEY: I think it's
5 the health department rules.

6 MR. DAUGHTERY: It's the
7 Alabama Department of -- Alabama
8 Department of Public Health, EMS
9 and trauma division. And Gary
10 Mackey is the assistant director.
11 Dennis Blair is the director.

12 I spoke with Gary Mackey,
13 which I speak to him a lot
14 anyway. And he explained to me --
15 because -- actually, I had to talk
16 to him about doing for the oxygen,
17 because it's a medical device. He
18 said it's already covered in the
19 rules. Which it's in here.

20 RECROSS-EXAMINATION

21 BY MR. WILLIAMSON:

22 Q. Excuse me. Are those rules to operate
23 the ambulance?

1 A. Yeah. But it's ambulance and
2 wheelchair. It specifies in both.

3 Q. Okay. I guess I've got a question. Are
4 you planning on operating your
5 wheelchair vans under Pilcher and under
6 Dothan Ambulance?

7 A. Here's the --

8 Q. The same van under both?

9 A. It's Dothan Ambulance, Incorporated.
10 Pilcher's wheelchair thing come up
11 because there was a confusion. And as
12 me and Mr. -- Lieutenant Brenson
13 discussed and he saw what the confusion
14 would be -- is they all look alike.

15 So there was a confusion that --
16 well, I didn't need an ambulance. Well,
17 it's not an ambulance. It's a
18 wheelchair transport vehicle.

19 So then it was brought up -- all
20 right. Let's do, you know, Pilcher's
21 Wheelchair Transport. So -- and even
22 the State said that, because it would be
23 misrepresenting -- I would be

1 misrepresenting you, the public, that
2 you see a vehicle that says Dothan
3 Ambulance. He said put something that
4 says Pilcher's Wheelchair Transport or
5 Wheelchair Transport to say, okay, it's
6 a wheelchair transport, not an
7 ambulance.

8 There's a rule in here that actually
9 states that, misleading statements.

10 Q. Okay. I think you're getting the
11 Commission rules and the ambulance rules
12 confused -- or mixed up.

13 You're planning on operating the
14 same vehicle under Pilcher and under
15 Dothan Ambulance?

16 A. That's what Lieutenant Brenson -- we
17 talked about. And I talked to
18 Mr. Thomas also -- is that to do -- we
19 need it both ways.

20 Dothan Ambulance Service owns the
21 business. But -- because the State
22 wants it to say wheelchair transport or
23 medical device transport to specify that

1 it is not an ambulance. Something says
2 there that, okay, this is a wheelchair
3 transport vehicle. I had to do that
4 because -- so it not be misleading.

5 So if you saw it and you think, oh,
6 that's an ambulance, I'm in trouble --
7 and then come to find out it's not an
8 ambulance. It's just a wheelchair
9 transport. That's his -- the way he
10 explained it to me.

11 And then Lieutenant Brenson said I
12 need to have it on this. That's why I
13 filled it out this way.

14 Dothan Ambulance Service,
15 Incorporated owns all this. But to
16 specify it's Pilcher's Wheelchair --
17 doing business as Pilcher's Wheelchair
18 for the for-hire wheelchair.

19 Q. Are you going to be using these vans
20 that you've got listed on your
21 application to make ambulance or
22 contract trips?

23 A. Yes. There's a need.

1 Q. So they're going to be operating under
2 Dothan Ambulance and Pilcher's?

3 A. For the for hire. Pilcher's Wheelchair
4 Transport.

5 ALJ YOUNG: They're going to
6 be operating under both authority
7 -- if you got this authority,
8 you'd be using them to operate
9 what you're seeking here and for
10 what you've been operating using
11 them for?

12 MR. DAUGHTERY: Yes, ma'am.

13 ALJ YOUNG: Both pieces. Is
14 that what you're asking?

15 MR. WILLIAMSON: Well, not
16 really.

17 ALJ YOUNG: I'm sorry.

18 MR. WILLIAMSON: And maybe,
19 you know, I've got just a weird
20 way of looking at this.

21 Q. But you've got contracts with the
22 nursing homes that -- I'm assuming for
23 the ambulance side of your company.

1 A. To provide transportation. Yes, sir.

2 Q. For the ambulance side of it?

3 A. Yeah. Well, we don't have a wheelchair
4 company.

5 Q. Well, what's Pilcher?

6 A. That's why Lieutenant Brenson said also
7 the same as the State EMS was telling
8 me. I need to specify for hire; that
9 this is doing business as Pilcher
10 Wheelchair Transport.

11 Q. Under those contracts you have with the
12 nursing homes, are you going to use the
13 Pilcher Wheelchair van?

14 A. Probably -- well, for the nonprofit,
15 there will be occasions. Yes. It's
16 going to be. Because for the state
17 Medicaid agency, I have to have a --
18 that type of vehicle.

19 Q. Does the contracts with the nursing
20 homes state anything about for
21 nonprofit?

22 A. That's for the Alabama Medicaid Agency,
23 to get them -- for them to pay for these

1 patients to be transported.

2 Q. I guess I'm just wanting you to
3 understand. The only thing you can
4 transport -- or the only transport you
5 can make under your for nonprofit are
6 for agencies, organizations,
7 institutions that have the Federal 501
8 tax exemption.

9 A. Alabama Rehab Services. All those we do
10 for them. Yeah.

11 Q. But nursing homes normally don't.

12 A. That's why -- the Medicaid --
13 nonemergency Medicaid transport
14 service. That's the for nonprofit.
15 That's why I had to get that -- for them
16 to pay for those patients. Or in the
17 nursing home.

18 Q. Okay. And you're transporting those?

19 A. On the -- on the van.

20 Q. Are there any non-Medicaid patients that
21 you're transporting?

22 A. No. There wouldn't -- there wouldn't
23 be. Because that would be part of the

1 nursing home contract, which would be on
2 the ambulance.

3 ALJ YOUNG: So if they're non
4 Medicaid, you transport them in an
5 ambulance under that contract --

6 MR. DAUGHTERY: Yes.

7 ALJ YOUNG: -- with the
8 nursing home instead of under --

9 MR. DAUGHTERY: Yes. Because
10 --

11 ALJ YOUNG: -- in the van
12 under the nonprofit?

13 MR. DAUGHTERY: Yes. Because
14 their Medicare rules states they
15 have to pay for them to be taken
16 care of -- the patient.

17 The for hire -- to get
18 the for hire is actually -- they
19 do for-hire passenger stuff. I
20 mean, that's it.

21 We're not creating a new
22 business. Not starting a
23 brand-new operation that's going

1 to be over here by its side. It's
2 to meet the needs that I've been
3 requested under -- I mean, people
4 calling me to do passenger for
5 hire.

6 MR. WILLIAMSON: I think I'm
7 through. I keep looking at what
8 he's been doing and not what he's
9 wanting to do. And since he
10 understands --

11 MR. DAUGHTERY: Yeah. We're
12 wanting to move into the passenger
13 for hire. I had to get the for
14 nonprofit because the Alabama
15 Medicaid nonemergency transport
16 division has to have the for
17 nonprofit for the wheelchair van,
18 for them to pay for those
19 transports.

20 Q. I just wanted to make sure that you're
21 aware those are the only ones you can
22 transport.

23 A. Yeah. That's right. Which, I mean, the

1 state rehab service required me of that
2 too. And the health department. So
3 those -- which I guess is all the same
4 pocketbook anyway.

5 MR. WILLIAMSON: That's all.

6 ALJ YOUNG: Anything else?

7 MS. BILLINGSLEY: No, Your
8 Honor.

9 ALJ YOUNG: Anything else you
10 want to add before we move to your
11 witness?

12 MR. DAUGHTERY: No, ma'am.

13 ALJ YOUNG: Okay. So do you
14 have a witness you'd like to
15 call?

16 MR. DAUGHTERY: Sure.

17 MS. CULP: I think we about
18 covered it.

19 ALJ YOUNG: Are you going to
20 call a witness or not?

21 MR. DAUGHTERY: No. She was
22 just going to state the need she
23 has. She helps senior centers.

1 ALJ YOUNG: Well, I would
2 recommend that if you have a
3 witness as to need, that your
4 witness as to need should
5 testify. Because they're going to
6 want to ask her questions too.

7 All right. You've
8 been -- already been sworn. So if
9 you'll state your name and
10 business.

11 ELAINE CULP

12 The witness, having first been duly
13 sworn to speak the truth, the whole truth
14 and nothing but the truth, testified as
15 follows:

16 MS. CULP: Elaine Culp.

17 ALJ YOUNG: And where do you
18 work?

19 MS. CULP: Abbeville Fire and
20 Rescue.

21 ALJ YOUNG: Okay. I guess go
22 ahead with what you came -- if you
23 want to ask her questions or if

1 you -- let her know where it is
2 you want her to testify to.

3 MS. CULP: What I came for is
4 that, in Henry County, we have no
5 public transportation, where I
6 work.

7 And the nursing home
8 actually stopped me one day and
9 asked me about transport for --
10 they have, I believe --

11 MS. BILLINGSLEY: I'm going to
12 object to hearsay evidence, Your
13 Honor.

14 ALJ YOUNG: Sustained. You
15 can only -- you can only testify
16 as to what you know personally,
17 not what somebody else said to
18 you.

19 MS. CULP: Okay. Then your --

20 ALJ YOUNG: What your
21 experience is.

22 MS. CULP: I realize that
23 there is a need. And I was

1 approached about was there a way
2 that I could transport someone in
3 my personal vehicle. This person
4 is in a wheelchair.

5 They wanted to know if I
6 could come up with some type of
7 service to provide transportation
8 for these people to doctors' visits
9 and things like that.

10 Now, some of these may
11 not be always in a wheelchair, but
12 some of them cannot step up into
13 vehicles easily. So they were --
14 this particular person would have
15 been better off to ride in a
16 wheelchair. I don't have such a
17 vehicle.

18 So I got to looking and
19 found out that there is a great
20 need for this service. But this
21 person also had tremendous medical
22 needs and required oxygen. I
23 can't provide that either.

1 But I can tell you that
2 there is a great need out there
3 for it, especially in Henry County
4 where there is no public
5 transportation and there is also
6 no hospitals in the county. And
7 that's --

8 ALJ YOUNG: Does that conclude
9 your testimony?

10 MS. CULP: I'm telling you
11 there is a great need. Yes,
12 ma'am.

13 And I understand the
14 comfort that the people would have
15 with medically trained personnel
16 making the transport, with the
17 people that I was approached about
18 transporting myself.

19 ALJ YOUNG: Does that conclude
20 your --

21 MS. CULP: Yes, ma'am.

22 ALJ YOUNG: You'll have some
23 cross-examination.

1 MS. BILLINGSLEY: Thank you.

2 CROSS-EXAMINATION

3 BY MS. BILLINGSLEY:

4 Q. Ms. Culp, I'm Dana Billingsley.

5 What is your position with Abbeville
6 Fire/Rescue?

7 A. I'm an emergency medical technician.

8 Q. Okay. So you actually ride in the
9 vehicles?

10 A. Yes, ma'am. Twenty-two years.

11 Q. Okay. Great.

12 Have you ever heard of Express
13 Medical Transporters?

14 A. Yes, ma'am.

15 Q. Do they provide transportation in Henry
16 County?

17 A. I would not know that.

18 Q. Have you ever seen them?

19 A. No, ma'am.

20 Q. Have you ever seen Lawhorn Transport?

21 A. In Henry County?

22 Q. Uh-huh.

23 A. I have.

1 Q. Have you seen AAA Cab in Henry County?

2 A. No, ma'am.

3 Q. Have you seen Dothan Cab in Henry

4 County?

5 A. No, ma'am.

6 Q. Okay.

7 A. I don't think they could afford it.

8 Q. When you talk about a need, is your --

9 is your -- is your opinion on need based

10 on the one experience that you relayed

11 to us?

12 A. No, ma'am. There have been more. In

13 fact, I actually considered going into

14 the business myself, looking into it.

15 So I was very interested in coming

16 today.

17 Because I was approached by a lady

18 in Headland who gave me a list of 45

19 names of people that need transport back

20 and forth to doctors' visits, but cannot

21 afford -- and they told me that they had

22 checked out specifically -- they had --

23 one or two of them had --

1 MS. BILLINGSLEY: I'm going to
2 object to the hearsay.

3 ALJ YOUNG: Well, the only
4 problem is you asked her.

5 MS. BILLINGSLEY: Okay. All
6 right.

7 ALJ YOUNG: You asked her how
8 she knew -- how she knew.

9 MS. CULP: I was going to say.
10 Yeah. How -- I mean, how else --

11 ALJ YOUNG: So she's trying to
12 tell you now.

13 MS. CULP: Pardon me. But how
14 else can I know if it's not
15 because I was asked?

16 ALJ YOUNG: Well, there are
17 other ways you could know. But
18 she asked you how you knew. I
19 think we knew we were headed this
20 way.

21 MS. CULP: Right.

22 ALJ YOUNG: So what --

23 A. And they expressed that they had checked

1 for transportation with other
2 facilities, other carriers. I don't
3 know. They may have -- they may have
4 called this carrier. I'm not sure.

5 Q. You don't know who they contacted?

6 A. I'm not who -- I'm not for sure who they
7 contacted. But they did advise me that
8 the one that they contacted, that the
9 cost was too great. That they needed a
10 service at a reasonable rate, because
11 most of these people are on fixed
12 incomes.

13 Q. If they're on fixed incomes, they would
14 be probably reimbursed by Medicare or
15 Medicare; is that correct?

16 A. No, ma'am. They were not.

17 Q. They're not?

18 A. No, ma'am. None of these people in the
19 45 names were Medicaid patients.

20 Q. Okay. Okay.

21 A. They were people that need transport,
22 but need it at a reasonable rate.

23 Q. Who did you refer them to?

1 A. I didn't. They just wanted to know
2 could I help them, was there any way.

3 So I -- I did not refer them to
4 anyone. I just advised that I did not
5 know of a service that was available at
6 the time that could do it.

7 Q. When you say that, in your opinion,
8 people are more comfortable with a
9 medical person in a vehicle while
10 they're being transported, what kind of
11 training are you assuming as far as
12 medical personnel is concerned?

13 A. I would say at least a basic EMT or
14 either you could have a nurse.

15 Q. What about advanced life support -- I
16 mean, advanced Red Cross training and
17 that kind of thing?

18 A. I don't think that that would -- Red
19 Cross training would necessarily
20 qualify. Because a lot of these people
21 that are calling me -- and I have -- I'm
22 going to be honest. I have transported
23 some in my personal vehicle to help them

1 get to a doctor's office.

2 A lot of these people have special
3 needs. They may be COPD patients, which
4 is chronic obstructive pulmonary
5 disease. A lot of them are -- could
6 be --

7 I have one lady that approached me.
8 She's a cancer patient. She has very
9 fragile bones. You have to be -- and
10 she's more comfortable with someone
11 medically trained. Because she feels
12 like they know how to get her in and out
13 of a vehicle.

14 The COPD person felt like if he had
15 at least an emergency medical technician
16 with him, that if something went wrong,
17 that that person would know what to do
18 to -- if his airway needed clearing.
19 And that they would know what to do
20 until he got help -- we could get help
21 to his --

22 Q. But you've transported these people in
23 your own personal vehicle and did so

1 safely?

2 A. Not those two people. No, ma'am.

3 Q. But you've transported other people --

4 A. I have transported --

5 ALJ YOUNG: Let me clarify.

6 Did you not transport them or was
7 it not safely?

8 MS. CULP: I have

9 transported -- just not -- COPD or
10 the cancer people that had special
11 needs, no, ma'am. I have --

12 ALJ YOUNG: You have
13 transported them?

14 MS. CULP: No, ma'am. I have
15 transported like my aunt who has
16 problems. But she's not -- she
17 doesn't require oxygen or anything
18 like that.

19 I also transported a
20 friend of hers that has trouble
21 getting in and out of a vehicle.
22 Someone that I could just help.

23 But no, ma'am. I have

1 not transported anyone unsafely or
2 anyone with special needs in my
3 vehicle.

4 Q. But you don't -- but it wouldn't be your
5 testimony that an EMT would be required
6 to help somebody -- to transport someone
7 who has difficulty just getting in and
8 out of the vehicle?

9 A. It depends on why.

10 Q. Or who is wheelchair bound?

11 A. Well, I would say sometimes, yes, it
12 would be to their advantage. They know
13 how to handle those people.

14 Q. But it's not --

15 A. I personally do.

16 Q. But it's not a requirement. But you've
17 personally --

18 A. It's not a requirement.

19 Q. -- transported these people in
20 vehicles?

21 A. It's not a requirement.

22 No. I have not personally
23 transported anyone that is wheelchair

1 bound. Please make sure you get that
2 correct.

3 Q. Are you aware that Medicaid does require
4 a certain level of training in order to
5 obtain reimbursement through Medicaid?

6 A. No, ma'am, I wasn't. That's not my end
7 of the -- I don't do billing. I take
8 care of patients.

9 MS. BILLINGSLEY: I think
10 that's all the questions I have.

11 ALJ YOUNG: Okay. Is there
12 anything else that you'd like to
13 say?

14 MS. CULP: I just think
15 that -- I personally believe that
16 they are offering a service that
17 is greatly needed in our area.
18 And that if they're looking into
19 going to the private sector to
20 help them, I think that would be
21 great too.

22 ALJ YOUNG: Okay. You're
23 excused, then, if we don't have

1 any other questions for you.

2 MS. BILLINGSLEY: I don't.

3 ALJ YOUNG: Do you have any
4 other witnesses?

5 MR. DAUGHTERY: No, ma'am.

6 ALJ YOUNG: Protestants, do
7 you have any witnesses?

8 MS. BILLINGSLEY: I do. I
9 would call Janice Warhurst.

10 ALJ YOUNG: All right.
11 Ms. Warhurst has been previously
12 sworn.

13 MS. WARHURST: Yes, ma'am.

14 ALJ YOUNG: Just state your
15 name and who you're with and your
16 position there for me.

17 JANICE WARHURST

18 The witness, having first been duly
19 sworn to speak the truth, the whole truth
20 and nothing but the truth, testified as
21 follows:

22 MS. WARHURST: Janice

23 Warhurst. I'm with Ala-Three,

1 EMT, and I'm one of the owners.

2 DIRECT EXAMINATION

3 BY MS. BILLINGSLEY:

4 Q. Ms. Warhurst, EMT is your shorthand for
5 Express Medical Transporters; is that
6 correct?

7 A. That is correct.

8 Q. And what is the address of the principle
9 business office for the company?

10 A. 1715-A Pleasant Grove Road, Dolomite,
11 Alabama 35061.

12 Q. All right. And how long have you been
13 with the company?

14 A. We've owned it a little over two years.
15 We bought it in July of '09.

16 Q. What is your -- can you give the
17 Commission a brief description of your
18 background?

19 A. My background -- I've had a business for
20 45 years. My husband -- I worked with
21 him on the side with a business that
22 he's had for over ten years.

23 And basically I got thrown into this

1 one and have worked my way through it,
2 learning all that I can and trying to do
3 everything the right way for two years.

4 Q. What was the previous business entity
5 that you all developed?

6 A. PODS.

7 Q. And what is PODS?

8 A. It's a moving and storage company.

9 Q. Okay. So those are the ones that we see
10 all the time that say P-O-D-S on them?

11 A. Yes, ma'am.

12 Q. That was your company?

13 A. Yes, ma'am.

14 Q. What's the nature of your involvement
15 with Express Medical on a day-to-day
16 basis?

17 A. I run all the day-to-day operations,
18 with the help of my second in command.

19 Q. All right. And so you're going to be
20 generally familiar with the company's
21 financial condition, with its day-to-day
22 operations, its equipment, its services,
23 its territory?

1 A. Yes, ma'am.

2 Q. Where is Express Medical actively
3 providing service within the state?

4 A. We provide service basically from the
5 Tennessee border to the Florida border,
6 from Mississippi to Georgia.

7 Q. Do you have statewide authority?

8 A. Yes, ma'am, I do.

9 Q. All right. Where are your business
10 offices located?

11 A. I have an office in Birmingham, which is
12 the address I just gave. I have an
13 office in Montgomery, one in Mobile, and
14 one in Ozark.

15 Q. All right. And how long have you had
16 the Ozark office?

17 A. I think that we did our deal back in
18 June -- end of May, beginning of June.

19 Q. All right. But you transported in that
20 area previously? You just didn't have
21 an office established in an area?

22 A. Right. Right. Right. We were in
23 Montgomery County. We've -- Lowdes

1 (sic), Butler, Pike. We bought clients
2 all the way to Dothan from Montgomery.

3 Q. So your Birmingham service area
4 encompasses a number of counties. And
5 then you have your Ozark service area,
6 your Montgomery service area, and your
7 Mobile service area?

8 A. Yes, ma'am.

9 Q. And those are the primary areas where
10 you transport?

11 A. Yes, ma'am.

12 Q. How many vehicles do you have?

13 A. We have a total of 52.

14 Q. Do you have the capability of
15 dispatching those vehicles statewide,
16 wherever they're needed?

17 A. We have a dispatch center that is
18 located in Birmingham. We also have a
19 call center in Birmingham. We have a
20 system that we use where we can dispatch
21 anywhere through the phone system that
22 we have for our drivers.

23 Q. When you say that you're providing

1 nonemergency medical transportation,
2 what does that entail for you? Where
3 are you transporting people?

4 A. We pick people up. We take them to
5 doctors' appointments. We take them to
6 the hospital. What -- cancer, dialysis,
7 radiation treatments. We do all of it.
8 If they need to go to the drug store, we
9 take them to the drug store.

10 For hire we do, taking them to
11 different things. Weddings, funerals.
12 Any -- anywhere that they need to go, we
13 provide that service.

14 Q. Is that both ambulatory and
15 nonambulatory?

16 A. Yes, ma'am. We do both.

17 Q. All right. And what kinds of vehicles
18 do you have to transport?

19 A. We have three sprinters, which handle 11
20 passengers and two wheelchairs. And if
21 we remove one of the seats, we can get
22 three wheelchairs in, sometimes four,
23 and with five passengers at that point.

1 We have wheelchair vans that the
2 majority of them hold two wheelchairs,
3 with two passengers. And we have mini
4 vans that hold up to five passengers,
5 depending on the size.

6 Q. And how many drivers do you have?

7 A. I have a total of 32 drivers.

8 Q. How long has the company been providing
9 nonemergency medical transport in the
10 state?

11 A. Since we bought the company two years --
12 a little over two years prior to that.

13 Q. And before that, the predecessor entity
14 was providing those services?

15 A. Ten to 12 years, I believe it was.

16 Q. How many transports do you estimate
17 you're providing -- can you give us an
18 estimate statewide on either a monthly,
19 weekly, however you want to do it,
20 basis?

21 A. We are probably doing in excess of over
22 3,000 runs a month within the state
23 right now.

1 Q. Do you have any idea how many you're
2 providing in the Houston County area?

3 I'll put it that way. Or Ozark.

4 A. We are probably doing -- let me just
5 clarify this. When we say a trip,
6 that's one way.

7 We're doing anywhere from, I'd say,
8 40 to 75 trips a day, depending on the
9 need. Whether it's a dialysis day or
10 they're going for their cancer
11 treatment.

12 And the big thing there is that we
13 can afford -- we can offer the service;
14 that when the people call in today, we
15 can pick them up. We have the ability
16 to do that.

17 Q. Is that number of transports increasing?

18 A. Yes, it is. Every week we're getting
19 more and more people.

20 Q. So do you get requests from Henry
21 County?

22 A. Yes, ma'am.

23 Q. And you serve Henry County?

1 A. Yes, we do.

2 Q. Geneva?

3 A. Yes, ma'am.

4 Q. Dale?

5 A. Yes, ma'am.

6 Q. Coffee County?

7 A. Yes.

8 Q. And Houston County?

9 A. Yes, ma'am.

10 Q. Do you also have contracts with any
11 other entities to provide transport?

12 A. With nursing homes and stuff?

13 Q. Yes. And insurance providers or
14 other --

15 A. We have a capitated rate insurance
16 policy. And their home office is in
17 Birmingham.

18 But we transport them as far down as
19 Dothan and as far up as right to Fort
20 Payne, near Tennessee.

21 Q. People who have VIVA insurance?

22 A. Yes, ma'am.

23 Q. Access to Care?

1 A. Access to Care.

2 Q. Logisticare?

3 A. Logisticare. We do -- can I add to
4 that?

5 Q. Yes.

6 A. We do STOPS, we do MSN, Access on Time.
7 All of those.

8 Q. And you are Medicaid approved?

9 A. Yes, ma'am, we are.

10 Q. What's the -- what's the general nature,
11 if you know, of the trips that you've
12 been asked to provide down in the
13 Houston County, Henry, Geneva, Dale
14 area?

15 A. We do -- we work for a lot of nursing
16 homes down there. We've been approached
17 by a Ms. Morris out of Headland who has
18 45 to 49, I think it was, members within
19 their community and their church. And
20 the mayor was involved on this also.
21 Ms. Morris started it up.

22 And she called us in for us to try
23 and work something out. Because the

1 people are low income. They can't
2 afford to do it. They had asked a taxi
3 cab service to do it, but it was just so
4 much out of their range that --

5 ALJ YOUNG: If you will, keep
6 your testimony to what you know
7 personally, not what -- your
8 conversation with someone else.

9 MS. WARHURST: Oh, okay.

10 A. All right. So we talked with her and --
11 about having a meeting and doing it on a
12 basis to where everyone can afford it.
13 And they were willing -- Ms. Morris said
14 they were willing to work with us and
15 have the members set up their
16 appointments so that they could all go
17 together, you know.

18 They don't want to go in a
19 wheelchair van because -- she said that
20 she doesn't want to go in one because it
21 makes her feel too old. So they like
22 the idea of going in the sprinter.

23 And they would make their

1 appointments so that we could take a
2 group, so it would be financially
3 affordable for the group.

4 Q. Do you provide these services 24 hours a
5 day, seven days a week?

6 A. Yes, ma'am, we do.

7 Q. What are the restrictions you have on
8 your authority?

9 A. I don't know of any restrictions I have.

10 Q. You can't -- you can't do structured
11 transportation, can you?

12 A. No, ma'am. No, ma'am. We are in the
13 process of -- there's a class at --
14 we've checked into what we can send all
15 of our drivers to. And once they pass
16 that class, then we would be qualified
17 to do stretcher.

18 Right now that's just not something
19 that I feel that I want the company in
20 to.

21 Q. Have you observed Pilcher Wheelchair
22 Transport vehicles anywhere outside the
23 Dothan city limits?

1 A. Yes, ma'am.

2 Q. Where and when have you seen those
3 vehicles?

4 A. Pilcher was at -- I was over at Hartford
5 having a meeting with Les, the
6 administrator of Hartford Nursing and
7 Rehab. And they were there. They had
8 two vans there -- Pilcher vans --
9 picking up members.

10 Dale Medical and also Pri Med. Dale
11 Medical is in -- near Ozark. But Pri
12 Med, right on St. Andrews, in Ozark was
13 the Pilcher van also.

14 Q. And what was the time frame? A month
15 ago? Two months ago?

16 A. A month and a half ago for Hartford,
17 just a couple of weeks ago for Pri Med,
18 and Dale, I'm -- I can't remember the
19 exact time frame. But it's been within
20 the last couple of months.

21 Q. Have you had any conversations with
22 anybody at Pilcher's regarding their
23 services?

1 A. Yes, ma'am.

2 Q. Who have you spoken with?

3 A. Joey Pilcher.

4 Q. And what was the nature of that
5 conversation?

6 A. We were out -- we were out looking at
7 different facilities. Our tracking
8 system and the way we dispatch, we can
9 have points of interest on our map, so
10 that when -- and we follow our vans
11 everywhere they go.

12 And we -- I was out taking pictures
13 of different facilities within the
14 Dothan area and Ozark, all around here,
15 so that we could put those in as points
16 of interest. Hospitals and that type of
17 thing.

18 And we pulled over to the side of
19 the road and was taking a picture of
20 Extended Care nursing home in Dothan.
21 And Mr. Pilcher came driving up behind
22 us, jumped out on the running board of
23 his van, and started yelling obscenities

1 at us, telling us to get away from his
2 nursing home, quit taking pictures of
3 his vans. And for 45 minutes this man
4 followed us around.

5 And he also called my -- got the
6 number off of our van. Called the home
7 office and wanted to talk with me. And
8 the girls would not give him my cell
9 phone number. They said that they would
10 take his number and have me call him,
11 which they did.

12 I called him back, and he was
13 verbally abusive for 45 minutes on my
14 phone, telling me what I could and I
15 couldn't do; that I had to stay out of
16 Dothan; that he would make sure that I
17 never worked in Dothan, and he would
18 come to Ozark and put me out of
19 business. Because he's a bull dog and
20 he was going to be in my face.

21 Q. You've not had any further conversations
22 with anybody at Pilcher's since that
23 time?

1 A. I tried calling --

2 Q. Mr. Daughtery.

3 A. Scott. Thank you. Which we could not
4 make contact. He was out of town and
5 then I was out of town.

6 But I also got a phone call a few
7 weeks ago for -- one of our members
8 needed a stretcher patient picked up in
9 Bonifay, Florida. And that is out of
10 our range.

11 So I called Joey personally, because
12 I know they can do stretcher, to verify
13 that he could go out of state to do
14 something like that. And he assured me
15 that he could. I gave him the lady's
16 name, and she was going to give him a
17 call to do the work.

18 Q. How have you expanded the size of the
19 company since 2009?

20 A. We have doubled in vehicles and probably
21 doubled in employees also. It's been a
22 struggle. It's been a struggle.

23 Q. Was the company in a depressed state

1 when you took it over in 2009?

2 A. Yes, ma'am.

3 Q. So you've had large infusions of capital
4 into the company?

5 A. Yes, ma'am.

6 Q. Do you anticipate further cash
7 infusions?

8 A. Yes, ma'am. In order to grow it.

9 Q. Are you profitable now?

10 A. Not quite. Close. Close.

11 Q. So you're essentially still in a startup
12 mode, as if you were a brand-new
13 company?

14 A. Yes, ma'am.

15 Q. The reimbursements that you obtained for
16 the trips that you provide, is every
17 trip important?

18 A. Every trip is vital to our success in
19 this business.

20 Q. And it's not just -- not just in the
21 Birmingham area or not just in the
22 Montgomery area. It's just everywhere
23 you provide service?

1 A. Yes, ma'am. And we accommodate the
2 rural areas of Alabama also, which is a
3 very important part of the business and
4 important to us too as far as income.

5 Q. Can you state what the rural need is?

6 A. It's huge, because the people have no
7 way of getting there and they have no
8 one to take them. So a company like
9 mine, it's important to be out there and
10 be able to take these people. Because
11 90 percent of them don't have
12 transportation. And there's not an --
13 or a cab company or any other people
14 that are willing to go the distance to
15 make that happen.

16 Q. When you go into the rural areas, do you
17 have the capability of transporting more
18 than one person at a time?

19 A. Yes, ma'am.

20 Q. Does this application have the potential
21 to hurt your business?

22 A. It does. Very much so.

23 Q. Would it reflect negatively on the

1 company's profits?

2 A. Yes, ma'am.

3 Q. What about employment of staff?

4 A. Oh, we would -- we would have to lay
5 people off, because we wouldn't be able
6 to keep them.

7 Q. What kind of -- what kind of
8 education -- there's been a lot of
9 testimony today about the level of
10 training of people that are providing
11 nonemergency medical services.

12 What's the level of training that
13 you require your drivers to have?

14 A. We have -- we put all of our drivers
15 through first aid. They do CPR. They
16 go through a training session of putting
17 people into the wheelchairs, how to
18 treat them, how to lock them down.
19 Sensitivity training as to the -- you
20 can say one little thing to someone that
21 might just blow them off the map. And
22 so the sensitivity training is very
23 important there.

1 And also as to when you're working
2 with a client, you -- there's just
3 certain areas you don't touch. If you
4 have to pull a belt through, you've got
5 to -- you talk to the member. You tell
6 them what you're doing so they're aware
7 of what's happening. It's all really
8 important. Very important in how you
9 load them into the van.

10 Q. I was going to say. Loading people in
11 and out of the vehicles, are you subject
12 to a great deal of liability there?

13 A. Yes, ma'am.

14 Q. Is there any equipment that you have on
15 board the vans that your drivers are
16 qualified to utilize or --

17 A. We don't have any -- what are they
18 called? AEDs or anything like that.

19 We have a medical kit. We, you
20 know -- a fire extinguisher, that type
21 of thing. But nothing that -- where we
22 administer any CP -- they can do CPR,
23 but they can't have any other type of

1 equipment.

2 Q. Are your drivers subject to continuing
3 ongoing training?

4 A. Yes, ma'am. We do it once a year.

5 Q. And your vehicles are regularly
6 inspected?

7 A. Yes, ma'am.

8 Q. You have a new local telephone number
9 down in the Ozark area?

10 A. We have an 800 number that's for the
11 whole state of Alabama.

12 Q. And you have a website?

13 A. We do have a website. Yes, ma'am.

14 Q. Have you seen -- have you seen AAA Cab
15 transporting nonemergency medical
16 patients down in the Ozark or Henry area
17 or any of those?

18 A. I don't -- I've only seen their
19 facility. I've never seen one of their
20 cabs out and about, to be honest with
21 you.

22 Q. Within the -- this is my last question.
23 Within the service area that the

1 applicant's proposing to provide
2 service -- Henry, Houston, Geneva, Dale,
3 and Coffee -- what's -- what are the
4 primary types of transports that you're
5 doing in those areas?

6 A. We do wheelchair. And our ambulatory
7 has started to kick in, and we're doing
8 a lot in Geneva. Ambulatory. So -- but
9 mainly wheelchair right now.

10 And in talking with Medicaid and a
11 lot of the other facilities down there,
12 like Henry Health and Rehab and
13 Abbeville, they have a need for
14 ambulatory to be transported. So -- but
15 right now the majority is wheelchair.

16 MS. BILLINGSLEY: Okay.

17 That's all the questions I have
18 for this witness.

19 ALJ YOUNG: Let me ask you a
20 couple of personal questions, and
21 then you can ask her questions
22 when I get through. Okay?

23 You were talking about

1 how many trips a day you have in
2 the Houston County/Ozark area.
3 And that's was 40 to 75 trips a
4 day?

5 MS. WARHURST: (Witness nodded
6 head in the affirmative.)

7 ALJ YOUNG: And that's one
8 way?

9 MS. WARHURST: One way.
10 That's the way they judge the
11 trips. Yes, ma'am.

12 ALJ YOUNG: And when you were
13 talking about the 45 people that
14 somebody told you that needs some
15 transportation, low income people,
16 those were Henry County?

17 MS. WARHURST: No. They were
18 -- I don't know if it's in Henry
19 County proper. But it's
20 Headland. The City of Headland is
21 who we met with.

22 ALJ YOUNG: All right.

23 MS. WARHURST: I'm not real

1 good on counties. I'm sorry. I
2 just know we're everywhere.

3 ALJ YOUNG: I think you were
4 talking about Lowndes County.

5 MR. DAUGHTERY: It's Henry
6 County.

7 ALJ YOUNG: No. Earlier. She
8 was talking about --

9 MS. WARHURST: I called it
10 Lowdes, didn't I?

11 ALJ YOUNG: It's Lowndes.

12 MS. WARHURST: Different
13 areas.

14 ALJ YOUNG: That's right.

15 MS. WARHURST: Different
16 places in the country is different
17 sounds.

18 ALJ YOUNG: That's right.
19 That's right.

20 MS. WARHURST: Sorry about
21 that.

22 ALJ YOUNG: That's how I knew
23 you weren't from here, when you

1 said that.

2 MS. WARHURST: But I really
3 am. I was born in Alabama.

4 ALJ YOUNG: All right. If you
5 have any cross.

6 MR. DAUGHTERY: I really
7 don't.

8 But about the lady in
9 Headland, thanks for taking care
10 of her. Because she actually
11 called me, wanting to do the same
12 thing. And I told her just ain't
13 no way.

14 But they do need some
15 help. Bad. There ain't no way I
16 can take care of them ambulatory
17 people like that.

18 ALJ YOUNG: Those are the 45
19 people in Headland?

20 MR. DAUGHTERY: Yeah.

21 ALJ YOUNG: And I'm thinking
22 it might even be the 45 people
23 you're talking about in Headland.

1 MS. CULP: Yes, ma'am. I
2 don't mind speaking up. I didn't
3 know her name. But when she
4 said -- Ms. Morris is actually the
5 one that called me in Abbeville
6 also.

7 ALJ YOUNG: All right. You
8 don't have any other questions?

9 MR. DAUGHTERY: No, ma'am.

10 MS. BILLINGSLEY: No follow-
11 up, Your Honor.

12 ALJ YOUNG: All right. You
13 can be excused.

14 Any other witnesses?

15 MS. BILLINGSLEY: No, Your
16 Honor.

17 ALJ YOUNG: Would you like to
18 make a closing statement?

19 MR. DAUGHTERY: I'm good.
20 Thank you.

21 ALJ YOUNG: Anything?

22 MS. BILLINGSLEY: Your Honor,
23 I just think the testimony does

1 show today that the need in these
2 areas is presently being met by the
3 existing carriers. For example,
4 the 45 people. Express Medical
5 picked it right up, and they're
6 running with it.

7 And that certainly the
8 number of carriers that are down in
9 that area to provide nonemergency
10 medical transport is sufficient to
11 meet the need in these areas. And,
12 therefore, we would ask the
13 application be denied.

14 ALJ YOUNG: Anything else from
15 anybody?

16 (No response.)

17 ALJ YOUNG: Seeing that there
18 is none, I'll take this under
19 advisement. And this hearing is
20 concluded.

21 (Proceeding concluded at
22 11:28 a.m.)

23

1 REPORTER'S CERTIFICATE

2 STATE OF ALABAMA

3 MONTGOMERY COUNTY

4 I, Gwendolyn P. Timbie, Certified
5 Court Reporter and Commissioner for the State
6 of Alabama at Large, hereby certify that on
7 Thursday, October 6, 2011, I reported the
8 PROCEEDINGS in the matter of the foregoing
9 cause, and that pages 2 through 111 contain a
10 true and accurate transcription of said
11 proceedings.

12 I further certify that I am neither
13 kin nor of counsel to the parties to said
14 cause, nor in any manner interested in the
15 results thereof.

16 This 14th day of October, 2011.

17

18 /s/Gwendolyn P. Timbie
19 GWENDOLYN P. TIMBIE, COURT REPORTER
20 And Commissioner for the
State of Alabama at Large
CCR 172, Expires 09/30/12

21 MY COMMISSION EXPIRES: 3/10/2013

22

23

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