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February 2nd, 2026

To: Mountain Lakes Regional EMS Council
From: Tyler J. Selak, Senior Regional Director of Operations – Northeast
Prepared by: Karen Taddeo
RE: Second CON Expansion Application for Fort Ann Rescue Squad, Inc.

WRITTEN TESTIMONY IN OPPOSITION TO SECOND APPLICATION

In accordance with the Notice of Public Hearing issued by the Mountain Lakes Regional Emergency Medical Services Council (undated), Ambulnz NY 2, LLC is submitting this Written Testimony via email to paperwork@fdrhpo.org prior to the Public Hearing to be included in the official record of the Public Hearing on the above referenced Second Application for the Expansion of Fort Ann Rescue Squad's Primary Operating Territory. The original Application, which was the same for all intents and purposes, was DENIED by the Mountain Lakes REMSCO in or about September 2025.

Fort Ann's Second Application is one of want and wish, not one of Need. Its Detailed Narrative begins with "Fort Ann Rescue Squad *wishes* to provide Basic and Advanced Life Support transport ambulance services for discharged and transferred patients from the Glens Falls Hospital, Warren County, New York." (Detailed Narrative p.1 introductory paragraph). However, as the REMSCO is well aware, Need is demonstrable and "**Statements of want, desire, feeling or other unsubstantiated sentiments are not acceptable.**" (DOH Policy Statement 06-06 p. 5 of 30. **Emphasis in the original.**) Thereafter, in the very first paragraph of the Detailed Narrative, Fort Ann's Second Application calls into question Fort Ann's fitness and competency when it acknowledges that its operations for the past two years have been without proper operating authority. "The Public Health Law *requires* the Fort Ann Rescue Squad apply to expand its operating authority..." Detailed Narrative p.1 introductory paragraph).

Ambulnz NY2, LLC ("NY2") is a duly certificated provider of EMS and ALS /BLS ambulance transportation services throughout the entirety of *inter alia* Warren County. Their primary territory therefore includes Glens Falls Hospital in the City of Glens Falls, Warren County, NY. Glens Falls Hospital ("GFH") is the proposed "Expansion Territory" sought by Fort Ann Rescue Squad, Inc. ("Fort Ann"). NY2 has at its disposal 30 ambulances, 4 fly cars, 27 Paramedics and 140 EMT's. NY2 provides services to Glens Falls Hospital and at any time can increase services as needed in accordance with the terms of an agreement with the Glens Falls Hospital.

According to the Detailed Narrative provided by Fort Ann, the proposed Need it seeks to fill is the provision of ALS and BLS level non-emergency discharge and transfer ambulance transportation services for GFH. Fort Ann stated exactly that in its application "The goal of this application is for Fort Ann Rescue Squad to be authorized to *continue* to provide a reliable non-emergency transporting ambulance service to Glens Falls Hospital ... specifically in order to transport patients out of Glens Falls Hospital to their homes, to other hospitals, to nursing homes and other treatment and diagnostic facilities." (Detailed Narrative page 2)

While the application is voluminous, it fails to demonstrate a Need that cannot be met by the existing certificated ambulance services with a reallocation or improvement of those services. Moreover, the statements made in the Narrative and data upon which the applicant relies are somewhat suspect and may, in fact, implicate Fort Ann's fitness and competency to operate.

There is no Need for an Additional Ambulance Service at GFH

There is no Need for another ambulance service at GFH. Currently there are fourteen (14) ground ambulance services with operating territory in Warren County that are arguably available to service GFH. Five (5) ambulance services have direct authority to take calls out of GFH by virtue of the fact that GFH is within their current operating territories. Additionally, it must be remembered that a patient may be lawfully transported by any agency that delivered that patient to the hospital and a volunteer agency may lawfully transport a resident of its primary territory either to the resident's home or to any other hospital whether or not it is within the volunteer agency's primary territory. (See Pub, Health Law Sec 3010) Finally, if there is a need for emergency transports out of GFH they can be done via mutual aid pursuant to any mutual aid plan that has been approved by the Mountain Lakes Regional EMS Council. (See Pub. Health Law Sec 3010)

Fort Ann claims to have undertaken 1719 transports (234 ALS and 1404 BLS and 81 SCT) out of Glens Falls Hospital during the eleven months and one week (Jan1 – Dec 5) of 2025. (Detailed Narrative page 3) Even *after* it was presented with statutory evidence that such transports were unlawful in the original Application opposition, Fort Ann kept knowingly and willingly violating Article 30!

Fort Ann makes broad statements in this Second Application to replace the false statement in the original Application that "it discussed these transports with the existing services and the existing services were either not able or not willing to conduct the transports". (original Application at Detailed Narrative page 4) "Specifically Fort Ann now alleges . "the current CON holders are cognizant of the fact that other non-certificate holders are engaged in inter-facility activities" Detailed Narrative page 3) to justify conducting transports in violation of Article 30. There is no documentation or competent evidence that certificated providers were even contacted before Fort Ann was assigned these calls.

Further, even if, *arguendo*, all of the other certificated ambulance services were contacted and were unable to conduct any given non-emergency transport out of GFH, that fact would not permit Fort Ann to perform those non-emergency transports as the transports were outside its Primary Operating Territory.

Fort Ann has attached some documents to its Second Application purportedly in support and/or justification of its operations out of territory. These can be found at page 71 of 165 et. Seq. of the Second Application despite being referenced on the cover page/index as appearing at the end of the Second Application. There is a letter from 2010 regarding Medicaid transportation; pages from the 2023 Medicaid Manual for Transportation dealing with prior approvals being needed from the Medicaid Transportation

Broker in order for the ambulance service to be paid; a copy of PHL 3010 regarding lawful exceptions to the requirement that an ambulance service receive patients only within its primary territory with the section on transporting patients out of the hospital IF the patients were transported to the hospital by that ambulance service. No where is there any evidence that the 1719 transports conducted out of GFH during 2025 were all Medicaid pre-approved by MAS as transportation Broker or patients transported to GFH by Fort Ann. Even if, *arguendo*, that were the case, there would be no Need for an additional service as the Fort Ann transports would be covered by those exceptions. Either the trips Fort Ann conducted were allowed by exception OR they were unlawful. In either instance the existence of the trips either shows no Need or shows flagrant disregard for Article 30. There is no demonstrated Need; therefore the Second Application must be denied.

Fort Ann has knowingly operated in violation of Article 30

No where in Section 3010 is there an allowance for an ambulance service to accept a *non-emergency* transport of a patient outside its primary operating territory. Fort Ann offers NO justification as to why it would knowingly conduct non-emergency transports outside its Primary Operating Territory over 1700 times in eleven months in violation of Article 30 Section 3010. Notwithstanding the open acknowledgement of operating outside its Primary Operating Territory in violation of Section 3010, Fort Ann signed the DOH 3777 application form stating that the signator had received and read Article 30 and every single person who signed a DOH Affirmation of Fitness and Competency swore that they had operated the agency “,,, in compliance with all applicable statutes, rules, regulations and policies... “. (See generally Forms 3777 and 3778 included in the application.) The attestations are directly contradicted by the facts presented in the application and therefore the principals of Fort Ann submitting 3778 forms cannot be found competent for the application to be approved. Article 30 Section 3005 (5) states in pertinent part: “No initial certificate ... shall be issued unless the commissioner finds that the proposed operator or operators are competent and fit to operate the service ...” The expanded territory would be the initial certificate for the new territory. Therefore the application must be denied.

For all of the above reasons, together with such information as may be presented at the Public Hearing, based upon the Second Application as submitted, Ambulnz NY2 LLC respectfully requests that the Second Application be denied.

Respectfully,



Tyler J. Selak
Senior Regional Director of Operations – Northeast
Ambulnz by DocGo

ⁱ It is well established that Article 30 does not provide for the issuance of a limited purpose, i.e. discharge and transfer (non-emergency) only ambulance authority. A certificate of need must allow emergency as well as non-emergency operations.

ⁱⁱ There is however a statement made in the Detailed Narrative at page 5 under “Ability and Quality of Existing Services” that states “We have spoken with other available services, and they are either not capable of providing consistent reliable transports and/or are not interested in doing inter-facilities.” There is no proof of the statement. Further, there is an email TO some select EMS agencies asking for a dialogue (Second Application p. 80 of 165) but no responsive emails.