

COMMONWEALTH OF MASSACHUSETTS

Middlesex, ss.

Division of Administrative Law Appeals

McCall Transportation, LLC,
Petitioner,

Docket No.: PHAC-25-0421

Dated: September 25, 2026

v.

Department of Public Health,
Respondent.

Appearances:

For Petitioner: Jim Rice, Esq.

For Respondent: Matt A. Murphy, Esq.

Administrative Magistrate:

Yakov Malkiel

SUMMARY OF RECOMMENDED DECISION

The department of public health may suspend and decline to renew the petitioner company's license to operate an ambulance service based on the petitioner's failure to satisfy regulatory data-submission requirements and its related failure to comply with a binding correction order.

RECOMMENDED DECISION

Petitioner McCall Transportation, LLC (McCall) operates an ambulance service under a license from the Department of Public Health (department). This is McCall's appeal from a notice of agency action (NOA) through which the department suspended and proposed not to renew McCall's license. An order dated September 10, 2026 (SD Order) allowed the department's motion for summary decision on two of the eight legal bases stated in the NOA. The department then withdrew its remaining theories and allegations.

Facts

The following facts either are undisputed or are established beyond genuine dispute for the reasons stated in the SD Order.

1. The department has published a guidance document titled Administrative Requirement 5-403 (AR-5-403). AR-5-403 instructs all ambulance services to upload specified pieces of information to a website known as MATRIS. As of March-May 2024, McCall was not complying with AR-5-403's instructions. (SD Order p.1.)

2. In May 2024, the department served McCall with an "order to correct deficiencies." The order instructed McCall to come into compliance with AR-5-403. As of thirteen months later, in June 2025, McCall still had not managed to do so. (SD Order p.2.)

Analysis

The department is responsible for licensing and overseeing the Commonwealth's emergency medical services, including its ambulance services. G.L. c. 111C, § 1 et seq. In that capacity, the department is authorized to suspend, revoke, or refuse to renew a license on various statutory grounds, *id.* § 16, on which the department has elaborated in 105 C.M.R. § 170.265(A).¹

One of the regulatory grounds for action against a license is a licensee's "[f]ailure to meet the licensure requirements of [the department's regulations]." 105 C.M.R. § 170.265(A)(8). One of the pertinent licensure requirements appears in *id.* § 170.347, which says: "Each ambulance service shall comply with all requirements established by the [d]epartment for submission of data to the [d]epartment" The same provision adds that the "[d]ata submission requirements shall be specified in administrative requirements."

¹ The statute imposes an extra requirement for suspensions effective even before a hearing: the licensee needs to have been operating "in a manner which endangers the public health or safety." G.L. c. 111C, § 16. McCall has not developed an argument based on this point, focusing instead on its entitlement to a license going forward.

AR-5-403 is an “administrative requirement” within the meaning of this provision. By failing to satisfy AR-5-403, McCall failed to comply with a “data submission” requirement under § 170.347, failed in turn to meet its regulatory “licensure requirements” under § 170.265(A)(8), and is sanctionable on that basis.

The regulations also authorize the department to act against a licensee based on a “[v]iolation of a correction order.” 105 C.M.R. § 170.265(A)(2). That provision is straightforwardly applicable here, given McCall’s extended failure to comply with the department’s May 2024 “order to correct deficiencies.”

With two paragraphs of 105 C.M.R. § 170.265(A) triggered, nothing else remains to be decided in this proceeding: under the regulations, “[i]f the Presiding Officer finds any single ground for denial, revocation, suspension, or refusal to renew any license . . . the Presiding Officer shall render a decision affirming the action.” *Id.* § 170.770(B). McCall’s essential argument is that the NOA provides for sanctions disproportionate to McCall’s missteps; but that argument will need to be made to the commissioner once the case returns to him, or to the Superior Court on an appeal under G.L. c. 30A, § 14, from the commissioner’s final agency action.

Conclusion

I recommend that the NOA be AFFIRMED on the grounds appearing in 105 C.M.R. § 170.265(A)(2) and (8).

/s/ Yakov Malkiel

Yakov Malkiel

Administrative Magistrate

Division of Administrative Law Appeals