

ANCHORAGE CIVIL SECTION
 OFFICE OF PUBLIC ADVOCACY
 900 West 5th Avenue, Suite 525
 Anchorage, Alaska 99501
 (907) 334-2678 • Fax (907) 269-3535

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 COURT OF ALASKA
 APPELLATE COURTS
 2013 DEC 26 AM 10:18
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IN THE COURT OF APPEALS OF THE STATE OF ALASKA

ITMO Protective Proceedings of)
 Bret Byron Bohn)
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) Court of Appeals No. S-15409

Trial Court Case No. 3AN-13-02737 PR

CIVE PC

**RESPONSE TO EMERGENCY PETITION FOR REVIEW AND OPPOSITION TO
 EMERGENCY MOTION TO STAY**

The Office of Public Advocacy, Public Guardian, temporary guardian for
 Bret Bohn, opposes Glenn Bohn’s and Lorraine Phillips’ Emergency Petition for Review
 and Motion to Stay. This is because Glenn Bohn and Lorraine Phillips (parents)
 fundamentally misconstrue the factual and legal questions at the core of this matter.

They frame the questions before this Court as:

1. Whether the State can petition to suspend an advanced health care directive without providing notice and service of process to the named healthcare-decision agent?
2. Whether the burden is on the State to prove at a temporary guardianship hearing, by clear and convincing evidence, that an advanced healthcare directive should be suspended?

These questions demonstrate the parents’ fundamental misunderstanding
 of what has occurred and is occurring in this case. The State never filed a petition to
 suspend Mr. Bohn’s advanced health care directive. Rather, Adult Protective Services
 (APS) filed a petition for the appointment of a guardian. Adult Protective Services itself
 did nothing in regards to the advanced health care directive, frankly it does not have

1
2 the authority to enforce or suspend these documents.¹ As stated in its petition, it
3 acknowledged that Ms. Phillips held a healthcare power of attorney for her son, but that
4 there were concerns that she was not acting in the best interests of her son.² APS filed
5 the petition because Mr. Bohn was an individual who appeared to be incapacitated and
6 did not have a current decision-maker as the hospital was not honoring the power of
7 attorney.³

8
9 In a guardianship case, the court has three finite questions to answer.
10 First, and most important, is the respondent incapacitated? The petitioner bears the
11 burden of proving this fact by clear and convincing evidence.⁴ In 2008, the
12 guardianship statutes were amended and now allow a respondent to stipulate to a
13 finding of incapacity. That is what happened in this case.⁵ After determining that an
14 individual is incapacitated, the court must then look to the scope of the incapacity and
15 whether or not there are any less intrusive alternatives to a full guardianship.⁶ Again,
16 the petitioner has the burden of proof by clear and convincing evidence.⁷ This is where
17 the court would look to see if there are any advanced directives or powers of attorney
18 that could be utilized in lieu of imposing a guardianship. In this case, the information
19 before the court at the time of the initial hearing, and at all times since, is that there was
20 indeed an advanced directive that nominated Ms. Phillips. However, the hospital was
21 not honoring it because of concerns it had about her ability to make decisions under it.

22
23 ¹ See Alaska Statute 47.24.017- .019.

24 ² Petition for Guardianship, Attachment A at page 4.

25 ³ Id.

26 ⁴ AS 13.26.113(b).

⁵ Findings and Order of Temporary Guardianship, page 1, attached to parents' Petition.

⁶ AS 13.26.113(c)-(f).

⁷ In the Matter of O.S.D., 672 P.2d 1304, 1306 (Alaska, 1983).

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2 Therefore, there is no way the court could have determined the advanced directive was
3 sufficient, because it would not change the fact that the hospital was not honoring it.
4 As a result, in this particular case, there were no less restrictive options to a
5 guardianship.⁸ The third and final question for the court to answer in guardianship
6 proceedings is who should be appointed as guardian.⁹ Glenn Bohn was nominated by
7 his son to serve as his guardian; however, the information before the court at the time
8 of the hearing was that he was not an appropriate choice because of concerns he was
9 acting in concert with Ms. Phillips. AS 13.26.145(f) allows the court the discretion to
10 bypass individuals of a higher priority if it is in the best interests of the respondent.¹⁰
11 Because the designation of the individual guardian is not a dispositive issue, the
12 burden of proof, which lies with the petitioner, is a preponderance of the evidence.¹¹ In
13 this case, the court determined that it was in Mr. Bohn's best interest for the Public
14 Guardian, which has the lowest statutory priority, to be appointed as Mr. Bohn's
15 temporary guardian.¹² It is the Public Guardian's position that the court and all parties
16 but the parents understood this proposition and were prepared to proceed with an
17 evidentiary hearing to address these three questions, with the burden of proof on APS
18 at the December 19 hearing.
19
20

21 ⁸ If the parents have issue with the hospital not honoring them as agents and/or not
22 providing them notice of its decision to not honor their decisions, that is the basis for
23 a separate legal claim against the hospital directly, and not a matter to be taken up
24 within the guardianship proceeding.

25 ⁹ AS 13.26.113(g), AS 13.26.145.

26 ¹⁰ In the Matter of Tammy J., 270 P.3d 805,811 (Alaska, 2012).

¹¹ Cf. O.S.D. 672 P.2d at 1306 (holding that issues that determine whether or not there should even be a guardianship need to be proven by clear and convincing evidence).

¹² Findings and Order of Temporary Guardianship, page 2, attached to parents' Petition.

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Guardianships are protective proceedings. They are equitable and not legal in nature. In them, the courts exercise the state's *parens patriae* authority to assist an individual.¹³ Because there is no question that Bret Bohn is currently incapacitated, it would simply not be appropriate for the court to completely vacate the determination that he is in need of a guardian, which is what the parents are requesting when they are asking for a total de novo review. Also, because the hospital is not honoring the decisions of the parents (rightly or wrongly, again that is a separate case), there is no question that the power of attorney is not available as a less restrictive alternative to guardianship in this case. If the court completely vacated these determinations, it would violate its fiduciary duty to Mr. Bohn to protect him. This is a man who needs assistance, that fact is not in dispute.

The Public Guardian also opposes staying the hearing scheduled for December 26. Mr. Bohn has a right to have medical treatment. He is clear in his advanced directive that, "I want my life to be prolonged and I want life-prolonging treatment to be provided, unless in my Agent's judgment, the pain, discomfort, or probable outcome of treatment outweighs any benefit the treatment may have for me."¹⁴ In order to treat effectively a medical condition, one must first know what that condition is. The unfortunate reality in this case is that Mr. Bohn's doctors simply do not have a diagnosis for him. To postpone the hearing at which doctors would be available to testify as to the need for the care Mr. Bohn could be provided at Johns Hopkins, in addition to testify about the need for urgency in obtaining this care and

¹³ Johns, A. Frank, *Ten Years After: Where is the Constitutional Crisis with Procedural Safeguards and Due Process in Guardianship Adjudication?*, 7 ELDER L.J. 33, 39 (1999).

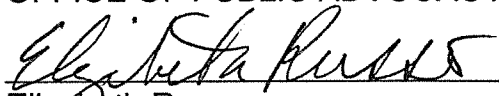
¹⁴ Durable Power of Attorney for Health Care, Attachment B at page 1.

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taking the opportunity while it is offered,¹⁵ would not benefit him. A delay only serves to keep Mr. Bohn in the same situation that he has been in for the last two months.

Therefore, this court should not stay the guardianship proceedings. Rather, it should allow the hearing scheduled for the afternoon of December 26 to proceed. It should not vacate the guardianship, but rather remand this case to the Superior Court for a hearing on whether or not there is a less restrictive alternative to guardianship, and if not, who should be appointed guardian.

DATED at Anchorage, Alaska on December 26, 2013.

OFFICE OF PUBLIC ADVOCACY

Elizabeth Russo
Assistant Public Advocate
Bar No. 0311064

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¹⁵ Hearing Order, dated December 23, 2013, Attachment C.

FILED
 STATE OF ALASKA
 APPELLATE COURTS
 2013 DEC 26 AM 10:13

IN THE COURT OF APPEALS OF THE STATE OF ALASKA

ITMO Protective Proceedings of)
 Bret Byron Bohn)
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CLERK, APPELLATE COURTS
 BY: _____
 DEPUTY CLERK

) Court of Appeals No. S-15409

Trial Court Case No. 3AN-13-02737 PR

CERTIFICATE OF SERVICE AND TYPEFACE

I hereby certify that on this date, a copy of the **Response To
 Emergency Petition For Review And Opposition To Emergency Motion To
 Stay** in this proceeding was mailed to:

Mario Bird
 Ross & Miner, PC
 327 E. Fireweed Lane, Ste. 201
 Anchorage, AK 99503

Nevhiz Calik
 Asst. Attorney General
 1031 W. 4th Ave., Ste 200
 Anchorage, AK 99501

Carolyn Perkins
 900 W. 5th Ave., Ste 400
 Anchorage, AK 99501

Christopher Slottee
 Atkinson, Conway, & Gagnon
 420 L St., Ste 500
 Anchorage, AK 99501

In accordance with Appellate Rule 513.5(c)(2) the undersigned further certifies that the above-referenced document utilizes 12.5 Arial font

DATED December 26, 2013 at Anchorage, Alaska.

OFFICE OF PUBLIC ADVOCACY



 John Grover Whitlock, LOA II

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IN THE SUPERIOR COURT FOR THE STATE OF ALASKA
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THIRD JUDICIAL DISTRICT AT ANCHORAGE

In the Matter of the
Protective Proceedings of:

BRET BYRON BOHN,

Respondent.

FILED
STATE OF ALASKA
BY _____

Case No. 3AN-13-2737PR

PETITION FOR GUARDIANSHIP

The State of Alaska, Department of Health and Social Services, Adult Protective Services, through John "Tony" Bove, whose address is 550 West 8th Avenue, Anchorage, Alaska 99501, (907) 269-6967 alleges that the respondent named above is in need of a guardian under AS 13.26.090, and in support of this petition states as follows:

1. The respondent is Brett Byron Bohn, born January 12, 1987, whose residential address is 3821 Balchen Drive, Anchorage, Alaska 99517. Mr. Bohn's mailing address is PO Box 90769, Anchorage, Alaska 99509 and usually he can be reached at (907) 242-2738.

2. Mr. Bohn is currently at Providence Alaska Medical Center receiving treatment.

3. The respondent at this time has no guardian and is in need of someone to make responsible decisions concerning his healthcare, housing, benefits, services and finances.

4. The facts which make the respondent in need of a guardian are:
Mr. Bret Byron Bohn is a 27-year-old male with acute psychosis/delirium, acute seizure

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1
2 disorder, hypernatremia, hyperglycemia and suicidal ideation. He has been taking Haldol,
3 Ativan, Benadryl for medications.

4 Adult Protective Services received a report of harm alleging neglect of Mr. Bohn on
5 October 28, 2013. The report stated that Mr. Bohn was hospitalized at Providence Medical
6 Center. The report indicated that since his admission to the hospital, Mr. Bohn's family,
7 specifically, mother has been interfering with his medical care. The mother was observed by
8 the hospital staff to be physically assaultive and restraining him for no legitimate reason and
9 would not stop despite requests from the staff. Mr. Bohn's mother also reportedly told his
10 treating physician that she would prefer her son to commit suicide rather than be at the
11 hospital. Due to the agitation caused to Mr. Bohn, Mr. Bohn's attending physician
12 implemented strict visiting hours for his parents' visit with him and directed that a hospital
13 staff would be present to supervise the visits.
14

15
16 The petitioner met with Mr. Bohn on October 29, 2013 to investigate the report at his
17 hospital room. Mr. Bohn was aware of his location but he could not participate in a
18 meaningful conversation with him. The petitioner has spoken at length with Sarah Blanning,
19 SW/ Discharge Planner for this case, as well as Connie Tendick, RN, who has been the
20 adult's nurse on multiple shifts to learn more about Mr. Bohn's condition.

21 The petitioner visited with Mr. Bohn second time at the hospital on Friday,
22 November 1, 2013. During the visit, the petitioner attempted, for approximately 45 minutes,
23 to converse with the respondent, who remained confused and required frequent redirection
24 to the topic at hand. Mr. Bohn appeared to be trying to attend to the conversation, but
25 seemed to forget what was said shortly after it was spoken to him. In the time spent with
26

I.T.M.O.: Bret Byron Bohn
Petition for Guardianship

Case No. 3AN-13-_____ PR
Page 2 of 5

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Attachment A
Page 2 of 5

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Mr. Bohn, he was able to - with apparent great difficulty and much verbal redirection, rephrasing of questions, and repeating back to him what petitioner heard him say - express the following:

1. Mr. Bohn's troubles began before his recent alleged hunting trip, during which the current difficulties apparently began.
2. Prior to the hunting trip, he was seeing "delusions" (when petitioner asked if he meant 'seeing things that weren't really there,' he stated "yes").
3. He stated that he was hearing voices in his head that he knew weren't real.
4. He said that he should have told someone of his problems.
5. He said that he should have gone to Alaska Psychiatric Institute. When asked whether he thought he needed to go there now, he said no. He was being taken care of at the hospital.
6. On the topic of pre-hospitalization medication, Mr. Bohn said that he was taking steroids for his nose. He also took medication that his mother gave him (but he was unable to state what medication).

The petitioner discussed the case with Mr. Bohn's mother, Lorraine Phillips-Bohn, over the phone on October 30, 2013. Mrs. Bohn admitted that she did physically restrain him and that wanted to remove him out of the hospital against medical advice. She stated that she could provide care for him in the home and that he should not receive medications for his condition but that he needed counseling. The petitioner has not had the opportunity to talk to Mr. Bohn's father, Glenn Bohn, by the time of filing this petition.

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I.T.M.O.: Bret Byron Bohn
Petition for Guardianship

Case No. 3AN-13-_____ PR
Page 3 of 5

Attachment A
Page 3 of 5

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The petitioner learned that Mrs. Bohn has a durable power of attorney to make medical decisions for her son, however, her current decisions and interference with his medical care has caused great concern for the petitioner. These concerns are supported by his treating physician's letter.

Based on the foregoing, the petitioner is requesting appointment of a guardian on an expedited basis for Mr. Bohn and that a non-family member be appointed for that role at this time.

5. The known living relatives of the respondent are:

- a. Lorraine Phillips-Bohn, mother, 3821 Balchen Drive, Anchorage, Alaska 99517, (907) 242-2738.
- b. Glenn Bohn, father, 3821 Balchen Drive, Anchorage, Alaska 99517, (907) 242-2738.

6. Other persons who might be helpful in determining the ability of the respondent are:

- a. Dr. Peter Abraham, DO (Resident), Providence Alaska Medical Center, 3200 Providence Drive, Anchorage, Alaska 99519, (PO Box 196604, Anchorage, Alaska 99519).
- b. Sarah Blanning, LMSW, SW/Discharge Planner, Providence Alaska Medical Center, 3200 Providence Drive, Anchorage, Alaska 99519, (PO Box 196604, Anchorage, Alaska 99519).

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I.T.M.O.: Bret Byron Bohn
Petition for Guardianship

Case No. 3AN-13-_____ PR
Page 4 of 5

Attachment A
Page 4 of 5

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c. Heather Brock, ANP, Providence Alaska Medical Center,
3200 Providence Drive, Anchorage, Alaska 99519, (PO Box 196604, Anchorage, Alaska
99519).

7. The petitioner could not get any information regarding Mr. Bohn's finances.

WHEREFORE the petitioner prays as follows:

- 1. For the court to appoint a guardian for the above-named respondent.
- 2. For the court to appoint an attorney for the respondent pursuant to

AS 13.26.106(b).

3. For the court to appoint an expert to investigate the issue of incapacity
pursuant to AS 13.26.106(c).

4. For the court to appoint a visitor as defined in AS 13.26.005(8) pursuant to
AS 13.26.106(c).

5. For the court to have a hearing on the issue of guardianship as soon as
possible.

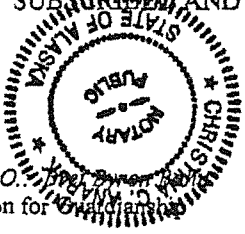
6. For such other and further relief as the court deems necessary and proper.

DATED: 11/4/13

ALASKA DEPARTMENT OF
HEALTH AND SOCIAL SERVICES

John A. Bove
John "Tony" Bove, Petitioner

SUBSCRIBED AND SWORN to before me this 4 day of November, 2013.



Christina A. Smith
Notary Public in and for Alaska
My Commission expires: WITH OFFICE

I.T.M.O. Petition for Guardianship

Case No. 3AN-13-_____ PR
Page 5 of 5

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PHONE: (907) 263-5100

Attachment A
Page 5 of 5



DURABLE POWER OF ATTORNEY FOR HEALTH CARE

Section I

I, Bret Byron Bohn of 3821 Balchen Drive
Anchorage, Alaska, do hereby designate and appoint
Lorraine G. Phillips of 3821 Balchen Drive
Anchorage, Alaska

as my Attorney In-Fact (hereafter referred to as Agent) for health care decisions. I authorize this Agent to represent me in all health care decisions. I intend my Agent to have full authority to consent to giving, withholding or terminating any health care treatment, procedure or service. In addition, my Agent may consent to my admission to a medical, nursing, residential or other facility and may enter into agreements for my care. My Agent has the authority to talk with health care personnel, to access and disclose to other medical and related information and records and to sign forms on my behalf.

Section II

My Agent shall make decisions with my desires as expressed herein. (Select any of the following statements which reflect your desires. You may choose more than one, but cross out and initial those statements with which you do not agree):

I want my life to be prolonged to the greatest extent possible without regard to pain, discomfort, costs incurred, or the chances I have for recovery. ~~BBB~~

I want my life to be prolonged and I want life-prolonging treatment to be provided unless, in my Agent's judgement, the pain, discomfort, or probable outcome of the treatment outweighs any benefit the treatment may have for me.

If I should be in an incurable, irreversible physical condition with no hope of survival, I do not want any treatment that will merely prolong my dying. Thus, I want my treatment limited to medical and nursing measures that are intended to keep me comfortable, to relieve pain, and maintain my dignity. ~~BBB~~

If I am in a coma or vegetative state which my physician reasonably believes to be permanent, I do not want any life-prolonging treatment to be started or continued, including devices to provide artificial nutrition and/or hydration. ~~BBB~~

I have other instructions for my care. They are listed below:
I want my HEALTH CARE Agent to make ALL medical decisions for me if I become incompetent or incapacitated now or in the future. My Agent will MAKE ALL Decisions for me when I am NO longer capable of making them for myself.

By completing this document, I intend to create a Durable Power of Attorney for Health Care under Alaska statutes. It shall take effect upon my incapacity to make my own health care decisions and shall continue during that incapacity to the extent permitted by law or until I revoke it. This Durable Power of Attorney for Health Care may be revoked by me at any time so long as I am mentally competent to do so.

Please initial the appropriate box below:

I have executed a separate Living Will under AS 18.12.010.

I have not executed a separate Living Will under AS 18.12.010. ~~BBB~~

My wishes concerning the kinds of medical care I do or do not wish to receive, if I should have an incurable or irreversible condition, are incorporated herein.

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R L F - 1 3

GENERAL (DURABLE) POWER OF ATTORNEY

KNOW ALL PERSONS BY THESE PRESENTS that I, Bret Byron Bohn
 the undersigned Principal, residing at Anchorage, Alaska
 grant a General Power of Attorney to Lorraine Gail Phillips
 residing at Anchorage, Alaska, and appoint said individual as my
 Attorney-in-Fact in my name, place and stead in any way which I myself could do if I were
 personally present including, but not limited to the following:

1. To ask, demand, receive, sue for and recover all sums of money and any and all other property, tangible or intangible, due or hereafter to become due and owing, or belonging to me, and to make, give and execute, receipts, releases, satisfactions, or other discharges therefor.

2. To make, execute, endorse, accept and deliver in my name or in the name of my Attorney-In-Fact, all checks, drafts, notes and all other instruments of whatsoever nature as my said Attorney-In-Fact may deem necessary to conserve my interests and/or exercise the rights and powers granted herein.

3. To execute, acknowledge and deliver any and all contracts, leases, deeds, and any other agreements or documents affecting any and all property now owned by me or hereafter acquired.

4. To enter into and take possession of any real estate belonging to me, the possession to which I may be or may become entitled, and to receive in my name and to my use, any rents and profits belonging to me, and to lease such real estate in such manner that my Attorney-In-Fact shall deem necessary and proper, and from time to time, to renew leases.

5. To commence, prosecute, compromise, settle, adjust and/or discontinue any claims, suits, actions or legal proceedings for the recovery of sums of money or property now or hereafter due or to become due, or held by or belonging to me.

6. To prepare or cause to be prepared, all tax returns; to execute and file tax returns in my name and on my behalf, and to settle tax disputes.

7. To take any and all legal action necessary and proper to carry on, conduct and manage my business affairs, and to engage in and transact any lawful business in my name and on my behalf.

8. To defend all actions and suits which shall be commenced against me and to compromise, settle, and adjust all actions, accounts, dues, and demands in such manner as my said Attorney-in-Fact shall deem appropriate.

9. To do and perform every act and thing necessary or proper in the exercise of any of the rights and powers herein granted, as fully as I might or could do if personally present, with full power of substitution or revocation, hereby ratifying and confirming all that my Attorney-In-Fact or his substitute or substitutes shall lawfully do by virtue of the authority granted herein.

A. Interpretation.

This instrument is to be construed and interpreted as a GENERAL POWER OF ATTORNEY. The enumeration of specific items, rights, acts, or powers herein does not limit or restrict,

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and is not to be construed or interpreted as limiting or restricting the general powers herein granted to my Attorney-in-Fact.

B. Durable Nature of Power of Attorney.

This power of attorney shall not be affected by my subsequent disability, incapacity, or incompetence.

C. Requirements For Revocation of Power of Attorney.

I may revoke this power of attorney by giving written notice to the Attorney-In-Fact. However, such revocation shall not be effective as to a third party who relies in good faith upon this power of attorney unless such third party has actual or constructive knowledge of the revocation or the revocation has been recorded in the public records where I reside.

D. Acceptance of Attorney-In-Fact Appointment.

By signing this document, my Attorney-In-Fact accepts the appointment as my Attorney-In-Fact.

E. Nomination of Guardian (Conservator).

If a Guardian (Conservator) is to be appointed for me, I nominate GLENN L. BOHN residing at Lt 62 Shulin Subd. Talkeetna AK to serve as my Guardian (Conservator).

F. SPECIAL INSTRUCTIONS.

WHEREFORE, the following parties signed this instrument on this third day of May, 2007

Witness Address

Witness Address

Witness Address

Witness Address

[Signature]
Principal

3821 Balchen Dr., Anchorage, AK 99517
Address

[Signature]
Attorney-In-Fact

Attorney-In-Fact

STATE OF ALASKA)

)ss.

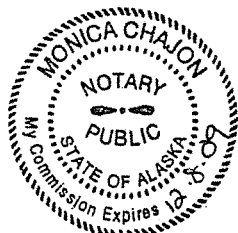
Borough or Municipality of Anchorage

Situate in the Anchorage Recording District of the third Judicial District of the State of Alaska.

On May 3rd 2007 Bret B. Bohn
Name(s) of person(s) signing instrument)

personally known to me or proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

[Signature]
Notary Public in the State of Alaska
My Commission Expires 12 8 09



Section III

If the person designated as my Agent in Section I is unable or unwilling to act as my Agent, or if I revoke that person's authority to act as my Agent, I then designate and appoint, in the order listed below, the following persons to serve as my Agent to make health care decisions for me:

Name Lorraine G. Phillips
Address 3821 Balchen Drive, Anchorage, AK 99517
Name GLENN L. BOHN
Address Lt 62 Shulin Subdivision, Talkeetna, Alaska

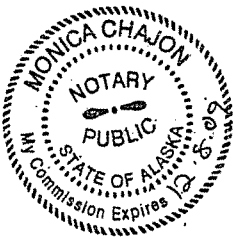
By signing this document, I indicate that I understand the purpose and effect of this Durable Power of Attorney for Health Care.

Bret Byron Bohn * [Signature]
Print Full Name Signature
3821 Balchen Drive, Anchorage, Alaska 99517
Address
[Signature] [Signature]
Witness Witness
7335 Barfoot Cir #1 701 W 80th Ave #6
Anch, Ak Address Anch, Ak Address
99502 99502

STATE OF ALASKA)
Third JUDICIAL DISTRICT) ss

Situate in the Anchorage Recording District of the State of Alaska.

The foregoing instrument was acknowledged before me by Bret B. Bohn, this
3rd day of May, 2007 at Anchorage, Alaska.



[Signature]
Notary Public in the State of Alaska
My Commission Expires 12-8-09

[SEAL]

IN THE SUPERIOR COURT FOR THE STATE OF ALASKA
THIRD JUDICIAL DISTRICT AT ANCHORAGE

In the Matter of the)
Protective Proceeding of)
BRET BYRON BOHN,)
Respondent.)
_____) Case No. 3AN-13-02737PR

HEARING ORDER

----- An evidentiary hearing in this matter is scheduled for December 26, 2013

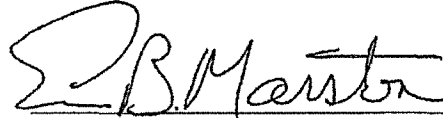
at 2:00 p.m. before Judge Erin B. Marston, at the Nesbett Courthouse, 825 West
Fourth Avenue, Courtroom 302, Anchorage, Alaska. The purpose of the hearing is
to address Providence Alaska Medical Center's Emergency Motion to Transfer
Bret Bohn to John Hopkins, and any opposition thereto.

The State of Alaska and/or Providence Hospital shall make available,
either in person or telephonically, Dr. Peter Abraham, DO, Sarah Blanning,
LMSW and Heather Brock to testify to Bret Byron Bohn's current medical
condition, the availability of medical care at Johns Hopkins Medicine and the
urgency of securing additional care for the patient. If none of these
individuals are available, another doctor that has reviewed the medical files
and is competent to testify shall be made available. The court will also
inquire into the patient's medical treatment since being admitted to the
hospital and the actions of Bret Byron Bohn's parents leading up to

Providence Hospital's November 1, 2013 letter to Adult Protective Services

seeking a temporary guardian to act in Bret Bohn's best interests.

DATED in Anchorage, Alaska this 23rd day of December 2013.



Erin B. Marston
Superior Court Judge

I certify that on Dec 23, 2013
copy of the above was mailed & emailed to the
parties of record:

Nevhiz E. Calik Russell *Mario Lincoln Bird*
John A. Bove *Elizabeth M Russo*
Carolyn A. Perkins
Christopher Slottee


N. Gillette, Judicial Assistant