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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.

**PROVIDENCE ALASKA
MEDICAL CENTER'S
EMERGENCY MOTION
FOR PERMISSION TO
TRANSFER BRET BOHN
TO JOHNS HOPKINS**

Case No. 3AN-13-02737 PR

On Monday, December 23, 2013, Johns Hopkins Medicine ("Johns Hopkins"), an internationally-renown facility located in Baltimore, Maryland, informed Providence Alaska Medical Center ("Providence") that it had accepted a transfer of Bret Bohn from Providence to Johns Hopkins. Pursuant to AS 13.52.140, Providence seeks an immediate order from the Court directing and approving the transfer Mr. Bohn to Johns Hopkins.¹

Counsel for the State, Mr. Bohn's guardian, and Mr. Bohn's parents have been served with a copy of this motion and its exhibits by e-mail.

Accompanying this motion is an affidavit from Heather Brock, ANP. Ms. Brock is a mental health specialist and board certified as an adult nurse practitioner and as a psychiatric-mental health nurse practitioner. (Heather Brock Affidavit, ¶ 2) She has treated

¹ AS 13.52.140 states that "On petition of a...health care provider or institution involved with the patient's care, the superior court may enjoin or direct a health care decision or order other equitable relief. A proceeding under this section is governed by AS 13.26.090 – 13.26.320."

Exhibit A

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Mr. Bohn almost continuously since October 23, 2013. *Id.*, ¶ 3. Mr. Bohn is suffering from delirium and altered mental status. *Id.* There is evidence that he is experiencing seizures, but the cause of those seizures is unknown. *Id.* at ¶ 5. Mr. Bohn's condition does not appear to be due to a psychiatric disorder or to represent an extreme emotional reaction to an upsetting event. *Id.* As Ms. Brock states in her affidavit, Mr. Bohn does not have the capacity to make health care decisions on his own. *Id.*, ¶ 4.

The doctors and care providers at Providence have conducted numerous tests on Mr. Bohn, but have not been able to determine the cause of Mr. Bohn's condition, and thus cannot formulate the best means of treating his condition. (Heather Brock Affidavit, ¶ 6) Mr. Bohn therefore needs to be transferred to a specialized, tertiary hospital that has the ability to conduct additional, specialized testing and treatment that is not available at Providence. *Id.* The only specialty facilities that can provide this additional testing and treatment are located outside of Alaska. *Id.* There is no facility in Alaska that can provide any higher level of care to Bret than Providence. *Id.*

On Monday, December 23, 2013, Johns Hopkins notified Providence that it was willing to accept a transfer of Mr. Bohn to its facility. (Heather Brock Affidavit, ¶ 9) Dr. Nicholas Maragakis, an Associate Professor of Neurology at Johns Hopkins, has admitted Mr. Bohn to Johns Hopkins under his care. *Id.* Mr. Bohn has been admitted regardless of his insurance status. *Id.*

Johns Hopkins is a world-renown medical facility in Baltimore, Maryland that can provide the specialized testing and treatment that Mr. Bohn needs. (Heather Brock

Affidavit, ¶ 7) It is an internationally recognized tertiary facility that has the equipment and physicians to perform the specialized testing and treatment needed by Mr. Bohn. *Id.* Providence contacted Johns Hopkins to request that it accept a transfer of Mr. Bohn to their facility so that he can received the specialized testing and treatment that he needs. *Id.* Ms. Brock has worked with Johns Hopkins for two weeks to arrange for Mr. Bohn's admission to Johns Hopkins because Mr. Bohn needs the care that he can receive at Johns Hopkins. *Id.*, ¶ 8.

Transferring Mr. Bohn to Johns Hopkins is medically necessary to treat his condition and is in Mr. Bohn's best interests. (Heather Brock Affidavit, ¶ 9) Transferring Mr. Bohn to Johns Hopkins is the next appropriate step medically because Johns Hopkins has the ability to both conduct the additional testing that is required to further evaluate the cause of Mr. Bohn's condition and treat the cause of Mr. Bohn's condition. *Id.* If Bret is not transferred to Johns Hopkins, there is substantial that Providence will not be able to determine the cause of Mr. Bohn's condition and thus effectively treat his condition. *Id.*

Moreover, Mr. Bohn's condition continues to decline. (Heather Brock Affidavit, ¶ 11) Mr. Bohn may suffer harm or a decline in his condition if he is not immediately transferred to Johns Hopkins. *Id.* Immediate transfer is therefore appropriate to give Mr. Bohn the best opportunity to receive effective treatment for his condition. *Id.*

Johns Hopkins has stated that a bed in its facility will be available to Mr. Bohn on Thursday, December 27th, or Friday, December 28th. (Heather Brock Affidavit, ¶ 12) Mr. Bohn needs, as a medical necessity, to be physically transferred to Johns Hopkins by life-

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flight on Thursday or Friday. *Id.* Johns Hopkins is working with Providence to determine the logistics of this transfer. *Id.*

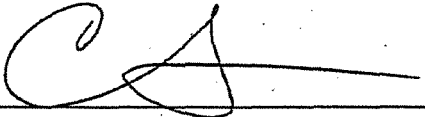
Failure to immediately authorize the transfer Mr. Bohn to Johns Hopkins will adversely affect Mr. Bohn and is contrary to his best interests. (Heather Brock Affidavit, ¶ 13) Mr. Bohn's condition is potentially progressing and treatment should not be delayed unnecessarily. *Id.* If Providence is unable to immediately transfer Mr. Bohn Johns Hopkins, Mr. Bohn may not receive the specialized testing and treatment that his doctors have said he needs. *Id.* Providence therefore needs immediate approval from the Court to transfer Mr. Bohn to Johns Hopkins or Mr. Bohn will lose the opportunity to obtain this needed specialty testing and care. *Id.*

The Court should immediately authorize the transfer of Mr. Bohn to Johns Hopkins. The transfer is medically necessary and in Mr. Bohn's best interests.

DATED this 23rd day of December, 2013.

ATKINSON, CONWAY & GAGNON
Attorneys for Providence Alaska Medical
Center

By _____


Christopher J. Slottee
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I certify that on December 23, 2013,
a copy of the foregoing document was sent
to the following attorneys or parties
of record by:

- Mail
- Facsimile
- Hand Delivery
- E-Mail

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AFFIDAVIT OF HEATHER BROCK

STATE OF ALASKA)
) ss.
THIRD JUDICIAL DISTRICT)

1. My name is Heather Brock. I am employed as an Advanced Nurse Practitioner with Providence Alaska Medical Center ("Providence"). I can testify to the following from my own personal knowledge and review of records to which I have access in carrying out my duties and responsibilities with respect to Bret Bohn.

2. I have worked at Providence for three years. I work for the Department of Psychiatry at Providence Alaska Medical Center. I provide psychiatric consultation services for adult patients throughout the medical and intensive care units of the hospital. My degrees

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are in nursing. I have a bachelor's degree in nursing and master's degrees in nursing. I am board certified as an adult nurse practitioner and as a psychiatric-mental health nurse practitioner. My specialty is psychosomatic practice, also known as consult-liaison psychiatric practice. I have worked as an advanced practice nurse practitioner for 11 years. I have been licensed by the State of Alaska as an RN since 1999, and have been licensed as an ANP since 2002.

3. I have been providing care for Bret Byron Bohn since October 23, 2013. I have examined, evaluated and talked with Mr. Bohn on most of my scheduled work days since October 23rd. Attached as Exhibit 1 to this affidavit is a true and correct copy of my chart notes reflecting my examinations and care of Mr. Bohn from October 23, 2013 to December 18, 2013.

4. Mr. Bohn is suffering from delirium and altered mental status. Bret's condition rapidly fluctuates, which is typical of delirium. He is confused and has significant periods of time where he cannot understand or remember what he is told. Throughout this admission, Bret has not displayed the ability to make decisions regarding his health care or to care for himself. He does not have the capacity to make health care decisions due to his condition.

5. Mr. Bohn's delirium and altered state is due to an as yet undetermined underlying medical condition. There is evidence that he is experiencing seizures, but the cause of those seizures is unknown. His confusion, memory loss, altered reflexes, altered sensorium, and pattern of speech loss are not symptoms of a psychiatric disorder. He is sometimes anxious, paranoid, fearful, and sometimes has described hallucinations, but these

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symptoms are typical in delirium. Mr. Bohn's condition does not appear to be due to a psychiatric disorder or to represent an extreme emotional reaction to an upsetting event.

6. The doctors and care providers at Providence have conducted numerous tests on Mr. Bohn, but have not been able to determine the underlying cause of his condition, and thus cannot formulate the best means of treating his condition. Mr. Bohn therefore needs to be transferred to a specialized, tertiary hospital that has the ability to conduct additional, specialized testing and treatment that is not available at Providence. The only specialty facilities that can provide this additional testing and treatment are located outside of Alaska. There is no facility in Alaska that can provide any higher level of care to Mr. Bohn than Providence. There are very few facilities with neurologists and physicians specializing in symptoms such as the ones that Mr. Bohn is experiencing

7. Johns Hopkins Medicine ("Johns Hopkins") is a world-renowned medical facility in Baltimore, Maryland that can provide the specialized testing and treatment that Mr. Bohn needs. It is an internationally recognized tertiary facility that has the equipment and physicians to perform the specialized testing and treatment needed by Mr. Bohn. Providence contacted Johns Hopkins to request that it accept a transfer of Mr. Bohn to their facility so that he can receive the specialized testing and treatment that he needs.

8. Johns Hopkins is in international demand. Patients require case review, screening, and approval before they can be accepted for transfer. Mr. Bohn is without health care coverage, and although this has not been a barrier to his care here or there, his situation did require additional advocacy and coordination. I and the family medicine team have been working with Johns Hopkins for over two weeks to review Mr. Bohn's case and Mr. Bohn's

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appropriateness for admission to Johns Hopkins because Mr. Bohn has appeared to require a very specialized level of care.

9. On Monday, December 23, 2013, Johns Hopkins notified Providence that it was willing to accept a transfer of Mr. Bohn to its facility. Dr. Nicholas Maragakis, an Associate Professor of Neurology at Johns Hopkins, has admitted Mr. Bohn to Johns Hopkins under the Department of Neurology. Mr. Bohn has been admitted regardless of his insurance status due to the severity of his illness.

10. Transferring Mr. Bohn to Johns Hopkins is medically necessary to treat his condition and is in Mr. Bohn's best interests. Transferring Mr. Bohn to Johns Hopkins is the next appropriate step medically because, as a tertiary facility, that institution has the ability to both perform the advanced testing that is required to further evaluate the cause of Mr. Bohn's condition and then treat the cause of Mr. Bohn's condition. If Mr. Bohn is not transferred to Johns Hopkins, there is substantial likelihood that Providence will not be able to determine the cause of Bret's condition and thus effectively treat his condition.

11. Additionally, Mr. Bohn's condition continues to decline. Prompt transfer is therefore appropriate to give Mr. Bohn the best opportunity to receive effective treatment for his condition. Mr. Bohn may suffer harm or a decline in his condition if he is not immediately transferred to Johns Hopkins.

12. Johns Hopkins has stated that a bed in its facility will be available to Mr. Bohn on Thursday, December 27th, or Friday, December 28th. Mr. Bohn requires medical transfer as he is not appropriate or stable for commercial air travel. Johns Hopkins is working with Providence to determine the logistics of this transfer.

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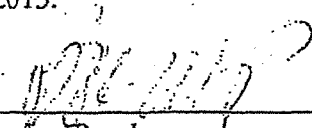
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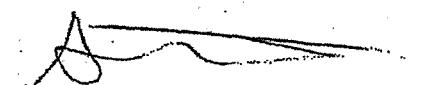
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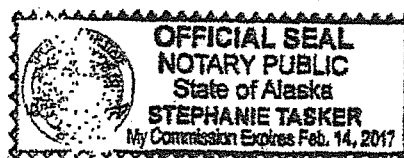
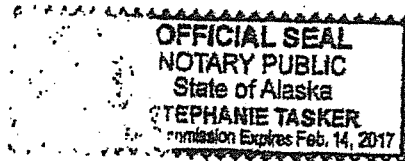
13. Mr. Bohn's condition requires additional treatment and testing. That treatment and testing need to be done by a specialty facility such as Johns Hopkins. Mr. Bohn's condition is potentially progressing and further evaluation and treatment should not be delayed unnecessarily. Providence is continuing further studies and treatment while this transfer is pending. If Providence is unable to immediately transfer Mr. Bohn to Johns Hopkins, Mr. Bohn may not receive the more specialized testing and treatment that his doctors have said he needs. Providence therefore needs immediate approval from the Court to transfer Mr. Bohn to Johns Hopkins or Mr. Bohn will lose the opportunity to obtain this needed specialty testing and care.

DATED this 23rd day of December, 2013.


Heather Brock

SUBSCRIBED AND SWORN TO before me this 23rd day of December,
2013:


Notary Public in and for Alaska
My Commission Expires: Feb 14, 2017



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