



Food and Drug Administration
OFFICE OF CRIMINAL INVESTIGATIONS
MEMORANDUM OF INTERVIEW

CASE NUMBER: 2005-MWM-715-0153-J
CASE TITLE: ALBERT POET
DOCUMENT NUMBER: 99925
PERSON INTERVIEWED: Heather Gifford
PLACE OF INTERVIEW: Trenton, New Jersey
DATE OF INTERVIEW: 08/09/2006
TIME OF INTERVIEW: 3:00 p.m.
INTERVIEWED BY: Marc Hess, Special Agent
OTHER PERSONS PRESENT: AUSA Eugenia Cowles, Attorney Robert Stevens

Heather Gifford appeared with Attorney Robert Stevens at the office of the United States Attorney's Office, 402 East State Street, Trenton, New Jersey (NJ). Stevens has also been retained to serve as the attorney for Laurie Toth. After being advised of the identities of the interviewing agent and Assistant United States Attorney (AUSA) Eugenia Cowles and the nature of the interview, Gifford supplied the following information.

Gifford has been employed as an assistant at the Manahawkin, NJ office of Dr. Albert Poet since approximately September 2003. Her duties include preparing instruments for medical procedures, bringing patient charts to the treatment room and placing patients at ease by discussion of social topics. Gifford remains in the treatment room for Poet's medical briefing and procedures with patients unless the patient is a male who might be embarrassed. Gifford is a certified surgical assistant and received her training at Star Technical, Lakewood, NJ.

Poet typically enters the treatment room, asks about the patient's medical complaint, and then discusses medical options and procedures for a "long time" and in detail. Patients usually point to their face to indicate that they want wrinkles treated. It is not uncommon for patients to say that they want wrinkles treated rather than ask for a particular drug such as Botox. Poet discusses treatment options and provides "full information" on procedures including "lasers", "Botox" and "Botulinum Toxin". Poet uses the terms "Botox" and "Botulinum Toxin" interchangeably. Poet sometimes speaks to patients for as long as 45 minutes on these topics.

Regarding Botox and Botulinum Toxin ("BT" will be used hereinafter to refer to all Botulinum Toxin related drugs used by Poet, including Botox), Poet advises patients that once they begin treatments the necessary frequency of treatments will decrease. Poet also advises that the treatments might cause a bruise or a feeling like a headache (for which medication would not be required).

Gifford recalled two types of forms concerning patient treatments for which insurance would not provide reimbursement, including BT. First, a patient history form listing information such as patient allergies to medications and other medications used. Second, a consent form with the same form being utilized for both BT.

Gifford never read the BT consent form. These forms are prepared by Poet. Patients mostly do not read the forms. Poet is usually present when the patient receives the forms but sometimes walks out to conduct other activity while the patient reads the form.

Poet mixes the BT for the patient.

Gifford has never ordered BT for the office.

Poet treated Gifford with a BT product provided by a company known as Toxin Research International (TRI). Poet indicated that this product was purer than Botox. Poet never showed the packaging or label for this product to Gifford and never mentioned that it was FDA approved. Other employees of the office discussed the fact that Poet had begun to use a BT product besides Botox. Poet never advised Gifford that the BT product with which he treated her was labeled, "not for human use" or "only for research". Gifford did not receive or execute a consent form for this treatment.

Poet provided the same medical briefing to patients concerning BT even after he began to utilize TRI BT.

Gifford does not have extensive work duties related to patient charts, but she does sometimes stamp the date of patient treatment on charts and place stickers on the charts to indicate patient treatments.

Poet did not designate on patient charts whether treatments utilized Botox or Botulinum Toxin.

Poet discussed with office staff an incident in Florida which received extensive media coverage. In this incident a non-Botox form of Botulinum Toxin was utilized to treat patients and an adverse reaction occurred. Poet indicated that the Florida doctor did not utilize Botulinum Toxin from TRI, but from a laboratory in California. Poet further indicated that the Florida practitioners should have diluted the Botulinum Toxin much more than they did and utilized "60 million gallons of saline".

The only reason Poet gave for his utilizing the TRI Botulinum Toxin was that it was "more pure" in comparison to Botox.

Poet's office provided all charts for patients who had been treated with BT to comply with a subpoena in this investigation.

All patients paid the same amount for BT treatments. Patients paid \$600 per treatment for forehead and eyes or \$300 if just one area was treated.

Poet has worked or continues to work at Mainland Hospital and Southern Ocean County Hospital.

Poet sometimes sends patients who need micrograph surgery for skin cancer treatment to other doctors. In such cases Poet consults with these doctors by telephoning them and writing a letter discussing patient symptoms. Poet knows other doctors as colleagues. There is one other ENT in Manahawkin and no other Cosmetic Surgeons of which Gifford is aware.

Gifford could not recall Poet ever telling a patient that they would be treated with TRI Botulinum Toxin.

Poet placed an ad offering Botox in the Sandpaper magazine. Gifford is aware of one occasion in which a patient brought the advertisement to the office and a small number of occasions (approximately five or less) when patients referred to the advertisement.

Gifford was informed that she was subpoenaed to appear before the federal grand jury on August 24, 2006.

NAME-TITLE _____ NAME-TITLE _____
Marc Hess, Special Agent

DATE 08/30/2006

DATE

APPROVED: _____
Kim A. Rice, Special Agent in Charge

DATE: 09/11/2006

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