

1 approved, despite the fact that there is no FDA approved medicine for dissolving fat.
2 Additionally, Respondent's name appeared next to the name of Franz
3 Hasengschwandtner, MD, who is not a licensed physician in Arizona.

4 6. In interviews with Board staff, both RN Cifelli and the marketing manager for
5 LipoNOW confirmed that Respondent was not consulted regarding the advertising.

6 7. During a Formal Interview on this matter, Respondent testified that at the
7 time she accepted the position of Medical Director with LipoNOW she was aware that the
8 phosphatidylcholine and deoxycholic acid being used by RN Cifelli were not approved by
9 the FDA for use in injection lipolysis.

10 8. Respondent further testified that the medical director position was
11 administrative in nature. Respondent testified that she did not perform any actual
12 injections, and did not actively supervise RN Cifelli's patient care. When asked how she
13 would know if there was a patient safety issue, Respondent testified that she only
14 reviewed charts after patient care was completed and assumed that RN Cifelli would
15 inform her of any bad results.

16 CONCLUSIONS OF LAW

17 1. The Board possesses jurisdiction over the subject matter hereof and over
18 Respondent.

19 2. The conduct and circumstances described above constitute unprofessional
20 conduct pursuant to A.R.S. § 32-1401(27)(c) ("[F]alse, fraudulent, deceptive or misleading
21 advertising by a doctor of medicine or the doctor's staff, employer or representative.").

22 3. The conduct and circumstances described above constitute unprofessional
23 conduct pursuant to A.R.S. § 32-1401(27)(ii) ("[L]ack of or inappropriate direction,
24 collaboration or direct supervision of a medical assistant or a licensed, certified or
25 registered health care provider employed by, supervised by or assigned to the physician.").

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ORDER

IT IS HEREBY ORDERED THAT:

- 1. Respondent is issued a Letter of Reprimand.

RIGHT TO PETITION FOR REHEARING OR REVIEW

Respondent is hereby notified that she has the right to petition for a rehearing or review. The petition for rehearing or review must be filed with the Board's Executive Director within thirty (30) days after service of this Order. A.R.S. § 41-1092.09(B). The petition for rehearing or review must set forth legally sufficient reasons for granting a rehearing or review. A.A.C. R4-16-103. Service of this order is effective five (5) days after date of mailing. A.R.S. § 41-1092.09(C). If a petition for rehearing or review is not filed, the Board's Order becomes effective thirty-five (35) days after it is mailed to Respondent.

Respondent is further notified that the filing of a motion for rehearing or review is required to preserve any rights of appeal to the Superior Court.

DATED AND EFFECTIVE this 7th day of April, 2016.

ARIZONA MEDICAL BOARD

By Patricia E. McSorley
Patricia E. McSorley
Executive Director

EXECUTED COPY of the foregoing mailed this 7th day of April, 2016 to:

Peter Wittekind
Kent & Wittekind
111 W Monroe St., Suite 1000
Phoenix, AZ 85003-1731
Attorney for Respondent

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ORIGINAL of the foregoing filed
this 7th day of April, 2016 with:

Arizona Medical Board
9545 E. Doubletree Ranch Road
Scottsdale, AZ 85258

Mary Gabey
Board Staff