

BEFORE THE PHARMACY BOARD OF THE STATE OF IOWA

IN THE MATTER OF HEATHER HENKELVIG License No. 19535 RESPONDENT	CASE NO.: 2023-0108 SETTLEMENT AGREEMENT AND FINAL ORDER
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COMES NOW the Iowa Board of Pharmacy (“Board”) and Heather Henkelvig (“Respondent”), and pursuant to Iowa Code §§ 17A.12(5) and 272C.3(4), and 657 Iowa Administrative Code (“IAC”) 35.24, enter into the following Settlement Agreement and Final Order (“Order”) to settle a contested case currently pending before the Board.

1. **Iowa License.** Respondent was issued Iowa pharmacist license number 19535 on May 1, 2023. Respondent’s Iowa pharmacist license is active and will next expire on June 30, 2025.
2. **Jurisdiction.** The Board has jurisdiction over Respondent and the subject matter of this proceeding pursuant to Iowa Code § 155A.

A. STIPULATIONS

The allegations contained in the Statement of Charges against Respondent shall be resolved without proceeding to hearing, as the Board and Respondent stipulate as follows:

3. **Practice Setting.** Respondent is an Iowa licensed pharmacist practicing in Mount Pleasant, Iowa at all times material to this matter.
4. **Statement of Charges.** The Board filed a Notice of Hearing, Statement of Charges, and Statement of Matters Asserted on December 4, 2024. The factual circumstances and charges contained in the Notice of Hearing, Statement of Charges, and Statement

of Matters Asserted are hereby incorporated into this Order.

5. **Allegations.** On or about the date of April 25, 2023, a patient M.G. was incorrectly dispensed clomipramine instead of the prescribed medication, clomiphene. On or about April 25, 2023, Respondent was the sole pharmacist serving Hy-Vee Pharmacy #1433 in Mount Pleasant, Iowa. On that day, Respondent – along with three registered pharmacy technicians – dispensed 588 prescriptions. Respondent’s duties that day also included verifying and counseling for a telepharmacy in Winwood, Iowa.

B. SETTLEMENT AGREEMENT

6. Without admission of wrongdoing, Respondent acknowledges that the allegations contained in the factual circumstances in the Notice of Hearing, Statement of Charges, and Statement of Matters Asserted, if proven in a contested case proceeding, would constitute grounds for the discipline agreed to in this Order.
7. To resolve this matter without proceeding to hearing, Respondent agrees to the conditions set forth below in section C.
8. In entering this Settlement Agreement, Respondent acknowledges the following:
 - a. This Settlement Agreement is subject to the approval of the Board and will have no force or effect if it is not accepted by the Board.
 - b. Counsel for the State will present this Settlement Agreement to the Board *ex parte*.
 - c. I have the right to be represented by counsel in this matter.
 - d. I understand I have an opportunity to be heard and to contest the allegations against me in a formal hearing before the Board and that, by waiving the formal

hearing, I waive my right to challenge the allegations against me and all attendant rights, including the right to seek judicial review of the Board's actions.

- e. I waive my ability to review the investigative file in this case.
- f. I understand this Settlement Agreement will be part of my permanent licensure file and may be considered by the Board in determining the nature and severity of any disciplinary action to be imposed in the event of any future violations.
- g. I am voluntarily entering into this Settlement Agreement.
- h. Failure to comply with the provisions of this Settlement Agreement shall be grounds for further disciplinary action pursuant to Iowa Code § 272C.3(2)(a).
- i. I understand the Board is required by federal law to report this Settlement Agreement to the National Association of Boards of Pharmacy ("NABP"). The report to the database will reflect the language included in this Order.
- j. I understand I am responsible for all expenses incurred to comply with the conditions and requirements of this Settlement Agreement.

9. Respondent shall submit a copy of this Settlement Agreement to all licensing boards where Respondent holds a license, whether active or not, within **THIRTY days** of the date of the Board approval of this Settlement Agreement.

10. This Settlement Agreement constitutes discipline against Respondent pursuant to and in accordance with 657 IAC 36 and is the final agency action in a contested case pursuant to Iowa Code section 17A.10.

11. Failure to comply with the provisions of this Settlement Agreement shall be grounds for

further disciplinary action pursuant to Iowa Code section 272C.3(2)(a).

12. This Settlement Agreement shall not preclude the Board from taking additional action against Respondent should Respondent violate laws, rules, or standards of practice administered by the Board in the future.
13. Periods in which Respondent does not practice, practices in another state, or fails to comply with the terms established in this Settlement Agreement shall not apply to the duration of this Settlement Agreement unless Respondent obtains written approval from the Board.
14. This Settlement Agreement becomes a public record available for inspection and copying upon execution in accordance with the requirements of Iowa Code Chapters 17A, 22, and 272C.
15. This Settlement Agreement is subject to approval of the Board. If the Board fails to approve this agreement it shall be of no force or effect to either party.
16. The Board's approval of this Settlement Agreement shall constitute a **Final Order** of the Board.

C. FINAL ORDER

WHEREFORE, the terms of this Settlement Agreement are agreed to by the Iowa Board of Pharmacy and the Respondent.

IT IS THEREFORE ORDERED:

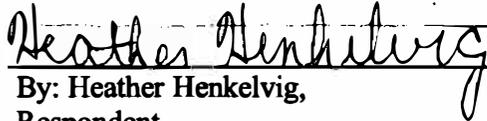
17. Respondent shall comply with the following terms and conditions:
 - a. **Civil Penalty.** Within thirty (30) days of the date of this Order, Respondent shall pay a civil penalty in the amount of five hundred dollars (\$500.00). The check shall be made payable to the "Treasurer of Iowa" and shall be deposited in the general

fund.

- b. **Continuing Education.** Within ninety (90) days of the date of this Order, Respondent shall submit documentation of the successful completion of the continuing education program "Patient Safety: Your Personal Medication Error Rate: Checkpoints and Reality Checks" by U Conn College of Pharmacy.
- c. ~~Should Respondent violate the terms of this Order, the Board may initiate action to~~ impose other licensee discipline as authorized by Iowa Code §§ 155A and 272C, and 657 IAC 36.

FOR THE RESPONDENT:

Voluntarily agreed to and accepted by Heather Henkelvig on this 13 day of February, 2025.


By: Heather Henkelvig,
Respondent

FOR THE IOWA BOARD OF PHARMACY:

Voluntarily agreed to and accepted by the **IOWA BOARD OF PHARMACY** on this 4th day of March, 2025.


Kathryn Stone, Chairperson
Iowa Board of Pharmacy

BEFORE THE PHARMACY BOARD OF THE STATE OF IOWA

<p>IN THE MATTER OF</p> <p>HEATHER HENKELVIG 405 Trulaine Drive Danville, IA 52623</p> <p>RESPONDENT</p>	<p>CASE NO.: 2023-0108</p> <p>NOTICE OF HEARING AND STATEMENT OF CHARGES</p>
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COMES NOW the Iowa Board of Pharmacy (“Board”) and files this Notice of Hearing and Statement of Charges against Heather Henkelvig (“Respondent”), pursuant to Iowa Code §§ 17A.12(2), 17A.18(3), and 272C.3(1)(e), and 657 IAC 35.36-37.

A. TIME, PLACE AND NATURE OF HEARING

1. **Hearing.** A contested case hearing shall be held on March 5, 2025, before the Board. The hearing shall begin at 9:00 a.m. and shall be located in the conference room at the office of the Iowa Board of Pharmacy, 6200 Park Avenue, Ste. 100, Des Moines, Iowa 50319.
2. **Prehearing Conference.** Any party may request a prehearing conference by filing a written motion no later than 20 days prior to the hearing date. Board rules on prehearing conferences may be found at Iowa Administrative Code rule 653—25.15.
3. **Answer.** Within twenty (20) days of the date you are served this Notice of Hearing and Statement of Charges you may file an Answer. In that Answer, you should also state whether you will request a continuance of the date and time of the hearing.
4. **Filing of Pleadings.** Pleadings shall be filed with the Board at the following address: Iowa Board of Pharmacy, 6200 Park Avenue, Ste. 100, Des Moines, Iowa 50319, by email to amanda.woltz@iowa.gov, or electronically using the Administrative Electronic Document Management System (adminhearings.iowa.gov/efile/).
5. **Presiding Officer.** The Board shall serve as presiding officer at the contested case hearing,

but the Board hereby delegates to an Administrative Law Judge from the Department of Inspections, Appeals and Licensing, the authority to make initial rulings on prehearing matters, and requests the administrative law judge be present to assist and advise the Board at hearing.

6. **Prehearing Conference.** Any party may request a prehearing conference to discuss evidentiary issues related to the hearing in accordance with 657 IAC 35.22.

7. **Hearing Procedures.** The procedural rules governing the conduct of the hearing are found at 657 IAC 35.25. At the hearing, you may appear personally or be represented by legal counsel at your own expense. You will be allowed the opportunity to respond to the charges against you, to produce evidence on your behalf on issues of material fact, cross-examine witnesses present at the hearing, and examine and respond to any documents introduced at hearing. If you need to request an alternative time or date for hearing, you must comply with the requirements of 657 IAC 35.23. The hearing may be open to the public or closed to the public at the discretion of the Respondent.

8. **Prosecution.** The Office of the Attorney General is responsible for representing the public interest (the State) in this proceeding. Pleadings shall be filed with the Board and copies should be provided to counsel for the State at the following address: Lindsey L. Browning, Assistant Attorney General, Iowa Department of Justice, Office of the Iowa Attorney General, 1305 E. Walnut Street, 2nd Floor, Des Moines, Iowa 50309.

9. **Communications.** You may not contact Board members in any manner, including by phone, letter, facsimile, in person or e-mail, about this Notice of Hearing and Statement of Charges. Board members may only receive information about the case when all parties have notice and an opportunity to participate, such as at the hearing or in pleadings you file with the Board and serve upon all parties in the case. You may contact Amanda Woltz, Executive Director, Iowa Board of Pharmacy at 515-281-6674, or Assistant Attorney General Lindsey L. Browning, 515-281-3441,

and lindsey.browning@ag.iowa.gov.

B. LEGAL AUTHORITY AND JURISDICTION

10. **Iowa License.** Respondent maintains Iowa pharmacist license 19535. Respondent's license is active and will next expire on June 30, 2025.
11. **Jurisdiction.** The Board has jurisdiction in this matter pursuant to Iowa Code § 155A.
12. **Legal Authority.** If any of the allegations against you are founded, the Board has authority to take disciplinary action against you under Iowa Code § 155A and 657 IAC 36.1.
13. **Default.** The Board may enter a default decision or proceed with the hearing and render a decision in your absence, in accordance with Iowa Code § 17A.12(3) and 657 IAC 35.27.

C. STATEMENT OF CHARGES

COUNT I

14. Respondent is charged under 657 IAC 36.6(41) with dispensing an incorrect prescription.

D. STATEMENT OF THE MATTERS ASSERTED

15. **Practice Setting.** Respondent is an Iowa pharmacist practicing in Washington, Iowa.**16. Allegations.** A short and plain Statement of the Matters Asserted (Statement) was reviewed and approved by the Board at the time this Notice of Hearing and Statement of Charges was filed. The Statement shall be furnished to Respondent as an attachment to this Notice of Hearing and Statement of Charges. However, the Statement is not a public record pursuant to Iowa Code § 272C.6(4)(a).

E. SETTLEMENT

17. This matter may be resolved by settlement agreement. The procedural rules governing the Board's settlement process are found at 657 IAC 35.24. If you are interested in pursuing settlement of this matter, please contact the Assistant Attorney General identified above.

F. PROBABLE CAUSE FINDING

18. On August 23, 2024, the Iowa Board of Pharmacy found probable cause to file this Notice of Hearing and Statement of Charges.



Kathy Stone
Chairperson
Iowa Board of Pharmacy

Copy to:
Lindsey L. Browning
Marc Elcock
Assistant Attorneys General
Iowa Department of Justice
Office of the Iowa Attorney General
1305 E. Walnut Street, 2nd Floor
Des Moines, Iowa 50309
Lindsey.browning@ag.iowa.gov

PLEASE NOTE: If you require the assistance of auxiliary aids or services to participate in this matter because of a disability, immediately call 515-281-0233. (If you are hearing impaired, call Relay Iowa TTY at 1-800-735-2942).

BEFORE THE PHARMACY BOARD OF THE STATE OF IOWA

<p>IN THE MATTER OF</p> <p>Heather Henkelvig</p> <p>RESPONDENT</p>	<p>CASE NO.: 23-0108</p> <p>STATEMENT OF MATTERS ASSERTED</p>
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COMES NOW the Pharmacy Board, and herein sets forth confidential investigative information in accordance with Iowa Code section 272C.6(4)(a) in support of the Notice of Hearing and Statement of Charges filed in this case:

MATTERS ASSERTED

It is alleged Respondent engaged in the following conduct:

- A. On or about the date of April 25, 2023, Mariah Gallaher was incorrectly dispensed clomipramine instead of the prescribed medication, clomiphene.
- B. On or about April 25, 2023, Respondent was the sole pharmacist serving Hy-Vee Pharmacy #1433 in Washington, Iowa.
- C. On that day, Respondent – along with three registered pharmacy technicians – dispensed 588 prescriptions.
- D. Respondent’s duties that day also included verifying and counseling for a telepharmacy in Winwood, Iowa.



Kathy Stone, Chairperson
Iowa Board of Pharmacy