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Alexandra Blasi, Executive Secretary

Laura Kelly, Governor

February 22, 2023

NMN Spinco Inc. d/b/a SpinLife
330 W. Spring Street, Suite 303
Columbus OH 43215

RE: Case No. 23-034

To Whom It May Concern,

Enclosed you will find a Summary Order issued by the Kansas Board of Pharmacy (Board) in the above-referenced matter. Please read the order in its entirety.

If you disagree with the findings of fact, you have the right to request a hearing. Instructions for filing a written request are included under the "Notices" section of the order. Hearings are held before the full Board during their regularly scheduled quarterly meetings.

According to KSA 65-1627h, the Board is required to recoup the costs of administrative hearings when the decision is adverse to the licensee. These costs may include charges for services rendered by the Board's disciplinary counsel, an administrative law judge, and, if applicable, a court reporter.

If you have any questions, feel free to contact the Board at Pharmacy.Compliance@ks.gov.

Sincerely,

Kansas Board of Pharmacy

Enclosure

BEFORE THE KANSAS STATE BOARD OF PHARMACY

In the Matter of)	
)	Case No. 23-034
NMN Spinco Inc. d/b/a Spinlife)	
)	
<u>Respondent</u>)	

SUMMARY ORDER OF DENIAL

NOW, on this 22nd day of February 2023, comes before the Kansas Board of Pharmacy (the “Board”), through its Executive Secretary, the matter of NMN Spinco Inc. d/b/a SpinLife (“Respondent”).

Pursuant to the authority granted to the Board by the Kansas Pharmacy Act, K.S.A. 65-1625, *et seq.*, and in accordance with the provisions of the Kansas Administrative Procedure Act, K.S.A. 77-501, *et seq.*, the Board enters this Summary Order of Denial in the above-captioned matter. After reviewing the application materials and being otherwise duly advised in the premises, the Board makes the following findings, conclusions, and order:

FINDINGS OF FACT

1. The Board had previously granted Respondent registration number 16-114297, allowing Respondent to operate as a durable medical equipment provider in the state of Kansas.
2. On September 28, 2022, the Board received Respondent’s application for a change of name and address (“Respondent’s Application”).
3. On October 4, 2022, the Board sent Respondent an email requesting required information items that were missing from Respondent’s application, including a list of other states in which registered with permit numbers and a completed S-350 Nonresident Information form. The supplemental application form S-350 poses several questions and requests any shipment history into

Kansas, a product list, and other legal questions.

4. On November 1, 2022, the Board sent Respondent a second email requesting the above information.

5. On November 28, 2022, the Board sent Respondent a third email requesting the above information.

6. On January 3, 2023, the Board sent a final letter to Respondent's address of record requesting the above information and providing a response deadline of January 31, 2023.

7. To date, the Board has not received the required application documents or any further correspondence from Respondent.

CONCLUSIONS OF LAW

1. Pursuant to K.S.A. 65-1627(f)(8), the Board may deny the application of any durable medical equipment provider upon a finding that the durable medical equipment provider has failed to furnish to the Board any information legally requested by the Board.

2. Pursuant to K.S.A. 65-1645(a) application for registration or permits under K.S.A. 65-1643, and amendments thereto, shall be made on a form prescribed and furnished by the Board. Applications for registration shall contain such information as may be required by the Board.

3. Pursuant to K.S.A. 65-1643(m), it shall be unlawful for any person to sell or lease or offer for sale or lease durable medical equipment without first obtaining a registration from the Board.

4. The Board's application for registration as a durable medical equipment provider requires Applicant provide the most recent inspection report conducted within the past two years by the state of residence or the National Association of Boards of Pharmacy, detailed ownership information, information concerning any disciplinary history for the facility, proof of valid

registration in the state of residence, information concerning any permits held in other states, and a copy of the products intended to be shipped into Kansas.

5. Respondent's failure to provide the Board with the required application information is a basis to deny Respondent's Application pursuant to K.S.A. 65-1645(a).

6. Respondent's failure to supply the Board with the required information is a basis to deny Respondent's Application pursuant to K.S.A. 65-1627(f)(8).

ORDER

Based upon the foregoing findings of fact and conclusions of law, Respondent's Application is hereby DENIED.

NOTICES

Respondent is hereby notified as follows:

1. Respondent may request a hearing pursuant to the Kansas Administrative Procedure Act by filing a written request with the Kansas Board of Pharmacy, 800 SW Jackson, Suite 1414, Topeka, KS 66612-1231, within 15 days after service of this Order. If the outcome of the hearing is adverse to Respondent, costs of the proceedings shall be charged to Respondent.

2. If a hearing is not requested as described above, the Order shall become a final order of the Board, effective upon the expiration of the time to request a hearing.

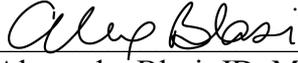
3. Within 15 days after entry of a final agency order, either party may file a petition for reconsideration pursuant to K.S.A. 77-529.

4. Within the time limits established in K.S.A. 77-613, either party may seek judicial review of a final agency order, pursuant to K.S.A. 77-613. The agency officer designated to receive service of a petition for judicial review is:

Alexandra Blasi
Executive Secretary
Kansas Board of Pharmacy
800 SW Jackson, Suite 1414
Topeka, KS 66612

IT IS SO ORDERED.

2/22/2023
Date

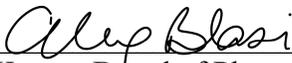


Alexandra Blasi, JD, MBA
Executive Secretary
Kansas Board of Pharmacy

CERTIFICATE OF SERVICE

I hereby certify that I did, on the 22nd day of February, 2023, deposit in business mail a copy of the foregoing Summary Order, which is then placed in the United States Mail, postage prepaid, properly addressed to the following:

NMN Spinco Inc. d/b/a SpinLife
330 W. Spring Street, Suite 303
Columbus OH 43215



Kansas Board of Pharmacy Staff