

Backhouse J.:

- [1] The appellant Alice Rusli appeals a Decision of the Discipline Committee of the Ontario College of Pharmacists (the Committee) dated June 28, 2023 (*Ontario (College of Pharmacists) v Rusli*, 2023 ONCPDC 16) and the Penalty Decision dated November 20, 2024 (*Ontario (College of Pharmacists) v Rusli*, 2024 ONCPDC 33). The Committee's decisions arose from a complaint about the appellant because the Glen Shields Pharmacy was dispensing veterinarian medication. The appellant had been the Designated Manager at Glen Shields Pharmacy since May of 2015. The Complainant was concerned about the source of the medications, and that the pharmacy staff had no knowledge of the drugs with which to counsel.
- [2] Following an investigation, three allegations of professional misconduct were referred for a hearing stemming from the appellant's role as Designated Manager in overseeing Glen Shields' pharmacists in the ordering of veterinary drugs from CDMV, a veterinary drug wholesaler, through a veterinarian, Dr. Covant.
- [3] Prior to November 2015 there was no limit on what veterinarians could sell to pharmacists. Section 33(2)(d) of *Regulation 1093* under the *Veterinarians Act*, R.S.O. 1990, c.V.3 was changed to limit resale to pharmacists. The *Regulation* states:
- 33(2) No member shall,
- (d) knowingly dispense a drug for resale except where the drug is dispensed to another member or a pharmacist in reasonably limited quantities in order to address a temporary shortage experienced by that other member or pharmacist;
- [4] Dr. Covant is a veterinarian who, both before and after the passage of *Regulation 1093*, s. 33(2), allowed pharmacists including those at Glen Shields to use his account with CDMV to order veterinary drugs. CDMV does not provide veterinary drugs to pharmacists. Dr. Covant testified that he allowed three pharmacies including Glen Shields to place their own orders to CDMV through his account with CDMV in his own company's name with sub-categories in the portal for the pharmacies which were not identified as such. CDMV invoiced Dr. Conant's company, sent the orders to his company and the orders were then picked up by the pharmacies. CDMV required a contact person for each sub-category on Dr. Covant's account and a fake name of Theresa Holdes was used for Glen Shields. Dr. Covant's company invoiced the pharmacies which, in turn, paid him a 5% fee.
- [5] Dr. Covant was found guilty of professional misconduct by the College of Veterinarians of Ontario in 2020 for breaching s. 33(2)(d) of *Regulation 1093* and for failing to maintain a standard of the profession, and engaging in conduct that the profession would reasonably regard as unprofessional.
- [6] After a hearing before the Committee, the appellant was found guilty in the Decision of the three allegations of professional misconduct which had been brought against her in her role of pharmacist, Designated Manager and/or shareholder of Glen Shields for:

- 1) signing a document that she knew or ought to have known contained a false or misleading statement, and in particular orders issued to CDMV, including but not limited to in or around March 2019 through June 2019 contrary to ss. 51(1)(c) of the *Health Professions Procedural Code* of the *Pharmacy Act, 1991*, S.O. 1991, c. 36 (the “*Code*”), and paragraph 17 of subsection 2(1) of *Ontario Regulation 130/17*;
- 2) permitting the commission of an offence against any Act relating to the practice of pharmacy or the sale of drugs, and in particular section 33(2)(d) of the *Regulation 1093*, under the *Veterinarians Act*, including but not limited to in or around March 2019 through June 2019;
- 3) engaging in conduct or performing an act relevant to the practice of pharmacy that, having regard to all the circumstances, would reasonably be regarded by members as disgraceful, dishonourable or unprofessional, with respect to [Glen Shields’] system and practices for obtaining veterinary drugs and/or products from CDMV through Bayview Seven Animal Hospital [Dr. Covant’s company], including but not limited to in or around March 2019 through June 2019 contrary to ss.51(1)(c) of the *Code* and para.39 of ss.2(1) of *Ontario Regulation 130/17*.

[7] The relevant sections of the *Code* are:

O. Reg. 130/17: PROFESSIONAL MISCONDUCT AND CONFLICT OF INTEREST

Acts of professional misconduct

2. (1) The following are acts of professional misconduct for the purposes of clause 51 (1) (c) of the *Code*:

17. Signing or issuing, in the member’s professional capacity, a document that the member knows or ought to know contains a false or misleading statement.

31. Permitting, consenting to, approving, counselling or assisting, whether expressly or by implication, the commission of an offence against any Act relating to the practice of pharmacy or the sale of drugs.

39. Engaging in conduct or performing an act relevant to the practice of pharmacy that, having regard to all the circumstances, would reasonably be regarded by members as disgraceful, dishonourable or unprofessional.

[8] The Committee imposed a penalty that included a 4-month suspension.

[9] In this court, the appellant asks that the Committee’s decisions be set aside.

[10] The Divisional Court is authorized to hear appeals on questions of law, fact, or both from a decision of the Discipline Committee: ss. 70(1) and (2) of the *Code*.

- [11] This is a statutory appeal, so appellate standards of review apply: *Canada (Minister of Citizenship and Immigration) v. Vavilov*, 2019 SCC 65, at para. 37. Questions of law are reviewable on a correctness standard. Questions of fact and questions of mixed fact and law (absent an extricable error of law) are reviewable on a standard of palpable and overriding error: *Housen v. Nikolaisen*, 2002 SCC 33, at para. 37.
- [12] First, the appellant argues that the Committee erred in refusing to admit relevant evidence, namely prior decisions of the Inquiries, Complaints and Reports Committee (ICRC). The prior decisions sought to be admitted consisted of three decisions regarding the appellant, three decisions regarding other professionals at Glen Shields and two decisions regarding pharmacists at other pharmacies. The Committee rejected this request.
- [13] At para.26 of the Decision the Committee gave the following reasons:
- [26] Registrant’s Counsel sought to introduce prior ICRC decisions involving the Registrant and other pharmacists working within the Pharmacy into evidence through cross-examination of the College Investigator. The College objected. After receiving and carefully reviewing written and oral submissions on both the admissibility and relevancy of these ICRC decisions, the Panel held that they were not relevant to the issues at hand, even recognizing the relatively low threshold for relevance, for the following reasons:
- a. Generally, ICRC decisions are not admissible at hearings of the Discipline Committee. They are confidential except where cautions, remedial training or referrals of specific allegations are made to the Discipline Committee. Their decisions are driven by factors unique to the case at hand and therefore cannot be compared.
 - b. The ICRC is a screening committee. It does not adjudicate matters, interview witnesses, make credibility findings, or make legal interpretations. Their decisions cannot help the Panel in determining whether acts of professional misconduct occurred.
 - c. The Panel takes its direction from the Notice of Hearing.
 - d. The Registrant has neither provided evidence that these decisions would assist the College in their case or harm her own defense.
- [14] The Committee reasonably refused the request to admit the ICRC decisions which is generally consistent with other cases. It found there was an issue of confidentiality which is based on section 23 of the *Code*. It took into account the role of the ICRC and the legislative scheme. Having reviewed redacted copies of the decisions relating to the appellant and another pharmacist at Glen Shields, it found that the decisions were not relevant.
- [15] While reasonably rejecting the admission of the ICRC decisions at the merits hearing, at the penalty phase where the decisions were arguably more relevant, the parties entered into

an Agreed Statement of Facts to include excerpts from the ICRC decisions regarding the appellant directly, explicitly in lieu of entering those decisions themselves as evidence at the hearing. I find no error.

- [16] Before us, the appellant focused on the fact that she was seeking to have the decisions admitted to establish that the ICRC in a decision dealing with an earlier complaint, had approved of the pharmacy's practices since the passage of *Regulation 1093*. According to her, this evidence was relevant not only to penalty, but also to whether she was guilty of the conduct alleged against her.
- [17] There is no merit to this submission. In the previous complaint, consistent with its role as a screening committee, the ICRC decided that, based on what the appellant had told it about how she had changed her practices after the passage of *Regulation 1093*, the complaint before it should not be referred to the discipline committee. Subsequently, when it received another complaint, it investigated the appellant's practices and, based on what it found (which included the fact that the pharmacy's sales of veterinary drugs had increased rather than decreased after the passage of *Regulation 1093*), it decided that that complaint should be referred to discipline. As the Committee correctly concluded, this history was irrelevant to the question of whether the appellant was guilty of the misconduct alleged against her.
- [18] Second, the appellant argues that with respect to the second Allegation, the Committee erred in incorrectly applying horizontal *stare decisis* to conclude that a breach of the regulations under the *Veterinarians Act* amounted to the commission of an offence against an Act relating to the practice of pharmacy or the sale of drugs (under s.2(1) 31 of the Professional Misconduct Regulation). The appellant further submits that it was inappropriate for the Committee to find that Dr. Covant had committed an offence under the *Veterinarians Act* because that Act is outside of the Committee's jurisdiction and because Dr. Conant was not a party to the proceeding.
- [19] The Committee concluded at para. 207:
- [207] Conclusion: It was the view of this Panel that the Act and the regulations are inexorably linked as bricks and mortar. The Panel's view was that the Act enables and defines the parameters of the regulations created under the Act. The regulations and Act should be viewed as one with respect to applying s. 2(1)31 of the *Professional Misconduct Regulation*, which specifies any Act, provided that the Act relates to pharmacy practice or the sale of drugs...
- [20] In reaching this finding, it was appropriate for the Committee to consider prior decisions of the Discipline Committee which have found "an offence against any Act" to include breaches of regulations. Further, the appellant provided no authority that suggested otherwise. The Committee explicitly recognized the distinction between the non-binding effect of the decisions of the Discipline Committee due to horizontal *stare decisis* and binding decisions. The appellant provided no caselaw to support her submission that it was an error of law to interpret a breach of a Regulation under the *Veterinarians Act* as an "offence" under that Act. In the Regulation, the act at issue is described as an "offence".

The Committee did not err when it refused to interpret the word “offence” as being limited to convictions arising from acts that have been prohibited under a statute, rather than a regulation.

[21] The Committee reasonably found that it “is required to weigh the evidence in order to decide whether Dr. Covant committed an offence in the relevant period of 2019, not for the purpose of disciplining Dr. Covant, but as part of the Panel’s assessment/review of the [appellant’s] conduct under the Professional Misconduct Regulation”.

[22] The Committee was alert to what was required to make a finding under the second allegation. At para. 197 of the Decision the Committee noted that the parties agreed that it needed to undergo a three-step analysis:

[197] Each of the following questions needed to be answered in the affirmative before moving onto the next question, otherwise, the College had not proven its case that the Registrant had assisted in the commission of an offence by Dr. Covant:

a. Does the relevant Act (section 33(2)(d) under the *Veterinarians Act*), relate to the practice of pharmacy or the sale of drugs, which is the language of the *Pharmacy Misconduct Regulation*?

b. Was there an offence committed under that Act by another person between March and April 2019, namely Dr. Covant?

c. Did the Registrant permit, consent to, approve, counsel or assist in the commission of that offence, either expressly or by implication?

[23] The Committee concluded:

- 1) *Regulation 1093* was an Act in respect of the sale of drugs in both its purpose and effect;
- 2) Guided by the interpretation of *Regulation 1093* in the Divisional Court’s decision in *Covant v College of Veterinarians of Ontario*, 2021 ONSC 8193, upholding the finding that Dr. Covant had committed an offence under that regulation in 2016 and 2017, the evidence supported that Dr. Covant continued to breach the same provision between March and April, 2019 and the business was growing;
- 3) The appellant likely was aware that she was ordering veterinary product in an inappropriate fashion. The Committee therefore found that the appellant permitted, consented to, approved, counselled or assisted in the commission of an offence by Dr. Covant, either expressly or by implication.

[24] While the decision of the Court of Appeal of Ontario dismissing Dr. Covant’s appeal (*Covant v Ontario College of Veterinarians of Ontario*, 2023 ONCA 564; appeal to the SCC refused, 2024 CanLII 37800) was not released until shortly after the Committee made this finding of professional misconduct, it is worth noting that it re-affirmed the decision

of the Discipline Committee and the Divisional Court and held that the evidence “amounted to an overwhelming case against Dr. Covant that he was infringing the Regulation by engaging in a sub-distribution business”.

- [25] The appellant submitted that there was not clear and cogent evidence that she committed professional misconduct. She submits that since the Glen Shields’ pharmacists were ordering through Dr. Covant, they were not signing or issuing false or misleading documents and therefore Allegation 1 must be dismissed. She further submits that Allegation 2 must be dismissed because there can be no finding that Dr. Covant committed an offence. Since Allegation 3 is solely tied to Allegations 1 and 2, it must also be dismissed.
- [26] Contrary to the appellant’s assertions, during the relevant time the orders from Glen Shields were not issued to Dr. Covant. The evidence, including from the appellant herself, established that the orders were issued by Glen Shields directly to CDMV through CDMV’s own online ordering system or portal. The orders contained false statements because, among other things, the false name of “Theresa Holdes” was used for the contact name required by CDMV for the account and in orders issued from Glen Shields to CDMV. Dr. Covant confirmed that this was not a “real person”. The evidence is clear that at the relevant time, CDMV would not sell directly to pharmacists in Ontario. As such, Glen Shields used Dr. Covant’s account and log in credentials to issue misleading orders to CDMV, by implying that the orders were being made by Dr. Covant’s company when actually they were being issued directly by Glen Shields.
- [27] There was no palpable and overriding error. It was open to the Committee to infer that CDMV would not have been aware that Dr. Covant was utilizing subcategories within CDMV’s own ordering portal to facilitate orders placed directly by pharmacies to CDMV.
- [28] The reasons why the Committee did not err in making a finding of professional misconduct regarding the second Allegation are set out above in paras. 15-22.
- [29] Under Allegation 3, the Committee found that the appellant’s conduct was unprofessional but that it did not rise to the level of dishonourable or disgraceful. Conduct that is unprofessional is defined as conduct that “falls below the expectations of appropriate conduct by members of the profession”. It could but does not have to include an element of dishonesty or moral failing.
- [30] The appellant has not identified any particular error in law and/or palpable and overriding error of fact with respect to the Committee’s finding that her conduct was unprofessional. There is no reviewable error.
- [31] The appellant argued that the penalty is clearly unfit. She submits that the findings of professional misconduct were unfair because they were based on an interpretation of the changes to the regulations under the *Veterinarian Act* that was unavailable to her at the time and inconsistent with the guidance provided by the ICRC.

- [32] The appellant submitted that the system through which Glen Shields purchased veterinarian drugs from Dr. Covant was only “determined not to be an acceptable practice” more than three years after the purchases at issue in this case. She submitted that standards of a profession must be known or ascertainable in advance of an alleged breach. It was unfair to apply the interpretation of s.33(2)(d) of the Regulation from Dr. Covant’s Divisional Court case, when it was not available to the parties at the time.
- [33] The Committee held that a significantly long suspension was not warranted given the Committee’s finding characterizing the appellant’s conduct as unprofessional, and the mitigating factors of the ICRC decisions, the appellant’s lack of a discipline history, her acceptance of responsibility as a Designated Manager, and the ongoing lack of a policy statement from the College on the issues involved in this case (Exhibit 27, Agreed Statement of Facts, para 13).
- [34] At para. 59 of the Penalty Decision, the Committee held:
- [59] However, the aggravating factors included that, in the Registrant’s struggle to understand the changes in the CVO regulation, she only consulted with her pharmacist rather than contacting a Practice Consultant or anyone else at the College. (Exhibit 27, Agreed Statement of Facts, para 14) She stated that she made changes to her purchase practices within the Pharmacy, without documenting them, and yet continued to purchase from Dr. Covant throughout the time period within the allegations. In its decision on findings, this Panel expressed concerns with the use of an inappropriate source of medication supply such that the chain of custody of these veterinarian medications could not be tracked from the supplier to the end user, that is, the pet owner.
- [60] In light of these considerations, the Panel decided that a four-month suspension was warranted with one month remitted upon completion of the requisite courses. This suspension falls within the range of dispositions in the cases provided and takes into consideration the mitigating and aggravating factors present in this case. The suspension also serves as both a specific and a general deterrent. A suspension is a significant measure with financial consequences to the Registrant, conveying the Discipline Committee’s message of concern and disapproval.
- [35] The court will show significant deference to the Committee’s choice of remedy. The appellant has not shown that the penalty is clearly unfit.

Conclusion

[36] I would therefore dismiss the appeal.

[37] As the successful party, the respondent is entitled to costs payable by the appellant in the agreed upon amount of \$10,000.

	_____	Backhouse J.
I agree	_____	Sachs, J.
I agree	_____	Matheson J.

Released: January 19, 2026

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ONTARIO
SUPERIOR COURT OF JUSTICE
DIVISIONAL COURT
Sachs, Backhouse, and Matheson JJ

2026 ONSC 336 (CanLII)

BETWEEN:

ALICE RUSLI

Appellant

– and –

ONTARIO COLLEGE OF PHARMACISTS

Respondent

REASONS FOR JUDGMENT

Released: January 19, 2026

Backhouse J.