

As vet's legal saga ends with suspended licence, access to pet medication could widen – or close

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Veterinarian Dr. Howard Covant, seen here at his Richmond Hill clinic on May 29, will have his licence suspended temporarily after losing a legal case, following a complaint against him for supplying pharmacies.

FRED LUM/THE GLOBE AND MAIL

June is usually a busy time at the Bayview Seven Animal Hospital in Richmond Hill, Ont.

But this year, the clinic will be partly closed for the month because its owner, veterinarian Howard Covant, has had his licence suspended after 38 years of practice.

The offence? Helping a pharmacist stock pet medication.

The suspension is a culmination of a years-long legal saga for Dr. Covant, who has been a key figure in Ontario advocating for pet owners to be able to fill prescriptions for animal medications at pharmacies.

That fight is reaching a tipping point after the Ontario Legislature passed a law reforming the oversight of veterinary medicine that could either swing the door open for more pharmacists to dispense drugs for pets – or shut it tight.

Pharmacists in Canada are allowed to dispense pharmaceuticals for animals, and some – including major players such as Walmart – will do so for drugs that are chemically identical to human medications, though these services typically go unadvertised.

Pet drugs dispensed at pharmacies are often sold at lower prices because pharmacists usually charge smaller markups than veterinarians.

The difficulty for pharmacists in Canada has been obtaining supply of those drugs to dispense. Pharmaceutical companies and distributors have long signed agreements that restrict the distribution of animal-specific medications only to veterinarians, although many of these drugs are available in pharmacies in other countries, including the United States.

Wendy Chui, owner of Pets Drug Mart and one of the few pharmacists in Canada specializing in veterinary medication, was historically unable to stock her pharmacy by ordering directly from drug distributors. Instead, she relied on veterinarians, such as Dr. Covant, to order supplies for her.

This was allowed under regulations from the College of Veterinarians of Ontario, which stated a veterinarian could resell medications to other veterinarians or pharmacists. In 2015 – a few years after Ms. Chui started her pet pharmacy – the college changed the wording of the regulation to say resales could only happen in limited quantities to cover temporary shortages.

Not long after, an employee of Bayer filed a complaint with the college that Dr. Covant had been violating the regulation. In 2020, a disciplinary committee ruled

against Dr. Covant in a 2-1 ruling, with the dissenter saying the resales posed no risk to public safety.

Dr. Covant appealed to the Ontario Superior Court of Justice, and then to the Ontario Court of Appeal, but lost each time. Judges ruled they found no error in the committee's decision that Dr. Covant had contravened the regulation.

He then appealed to the Supreme Court of Canada, which announced on May 2 that it declined to hear his case. Dr. Covant now faces a one-month suspension of his licence, he must take an ethics course and pay the college \$94,235. In addition to his own legal costs, he says, he estimates he will ultimately be out a quarter of a million dollars.

Dr. Covant said his goal has always been to give pet owners more choices so they can help manage the escalating cost of pet care.

"Pet owners have lost the right to shop and compare prices for medication being prescribed to their pets," he said.

Jan Robinson, the registrar of the veterinary college, said she was pleased that the courts upheld the disciplinary order.

"This reflects the college's position that veterinarians are authorized to prescribe and dispense drugs to an individual animal or groups of animals but are not drug wholesalers to other practitioners," she said in a statement.

In recent months, as Dr. Covant awaited the end of his legal case, Ms. Chui worked to find another way to keep stocking her pharmacy. Last year she filed a complaint with the Competition Bureau alleging drug makers and distributors were stifling



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competition and artificially raising prices by restricting pharmacies' access to the drugs.

She then began a renewed and persistent letter-writing campaign to the executives of the top makers of animal drugs in Canada and asked them to let her pharmacy order from them. One by one, starting with generic drug maker Apotex, they agreed. With those endorsements in hand, she was able to open an account with the only national distributor of pet medication, the Quebec-based CDMV Inc., to order many of the products she needs.

"I can confirm that Ms. Chui is a client of CDMV," president Serge Varin wrote in an e-mail to The Globe and Mail last week. He added that she can obtain products as long as it is done in compliance with Health Canada regulations, the rules of professional veterinary bodies and the distribution contracts CDMV has signed with manufacturers.

(The sole Ontario-based distributor, Veterinary Purchasing Co. Ltd., is a veterinarian-owned co-operative that sells only to veterinarians.)

These deals she has struck with manufacturers mark a significant win for Ms. Chui, as she has always sought to be able to order from drug makers and distributors directly, just as she does for her human pharmacy. But it's a step forward that, she fears, is tenuous because of other legal and regulatory changes coming from Queen's Park.

Last week, the Ontario Legislature passed Bill 171, the Enhancing Professional Care for Animals Act. The legislation reforms how health care professionals are overseen in the province, bringing veterinary technicians under the college's oversight and including roles for pharmacists and animal chiropractors.

Ontario Agriculture Minister Lisa Thompson said during legislative debates that pharmacists "would be able to compound, dispense and sell medication that an animal owner has a prescription for."

She continued: "Similar to when you visit the eye doctor, you have a choice of whether you purchase glasses through them or you take your prescription to go to

another store. That's the perfect analogy that speaks to what we're enabling here. It's about access to care and choice."

Sam McCormick, a spokesperson for Ms. Thompson, confirmed to The Globe that veterinarians are required to provide a prescription that can be taken elsewhere if a patient asks for one. "Failure to do so could be considered professional misconduct," he said in an e-mail.

But the exact rules that will govern pharmacists are not included in the bill. Instead, they will be written through regulations after the bill receives Royal Assent in the coming weeks.



Dr. Covant says that while he will no longer supply pharmacies, he is heartened to hear about the progress being made to widen access to pet medication.

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Ms. Chui said she was "alarmed" that the bill didn't spell out pharmacists' rights to access and dispense medication. She is concerned that while the legislation contemplates a role for pharmacists, the regulations could ultimately restrict what she is allowed to do.

The veterinarians' college – which is set to be renamed the College of Veterinary Professionals of Ontario – said it will hold public consultations when drafting the regulations. “The college supports pharmacists’ ability to dispense, compound and sell drugs to animal owners,” Ms. Robinson, the registrar, said in a statement.

The Ontario College of Pharmacists said it will consult with the veterinary college on the new rules.

Rich Verman, co-owner of The Pet Pharmacist in Concord, Ont. – one of the only other pet-dedicated pharmacies in Canada – shared Ms. Chui’s wariness that if the legislation is written too much in favour of veterinarians, that access to pharmaceuticals will not improve.

Mr. Verman – who does not disclose which veterinarians help stock his pharmacy – said the legality of pharmacists dispensing drugs for animals has never been the real issue.

“The challenge is what it’s always been, and that’s been supply,” he said.

For Dr. Covant, he said he has accepted the penalties he is facing and he will no longer supply pharmacies. But he was heartened to hear about the progress being made to widen access to pet medication and he hopes it continues.

“I’ve reached the end of my road,” he said. “There’s nothing further to do except maybe create some public awareness – if it’s still an issue.”

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