

**SUMMARY of the Decision of the Inquiries, Complaints and Reports Committee
(the Committee)**
(Information is available about the complaints process [here](#) and about the Committee [here](#))

**Dr. Benjamin Cain Wykes (CPSO #97962)
(the Respondent)**

INTRODUCTION

The College received information from the hospital facility in which the Respondent held privileges raising concerns about the Respondent's unprofessional and disruptive behaviour in the workplace. Subsequently, the Committee approved the Registrar's appointment of investigators to investigate the issue.

COMMITTEE'S DECISION

A Surgical Panel of the Committee considered this matter at its meeting of October 25, 2024. The Committee required the Respondent to appear before a Panel of the Committee to be cautioned with respect to inappropriate and unprofessional behaviour in the professional environment, including negative interactions in the workplace and interpersonal conflicts with staff and students, as well as regarding concerns with his failure to respond promptly to written inquiries from the College during the investigation.

COMMITTEE'S ANALYSIS

The Respondent completed his surgical residency in June 2017 and started to practice at a hospital in 2018, where at the outset, he began to have interpersonal conflicts with staff and students. This resulted in numerous incident reports recorded by the hospital between 2018 and 2022 involving serious and escalating concerns surrounding the Respondent's communication and behavior in the workplace, including an incident involving the Respondent throwing a sharp instrument in the operating room in February 2022.

A Special Medical Advisory Committee (MAC) meeting was held in February 2022 at which time numerous examples of the Respondent's inappropriate and unprofessional behavior were discussed, and it was decided that if the Respondent were to reapply for privileges at the hospital in 2022, he would be subject to a number of requirements/restrictions, which he agreed to. The Respondent reapplied for privileges, which were granted as restricted in July 2022.

Following this, the Respondent's unprofessional communication and behaviour continued to escalate. Additionally, the hospital identified numerous deficiencies with the Respondent's medical record documentation, including numerous missed/delayed

dictations, as well as delayed referrals. Given the situation, the Respondent voluntarily stopped practicing at the hospital in September 2022.

The Respondent applied for hospital privileges for 2023-2024, however his application was denied given that he did not fulfill the mutually agreed upon restrictions / requirements pertaining to his 2022-2023 appointment.

The Respondent provided the College with his updated practice information in May 2023, confirming that he was not practicing. The College had further communication with the Respondent in November 2023, after which the Respondent had become unresponsive to the College's attempts to contact him, and failed to renew his licence with the College, resulting in the expiry of his certificate of registration.

During its meeting in October 2024, the Committee noted its concern surrounding the numerous reports of unprofessional communication and behaviour by the Respondent, as reflected in the materials before it, including concerns surrounding his medical record documentation. Additionally, the Committee noted its concern surrounding the Respondent's failure to comply with the agreed upon requirements/restrictions, as well as his failure to promptly respond to the College's inquiries during the investigation. The Respondent is expected to be accessible to the College and respond to any inquiries that he may receive from the College to ensure the best quality of patient care.

The Committee also noted its concern surrounding the nature and frequency of the Respondent's unprofessional communication and conduct within the relatively short period of time in which he held privileges at the hospital, as well as the continued escalation of his behaviour despite intervention.

The Committee would have considered referring this matter to the Ontario Physicians and Surgeons Discipline Tribunal (OPSDT or the Discipline Tribunal) if the Respondent held a certificate of membership with the College.

Instead of referring this matter to the Discipline Tribunal, the Committee decided to require the Respondent to appear before the panel of the Committee to be cautioned, as noted above. The information from this investigation will be available to the College's Registration Committee should the Respondent re-apply for a licence to practice.