



TEXAS FORENSIC  
SCIENCE COMMISSION

*Justice Through Science*

1700 North Congress Ave., Suite 445  
Austin, Texas 78701

August 17, 2016

*Via First Class Mail*

Mr. Ray Dale Hooks  
TDCJ #909360  
12071 FM 3522  
Abilene, Texas 79601

Re: Texas Forensic Science Commission ("Commission") File No. 16.32

Dear Mr. Hooks:

At its July 8, 2016 meeting, the Commission voted unanimously to dismiss your complaint for failure to state an allegation of negligence or misconduct related to the blood alcohol analysis in your case and also because the analysis occurred in 1999, prior to the date the crime laboratory accreditation program took effect in Texas (2003). Your complaint makes general allegations of law enforcement misconduct consisting of mishandling of evidence and improper protocol. Law enforcement officials and their actions do not fall within the Commission's jurisdiction and therefore are not subject to its review.

In addition, the Commission has no jurisdiction over medical personnel or physicians. Complaints against physicians should be made with their governing body, the Texas Medical Board. For your convenience one of the Board's complaint forms is enclosed; the address for submission is highlighted in yellow.

For general assistance regarding your case, you may consider contacting one of the publicly funded innocence clinics listed below:

Texas Center for Actual Innocence  
727 East Dean Keeton Street  
Austin, Texas 78705  
Contact: Tiffany Dowling

Texas Innocence Network  
University of Houston Law Center  
100 Law Center  
Houston, Texas 77204  
Contact: David Dow

The Innocence Project of Texas  
300 Burnett, Suite 160  
Fort Worth, Texas 76102  
Contact: Mike Ware

Texas Southern University  
Thurgood Marshall School of Law  
Innocence Project  
3100 Cleburne Street  
Houston, Texas 77004  
Contact: Anthony Haughton

Sincerely,

A handwritten signature in blue ink, appearing to read "Lynn Garcia", with a stylized, flowing script.

Lynn Garcia  
General Counsel

LRG/mka  
Encl.

# **Texas Medical Board COMPLAINT FORM**

## **Complaint Registered Against:**

**Name of Practitioner:**

**Address:**

**City, State**

**Business phone number:**

## **Person Registering Complaint (\*Must include full name and contact information\*):**

**Name:**

**Address:**

**City, State, Zip code:**

**Home Phone:**

**Business Phone:**

**E-mail:**

## **Patient/Person Harmed by the Practitioner:**

**Name:**

**Date of Birth (mm/dd/yyyy):**

**Details of Complaint:**

Describe your complaint in detail and the events that led to your complaint. Include dates and location of treatment, medications prescribed. You may use additional paper and/or provide other documents to clarify the information given.

Have you received a second opinion from another physician? \_\_yes \_\_no  
If yes, please give full name and address.

I have read the preceding, and it is true to the best of my information and belief. If my complaint would be more appropriately addressed by a different agency or society, I authorize TMB to forward my complaint to that agency or society. I understand that if I do not provide a name or a source this complaint will not be processed.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

Print, complete and mail to:  
Texas Medical Board  
Investigations Department, MC-263  
P.O. Box 2018  
Austin, TX 78768-2018

For additional information, please visit  
<http://www.tmb.state.tx.us> or call  
(512) 305-7100



# THE COMPLAINT PROCESS

## Who Can File A Complaint?

Anyone can file a complaint with the Texas Medical Board against a **Physician (M.D. or D.O.)**, a **Physician's Assistant (P.A.)**, an **Acupuncturist**, a **Surgical Technician**, or a **Radiological Technician**.

## How Do I File A Complaint?

**A complaint must be in writing.** You may use this form to submit a complaint.

## How Are Complaints Investigated?

First, a determination must be made that the Board has authority (jurisdiction) to act on the complaint.

The complaint is then reviewed to determine if a violation of the Occupations Code (Medical Practices Act) has possibly occurred.

If the complaint is determined to be jurisdictional and a possible violation of the Occupations Code (Medical Practice Act) has occurred, a formal investigation will be opened and assigned to a trained investigator.

The investigator may contact you for additional information or to request a written statement. The investigation of your complaint should be completed in six months.

All investigative materials become a permanent part of the Board's investigative files and, as such, these materials are confidential and privileged by statute, and may not be released except to other governmental agencies under statutory guidelines.

## Will I Be Told The Status Of My Complaint?

You will receive a letter regarding the status of your complaint in about 45 days following the initial review process.

If a formal investigation is opened, you will receive a status letter every 90 days as long as the investigation is active.

Once the investigation of your complaint is finished, and the board has taken a final action, you will be notified.

## What Are The Most Common Complaints Within The Board's Jurisdiction?

1. Practice of Medicine Inconsistent with public health and welfare; unprofessional conduct which may endanger the public;
2. Non-therapeutic prescribing/administering of a drug or treatment; and
3. Inability to practice medicine by reason of mental or physical impairment (alcohol or chemical abuse, mental or physical condition).

## What Are Some Of The Complaints That Do Not Fall Within The Board's Jurisdiction?

1. Rudeness. These issues can be directed to your local Medical or Osteopathic Society.
2. Complaints against practitioners \*other than\* a **Physician**, a **Physician Assistant**, an **Acupuncturist**, a **Surgical Assistant**, or a **Radiological Technician**. Such complaints should be directed to the appropriate state licensing agency.
3. Complaints concerning the practices of insurance companies. Insurance billing complaints should be referred to the Texas Department of Insurance.
4. Complaints concerning Workers' Compensation benefits. Workers' Compensation complaints should be referred to the Texas Department of Insurance, Division of Workers' Compensation.

## What Action Can The Board Take?

Disciplinary action can range from an administrative penalty to the revocation of the practitioner's license. If there is insufficient evidence that a violation of the Occupations Code occurred, the Board may dismiss the complaint and close the investigation.