



TEXAS
Department of Family
and Protective Services

3-Day Medical Exam Report

Fiscal Year 2024

December 31, 2024

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Executive Summary

Family Code, Section 264.107 requires the Department of Family and Protective Services (DFPS) to ensure a medical exam is completed by the end of the third business day after a child enters DFPS conservatorship, if the child:

- Is removed as the result of sexual abuse, physical abuse, or an obvious physical injury to the child; or
- Has a chronic medical condition, a medically complex condition, or a diagnosed mental illness.

Testifying before the House Human Services Committee on House Bill (H.B.) 463, 88th Legislature, Regular Session, 2023, DFPS Commissioner Stephanie Muth made assurances that DFPS would implement policy and practice to better align with legislative intent and comply with the requirements of H.B. 463 regardless of passage.

This compliance includes limiting 3-day medical exams to the population outlined in Family Code, Section 264.107 only and submitting a report evaluating statewide implementation of the 3-day medical exam to the standing legislative committees with primary jurisdiction over DFPS. Due December 31, 2024, the report must include for each region the:

- Level of compliance with Family Code, Section 264.107; and
- Number of and reason for each 3-day medical exam.

Child Protective Services (CPS) staff began implementing these changes in March 2023. DFPS policy and the STAR Health contract were updated and effective August 1 and September 1, 2023, respectively. CPS trained more than 5,000 DFPS staff on the 3-day medical exam updates and provided resources such as a personal characteristic appendix, resource guide, badge card, and mailbox support to help staff identify eligible children and obtain proper medical treatment and services.

DFPS saw a significant decline in 3-day medical exam utilization post implementation of the six qualifying criteria. Every child who qualifies for the 3-day medical exam qualifies for one of six reasons, but DFPS is not currently able to track the specific reason each child qualified. However, information technology (IT) updates are underway to enhance the tracking of 3-day medical exam utilization. These IT changes are scheduled for completion in Summer 2025.

Background

Senate Bill (S.B.) 11, 85th Legislature, Regular Session, 2017, amended Family Code, Section 264.107 and requires DFPS to ensure a 3-day medical exam is completed within three business days for certain children and youth entering DFPS conservatorship. Not all children entering conservatorship will receive a 3-day medical exam. Rather, caseworkers determine whether the child or youth receives a 3-day medical exam based on these qualifying criteria:

1. Removal for sexual abuse;
2. Removal for physical abuse;
3. Physical injury;
4. Chronic medical condition;
5. Medically complex condition; or
6. Mental illness diagnosis.

DFPS completed implementation of S.B. 11 on October 1, 2018.

During the 88th Legislative Session in 2023, H.B. 463 was introduced and directed DFPS to better align 3-day medical exam practice with the legislative intent of S.B. 11 by only allowing the exam for children with the above criteria. Commissioner Muth testified on H.B. 463 before the House Human Services Committee and agreed that the current 3-day medical exam agency practice did not sufficiently align with the legislative intent of S.B. 11. As such, Commissioner Muth committed to and made changes to better align CPS policy and practice with legislative intent, regardless of whether H.B. 463 passed.

Implementation

Policy and Practice Updates

Review of CPS policy and practice was completed, and implementation of the changes began in March 2023. CPS Policy [11211](#) was updated on August 1, 2023, to include statutory language identifying the six qualifying reasons a youth would receive a 3-day medical exam.

Messaging

DFPS shared policy changes with DFPS staff, contracted placement providers, and Single Source Continuum Contractors (SSCCs). During ongoing meetings with regional leadership (Legacy and SSCC), policy changes will be re-communicated.

Training

DFPS provided training to DFPS staff and offered this training to SSCC staff in August 2023. More than 5,000 DFPS staff were trained at this time.

Resources

All forms and internet resources were updated. New resources were also developed to assist staff in determining if a youth qualified for a 3-day medical exam and for obtaining services for the child. These resources include:

- Person characteristic appendix;
- Resource guide;
- Badge cards; and
- Mailbox support.

Provider Education

The Health and Human Services Commission (HHSC) and STAR Health were educated about the change in 3-day medical exam protocols. STAR Health notified and educated medical providers who treat youth in foster care about the change.

Contract Updates

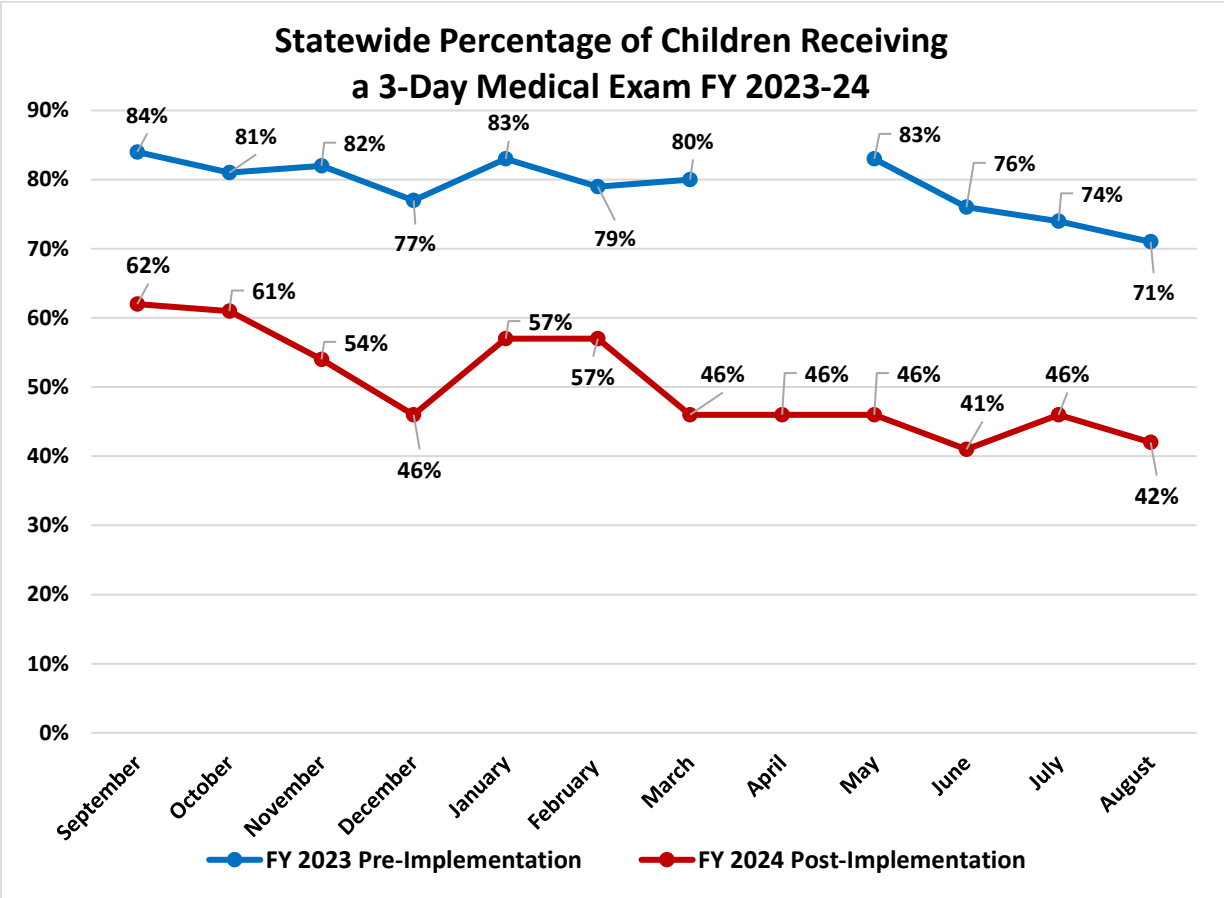
HHSC made changes to the STAR Health contract regarding 3-day medical exams by removing an incentive for all youth to receive a 3-day medical exam. These changes took effect September 1, 2023.

Utilization Tracking

Since initial implementation of the 3-day medical exam, data monitoring is ongoing to understand utilization at the state and regional levels.

DFPS saw a significant decline in 3-day medical exam utilization post implementation of the six qualifying criteria. Chart 1 shows the statewide monthly implementation rate for fiscal years 2023 and 2024. Table 1 provides regional data for fiscal years 2023 and 2024.

Chart 1. Statewide Monthly Percentage of Children Receiving a 3-Day Medical Exam Fiscal Years 2023 and-2024



Note: A defect present in IMPACT during April 2023 affected the ability to determine whether a child had an exam in April 2023, so the 2023 data do not reflect April data.

Source: DRIT “Monthly 3 Day Medical Exam” dates September 2022 to August 2024.

Table 1. 3-Day Medical Exam Utilization by Region Fiscal Years 2023 to 2024

Region	FY 2023*		FY 2024	
	Total Removals	Physical / Annual Exam Completed	Total Removals	Physical / Annual Exam Completed
1. Texas Panhandle	456	265	571	241
2. Big Country and Texoma	536	324	627	205
3E. Dallas-Fort Worth Metroplex East	930	842	1,050	497
3W. Dallas-Fort Worth Metroplex West	876	636	1,047	630
4. Piney Woods	712	600	595	268
5. Deep East	540	408	363	165
6A. Harris County	651	549	521	378
6B. Bay Area & Montgomery County	391	345	343	260
7. Central Texas, Waco & Capitol Area	1,510	1,294	1,303	366
8A. Bexar County	882	666	1,001	486
8B. South Central & Hill Country	331	220	337	179
9. Permian & Concho	252	218	216	120
10. El Paso	118	104	109	102
11. South Texas, Corpus Christi & Rio Grande Valley	746	609	913	576
Out of State/Other	129	94	122	57
TOTAL/AVERAGE	9,060*	7,174*	9,118	4,483

*Note: A defect present in IMPACT during April 2023 affected the ability to determine whether a child had an exam in April 2023. April 2023 removals and exam data were excluded from 2023 totals. 813 removals occurred in April 2023.

Source: DRIT “Monthly 3 Day Medical Exam” dates September 2022 to August 2024.

IT Updates

The reason each child qualifies for the 3-day medical exam is currently unavailable. However, IT updates are underway to enhance the tracking of 3-day medical exam utilization. These IT changes are scheduled for completion in Summer 2025.

List of Acronyms

Acronym	Full Name
CPS	Child Protective Services
DFPS	Department of Family and Protective Services
H.B.	House Bill
HHSC	Health and Human Services Commission
IT	Information Technology
S.B.	Senate Bill
SSCC	Single Source Continuum Contractor