Sec. 664.001. SHORT TITLE. This subchapter may be cited as the State Employees Health Fitness and Education Act of 1983.  
Added by Acts 1993, 73rd Leg., ch. 268, Sec. 1, eff. Sept. 1, 1993.  
Amended by:  
Acts 2007, 80th Leg., R.S., Ch. 665 (H.B. 1297), Sec. 2, eff. September 1, 2007.

Sec. 664.002. FINDINGS AND PURPOSE. Effective state administration is materially enhanced by programs designed to encourage and create a condition of health fitness in state administrators and employees and public money spent for these programs serves important public purposes, including:  
(1) an understanding and diminution of the risk factors associated with society's most debilitating diseases;  
(2) the development of greater work productivity and capacity;  
(3) a reduction in absenteeism;  
(4) a reduction of health insurance costs; and  
(5) an increase in the general level of fitness.  
Added by Acts 1993, 73rd Leg., ch. 268, Sec. 1, eff. Sept. 1, 1993.

Sec. 664.003. DEFINITION. In this subchapter, "state agency" means a department, institution, commission, or other agency of the state.  
Added by Acts 1993, 73rd Leg., ch. 268, Sec. 1, eff. Sept. 1, 1993.  
Amended by:  
Acts 2007, 80th Leg., R.S., Ch. 665 (H.B. 1297), Sec. 3, eff. September 1, 2007.
Sec. 664.004. FUNDS AND FACILITIES FOR HEALTH FITNESS PROGRAMS. (a) A state agency may use available public funds for:

(1) health fitness education and activities; or
(2) other costs related to health fitness.

(b) A state agency may use available facilities for health fitness programs.

Added by Acts 1993, 73rd Leg., ch. 268, Sec. 1, eff. Sept. 1, 1993.

Sec. 664.005. AGREEMENTS WITH OTHER STATE, LOCAL, OR FEDERAL AGENCIES. A state agency may, and is encouraged to, enter into an agreement with another state agency, including a state-supported college or university, or with a local or federal department, institution, commission, or agency, to present, join in presenting, or participate jointly in health fitness education or activity programs for the state agency's administrators and employees.

Added by Acts 1993, 73rd Leg., ch. 268, Sec. 1, eff. Sept. 1, 1993.

SUBCHAPTER B. STATE EMPLOYEE WELLNESS PROGRAM

Sec. 664.051. DEFINITIONS. In this subchapter:

(1) "Board" means the Worksite Wellness Advisory Board.

(2) "Department" means the Department of State Health Services.

(3) "Executive commissioner" means the executive commissioner of the Health and Human Services Commission.

(4) "State agency" means a department, institution, commission, or other agency that is in the executive, judicial, or legislative branch of state government.

(5) "State employee" means a state employee who participates in a health benefits program administered under Chapter 1551, Insurance Code.

Added by Acts 2007, 80th Leg., R.S., Ch. 665 (H.B. 1297), Sec. 4, eff. September 1, 2007.

Sec. 664.052. RULES. The executive commissioner shall
adopt rules for the administration of this subchapter, including rules prescribing the frequency and location of board meetings.

Added by Acts 2007, 80th Leg., R.S., Ch. 665 (H.B. 1297), Sec. 4, eff. September 1, 2007.

Sec. 664.053. CREATION OF MODEL PROGRAM; DESIGNATION OF COORDINATOR. (a) The department shall designate a statewide wellness coordinator to create and develop for use by state agencies a model statewide wellness program to improve the health and wellness of state employees. The wellness program may include:

(1) education that targets the most costly or prevalent health care claims, including information addressing stress management, nutrition, healthy eating habits, alcohol and drug abuse, physical activity, disease prevention, and smoking cessation;

(2) the dissemination or use of available health risk assessment tools and programs, including surveys that identify an employee's risk level for health-related problems and programs that suggest to employees methods for minimizing risks;

(3) the development of strategies for the promotion of health, nutritional, and fitness-related resources in state agencies;

(4) the development and promotion of environmental change strategies that integrate healthy behaviors and physical activity, including recommending healthy food choices in snack bars, vending machines, and state-run cafeterias located in state buildings; and

(5) optional incentives to encourage participation in the wellness program, including providing flexibility in employee scheduling to allow for physical activity and participation in the wellness program and coordinating discounts with gyms and fitness centers across the state.

(b) The statewide wellness coordinator shall:

(1) coordinate with other agencies that administer a health benefits program under Chapter 1551, Insurance Code, as necessary to develop the model wellness program, prevent duplication of efforts, provide information and resources to
employees, and encourage the use of wellness benefits included in the health benefits program;

(2) maintain a set of Internet links to health resources for use by state employees;

(3) design an outreach campaign to educate state employees about health and fitness-related resources, including available exercise facilities, online tools, and health and fitness-related organizations;

(4) study the implementation and participation rates of state agency worksite wellness programs and report the findings to the legislature biennially; and

(5) organize an annual conference hosted by the department for all state agency wellness councils.

(c) The statewide wellness coordinator may consult with a state agency operating health care programs on matters relating to wellness promotion.

(d) A state agency shall designate an employee to serve as the wellness liaison between the agency and the statewide wellness coordinator.

(e) A state agency may:

(1) develop a wellness program designed to increase work productivity and capacity and reduce health insurance costs; or

(2) implement a wellness program based on the model program or components of the model program developed under this section.

(f) The statewide wellness coordinator may assist a state agency in establishing employee wellness demonstration projects that incorporate best practices for encouraging employee participation and the achievement of wellness benefits. A wellness program demonstration project may implement strategies to optimize the return of state investment in employee wellness, including savings in direct health care costs and savings from preventing conditions and diagnoses through better employee wellness.

Added by Acts 2007, 80th Leg., R.S., Ch. 665 (H.B. 1297), Sec. 4, eff. September 1, 2007.
Amended by:
Acts 2013, 83rd Leg., R.S., Ch. 975 (H.B. 2020), Sec. 1, eff. June 14, 2013.

Sec. 664.054. WORKSITE WELLNESS ADVISORY BOARD; COMPOSITION. (a) The board consists of the following 13 members appointed by the executive commissioner:

(1) five state agency employees, including one employee of each of the following agencies:
   (A) Department of Agriculture;
   (B) Texas Education Agency;
   (C) Texas Department of Transportation;
   (D) Texas Department of Criminal Justice; and
   (E) the department;

(2) one other employee of the department who is involved in worksite wellness efforts at the department;

(3) one employee of the Employees Retirement System of Texas;

(4) two state employee representatives of an eligible state employee organization described by Section 403.0165 with at least 10,000 active, dues-paying members;

(5) one worksite wellness professional;

(6) one representative of the American Cancer Society;

(7) one representative of the American Heart Association; and

(8) one representative of the Texas Medical Association.

(b) In appointing members to the board, the executive commissioner shall:

(1) make an effort to appoint at least one member from each of the health and human services regions; and

(2) consider input received from state agency employees.

(c) The members of the board shall elect a presiding officer.

(d) Each member of the board who is not a state officer or employee serves a two-year term expiring February 1 of each
odd-numbered year and may be reappointed. Each member of the board who is a state officer or employee serves on the board at the pleasure of the executive commissioner.

(e) If a vacancy occurs, the executive commissioner shall appoint a person to fill the vacancy.

(f) A state officer or employee appointed to the board serves on the board ex officio as an additional duty of the member's office or employment.

Added by Acts 2007, 80th Leg., R.S., Ch. 665 (H.B. 1297), Sec. 4, eff. September 1, 2007.

Sec. 664.055. REIMBURSEMENT. A member of the board may not receive compensation for service as a board member but is entitled to reimbursement of the member's travel expenses:

(1) under the rules for reimbursement that apply to the member's office or employment, if the member is a state officer or employee; or

(2) as provided by the General Appropriations Act, if the member is not a state officer or employee.

Added by Acts 2007, 80th Leg., R.S., Ch. 665 (H.B. 1297), Sec. 4, eff. September 1, 2007.

Sec. 664.056. ADMINISTRATION. The board is administratively attached to the department. The department shall provide the staff necessary for the board to perform its duties.

Added by Acts 2007, 80th Leg., R.S., Ch. 665 (H.B. 1297), Sec. 4, eff. September 1, 2007.

Sec. 664.057. APPLICABILITY OF OTHER LAW. Chapter 2110 does not apply to the size, composition, or duration of the board.

Added by Acts 2007, 80th Leg., R.S., Ch. 665 (H.B. 1297), Sec. 4, eff. September 1, 2007.

Sec. 664.058. DONATIONS. The board may receive in-kind and monetary gifts, grants, and donations from public and private donors to be used for the purposes of this subchapter.

Added by Acts 2007, 80th Leg., R.S., Ch. 665 (H.B. 1297), Sec. 4,
Sec. 664.059. DUTIES. The board shall advise the department, executive commissioner, and statewide wellness coordinator on worksite wellness issues, including:

1. funding and resource development for worksite wellness programs;
2. identifying food service vendors that successfully market healthy foods;
3. best practices for worksite wellness used by the private sector; and
4. worksite wellness features and architecture for new state buildings based on features and architecture used by the private sector.

Added by Acts 2007, 80th Leg., R.S., Ch. 665 (H.B. 1297), Sec. 4, eff. September 1, 2007.

Sec. 664.060. STATE AGENCY WELLNESS COUNCILS. (a) A state agency may facilitate the development of a wellness council composed of employees and managers of the agency to promote worksite wellness in the agency.

(b) A wellness council may work to:

1. increase employee interest in worksite wellness;
2. develop and implement policies to improve agency infrastructure to allow for increased worksite wellness; and
3. involve employees in worksite wellness programs.

(c) Members of a wellness council may review the recommendations of the board and develop a plan to implement the recommendations.

(d) A state agency may allow its employees to participate in wellness council activities for two or more hours each month.

(e) The department shall provide technical support to each state agency wellness council and shall provide financial support to councils if funds are available.

(f) A wellness council may annually identify best practices for worksite wellness in the agency and report the practices to the board.
Sec. 664.061. AGENCY WELLNESS POLICIES. (a) A state agency may:

(1) allow each employee 30 minutes during normal working hours for exercise three times each week;

(2) allow all employees to attend on-site wellness seminars when offered;

(3) provide eight hours of additional leave time each year to an employee who:

(A) receives a physical examination; and

(B) completes either an online health risk assessment tool provided by the board or a similar health risk assessment conducted in person by a worksite wellness coordinator;

(4) provide financial incentives, notwithstanding Section 2113.201, for participation in a wellness program developed under Section 664.053(e) after the agency establishes a written policy with objective criteria for providing the incentives;

(5) offer on-site clinic or pharmacy services in accordance with Subtitles B and J, Title 3, Occupations Code, including the requirements regarding delegation of certain medical acts under Chapter 157, Occupations Code; and

(6) adopt additional wellness policies, as determined by the agency.

(b) In addition to the requirements of Section 2254.003, in awarding a contract for on-site clinic services as provided by Subsection (a)(5), a state agency may consider whether the on-site clinic services will be provided by a physician-led organization that has its principal place of business in this state.

Added by Acts 2007, 80th Leg., R.S., Ch. 665 (H.B. 1297), Sec. 4, eff. September 1, 2007.

Amended by:

Acts 2013, 83rd Leg., R.S., Ch. 975 (H.B. 2020), Sec. 2, eff. June 14, 2013.