

1-1 By: Lucio S.B. No. 871  
1-2 (In the Senate - Filed February 16, 2009; March 9, 2009,  
1-3 read first time and referred to Committee on State Affairs;  
1-4 April 20, 2009, reported adversely, with favorable Committee  
1-5 Substitute by the following vote: Yeas 7, Nays 0; April 20, 2009,  
1-6 sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR S.B. No. 871 By: Lucio

1-8 A BILL TO BE ENTITLED  
1-9 AN ACT

1-10 relating to the state employee wellness program, including health  
1-11 risk assessments of state employees.

1-12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-13 SECTION 1. Subsection (b), Section 664.053, Government  
1-14 Code, is amended to read as follows:

1-15 (b) The statewide wellness coordinator shall:

1-16 (1) coordinate with other agencies that administer a  
1-17 health benefits program under Chapter 1551, Insurance Code, as  
1-18 necessary to develop the model wellness program, prevent  
1-19 duplication of efforts, provide information and resources to  
1-20 employees, and encourage the use of wellness benefits included in  
1-21 the health benefits program;

1-22 (2) maintain a set of Internet links to health  
1-23 resources for use by state employees;

1-24 (3) design an outreach campaign to educate state  
1-25 employees about health and fitness-related resources, including  
1-26 available exercise facilities, online tools, and health and  
1-27 fitness-related organizations;

1-28 (4) study the implementation and participation rates  
1-29 of state agency worksite wellness programs and report the findings  
1-30 to the legislature biennially; ~~and~~

1-31 (5) organize an annual conference hosted by the  
1-32 department for all state agency wellness councils; and

1-33 (6) create an online questionnaire for state agency  
1-34 heads to report information, including:

1-35 (A) the agency policy on leave time for employees  
1-36 to complete a health risk assessment;

1-37 (B) the agency policy on leave time for employees  
1-38 to receive an annual physical examination;

1-39 (C) the agency policy on providing employees time  
1-40 during the workday to exercise; and

1-41 (D) whether the agency has a wellness coordinator  
1-42 or council.

1-43 SECTION 2. Section 664.061, Government Code, is amended to  
1-44 read as follows:

1-45 Sec. 664.061. AGENCY WELLNESS POLICIES. (a) Each state  
1-46 agency with more than 50 employees shall create and annually update  
1-47 a worksite wellness policy.

1-48 (b) The executive head of a state agency shall submit the  
1-49 agency's worksite wellness information to the statewide wellness  
1-50 coordinator annually through the online questionnaire under  
1-51 Section 664.053(b)(6).

1-52 (c) A state agency may:

1-53 (1) allow each employee 30 minutes during normal  
1-54 working hours for exercise three times each week;

1-55 (2) allow all employees to attend on-site wellness  
1-56 seminars when offered; and

1-57 (3) provide four ~~eight~~ hours of additional leave  
1-58 time each year to an employee who ~~+~~

1-59 ~~(A)~~ receives a physical examination.

1-60 (d) Except as provided by Subsection (e), a state agency  
1-61 shall provide four hours of leave time each year to an employee who  
1-62 ~~+~~ and

1-63 ~~(B)~~ completes either an online health risk

2-1 assessment tool provided by the board or a similar health risk  
2-2 assessment conducted in person by a worksite wellness coordinator.

2-3 (e) A state agency is not required to provide the hours of  
2-4 leave under Subsection (d) to an employee who is a correctional  
2-5 officer and is performing critical duties for the agency as  
2-6 determined by the agency.

2-7 (f) An institution of higher education as defined by Section  
2-8 61.003, Education Code, may provide four hours of leave time each  
2-9 year to an employee who completes either an online health risk  
2-10 assessment tool provided by the board or a similar health risk  
2-11 assessment conducted in person by a worksite wellness coordinator.

2-12 SECTION 3. Section 1551.061, Insurance Code, is amended to  
2-13 read as follows:

2-14 Sec. 1551.061. ANNUAL REPORTS [~~REPORT~~]. (a) The board of  
2-15 trustees shall submit a written report not later than January 1 of  
2-16 each year to the governor, lieutenant governor, speaker of the  
2-17 house of representatives, and Legislative Budget Board concerning  
2-18 the coverages provided and the benefits and services being received  
2-19 by all participants under this chapter. The report must include  
2-20 information about the effectiveness and efficiency of:

- 2-21 (1) managed care cost containment practices; and
- 2-22 (2) fraud detection and prevention procedures.

2-23 (b) The board of trustees shall submit a written report not  
2-24 later than January 1 of each year to the governor and Legislative  
2-25 Budget Board that includes:

2-26 (1) a population-based summary of the health risk  
2-27 assessments completed under Section 664.061, Government Code,  
2-28 during the preceding state fiscal year; and

2-29 (2) an evaluation of the Employees Retirement System  
2-30 of Texas' weight management programs.

2-31 SECTION 4. This Act takes effect September 1, 2009.

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