

The logo for the Texas Sunset Advisory Commission features the text "Texas Sunset Advisory Commission" in a bold, serif font, centered within a black semi-circular shape. This shape is enclosed by a white border and sits atop a thick black horizontal bar.

**Texas
Sunset
Advisory
Commission**

STAFF EVALUATION

Governor's Commission on Physical Fitness

A Staff Report
to the
Sunset Advisory Commission

1988

**GOVERNOR'S COMMISSION ON
PHYSICAL FITNESS**

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Summary of Recommendations

The Governor's Commission on Physical Fitness was established in 1971 (Chapter 446, Government Code) to coordinate physical fitness activities in the state and to educate the public on the need for, and benefit of, physical fitness. The 15-member commission is appointed by the governor and had operated with a staff of four employees until the 69th Legislature terminated the commission's funding for fiscal year 1987 during the special session in September of 1986. Funds were provided by the governor's office through fiscal year 1987 to enable the commission to complete unfinished projects and transfer its programs to other organizations or state agencies. The transfer of all programs was completed, and staff activities of the commission ceased as of August 31, 1987.

The review indicated that while the need for physical fitness promotion and education exists in Texas, other mechanisms are in place to provide these functions. Therefore, the Governor's Commission on Physical Fitness is not essential for the continuation of these activities in the state. However, the state does have a continuing interest in the fitness of certain Texas residents, particularly state employees or populations served by state agencies such as school age youth, senior citizens and other persons with health risks.

Based on these conclusions, the evaluation of the agency resulted in the following recommendations.

Recommendations

1. **The Governor's Commission on Physical Fitness should be abolished.** (p. 13)

The need for continued physical fitness promotion and education exists in Texas. However, the legislature has eliminated funding for the Governor's Commission on Physical Fitness and other public and private mechanisms exist to perform these functions. Therefore, the statutory structure for the Governor's Commission on Physical Fitness should be repealed.

2. **The State Employee Health Fitness and Education Act of 1983 should be amended to designate the Texas Department of Health as the agency responsible for administering the Act.** (Statutory) (p. 15)

This Act, formerly administered by the Governor's Commission on Physical Fitness, provides a mechanism for state agencies to use existing funds to establish health fitness programs. Since the Employee Health and Fitness program has been transferred to the Texas Department of Health, this change would authorize responsibilities which are already in place.

3. **Guidelines used to administer the State Employees Health Fitness and Education Act of 1983 should require that agency plans include a method for evaluating the costs and benefits of such programs.** (Statutory) (p. 16)

Significant benefits could be realized by the state from making physical fitness activities or information available to state employees. A mechanism is needed, however, to prevent approval of state agency fitness plans in which the cost of the activity could exceed the benefit resulting from the program. Requiring agencies submitting plans for health fitness to include procedures for evaluating the costs and benefits of the activities would help to ensure the cost-effectiveness of such activities.

4. **An interagency council consisting of representatives of the Office of the Governor, the Texas Department of Health, the Texas Education Agency, and the Texas Department on Aging should be established to coordinate health fitness programs or activities offered by state agencies.** (Statutory) (p. 17)

An interagency council on health fitness would help to coordinate health fitness related services offered by the state and prevent duplication of services. This would help to achieve more efficient use of funds spent on these activities and could result in cost benefits to the state.

AGENCY EVALUATION

Background

Creation and Powers

The Governor's Commission on Physical Fitness was created in 1971 (Chap. 446, Government Code). Until the 69th Legislature terminated the commission's funding for fiscal year 1987, the 15-member governor-appointed commission operated with a staff of four full-time persons based in Austin. The staff activities of the commission ceased in August of 1987 upon exhaustion of funds provided by the governor's office for the purpose of completing unfinished projects and transferring the commission's programs to other organizations or state agencies.

The commission was established to educate the public concerning the needs for and benefits of physical fitness, to coordinate the physical fitness related efforts of state agencies, local school boards and private organizations and to promote physical fitness programs. Its membership was required to represent "all fields of physical fitness programs for both youth and adults." The commission was also responsible for collecting and disseminating physical fitness information and evaluating existing programs.

The commission operated with an appropriation from the General Revenue Fund of \$138,546 for fiscal year 1986 and received about \$80,400 from the Governor's Emergency/Deficiency Fund for 1987. The commission has no state appropriation for 1988 or 1989.

Programs and Functions

The commission operated three major programs in addition to its general duties. These programs are described below:

Youth Fitness Program. The youth fitness program administered by the commission was established in response to national reports that the fitness levels of school age youth have declined in recent years. Such reports prompted a study in 1984 by the commission, the American Heart Association and the Texas Association for Health, Physical Education, Recreation and Dance of over 6,600 school age youth in Texas. The study revealed an overall deterioration of youth fitness levels from the preceding decade, especially in cardiorespiratory endurance. The youth fitness program developed by the commission includes a fitness and motor ability test for children in grades four through twelve and a fitness curriculum for kindergarten through grade twelve designed to improve cardiorespiratory fitness, strength and endurance. The staff of the commission served as a resource to school districts desiring to implement the program and trained teachers on the use of fitness tests for

students. The program has been successfully transferred to the American Health and Fitness Foundation, a nonprofit corporation which worked closely with the commission during its existence. Over 200 school districts currently participate in the youth fitness program, covering the major metropolitan areas of the state.

Senior Citizen Fitness Program. The senior citizen fitness program was conducted by the commission through an interagency contract with the Texas Department on Aging (TDoA). Using federal funds provided by TDoA of \$9,950 in 1986, the commission conducted training programs throughout Texas for persons desiring to be senior citizen fitness instructors. Training was done by a commission-selected task force of university and public school volunteers. Persons completing this training were qualified to conduct subsequent training classes. Five hundred persons were trained as instructors in 1986 and qualified to conduct senior citizen fitness classes in such settings as senior citizen centers and local Area Agencies on Aging.

When the commission ceased functioning, materials for this program were transferred to the TDoA because of the agency's financial support for the development of the program. Although the agency has had to designate the federal funds previously used for this program to other general programs for the aging population due to funding cutbacks, the agency has a continuing interest in the promotion of senior citizen fitness. Texas Department On Aging provides federal funds to local Area Agencies on Aging and these agencies may use such funds for physical fitness activities if desired. Also, certain centers funded through the agency (designated as multi-purpose senior centers) are required to conduct some form of physical fitness program. There are at least 280 such centers in Texas which offer these programs, covering the major metropolitan areas of the state.

Employee Fitness Program. Responsibility for this program was established by the State Employees Health Fitness and Education Act of 1983 (Art. 6252 - 27 V.T.C.S.). The Act authorizes state agencies and institutions to spend appropriated funds such as lapsed or unexpended funds for state employee fitness activities. Before expenditure of state funds, agencies were required to submit written plans for review by the Governor's Commission on Physical Fitness and approval by the Governor. As of September, 1986, 27 agencies representing 65,000 employees had approved plans. The commission, with the assistance of an Employee Fitness Task Force comprised of health and fitness professionals from the private sector and state agency administrators, developed guidelines to assist agencies in establishing plans. The commission transferred responsibilities for the program to the Health

Promotion Division of the Texas Department of Health (TDH). The Department of Health does not currently allocate funds specifically to the State Employee Health Fitness and Education program but does continue to operate its Health Promotion Division and to oversee the implementation of the Employee Health Fitness Act. The Health Promotion Division of TDH offers public health information and educational material to agencies, schools, local health departments and other groups with the purpose of preventing death or illness caused by smoking, lack of exercise, poor diet or inattention to safety concerns.

Review of Operations

Focus of Review and Recommendations

The review of the Governor's Commission on Physical Fitness focused on four general areas: 1) whether the need which led to the commission's creation still exists; 2) if so, whether the commission is likely to meet that need; 3) whether the duties of the commission could be carried out by other state agencies; and 4) whether improvements could be made to any of the programs or functions which are determined to be necessary.

Overall, the review indicated that the need that led to the creation of the original commission no longer exists. Other mechanisms are in place to carry out its overall purpose of increasing the statewide level of awareness of the benefits of physical fitness. The review also found that certain functions of the commission, such as its review and approval role for state agency health fitness plans, need to be continued. These functions have been assumed by appropriate agencies, but the transfer of duties needs to be formalized through statutory modifications. Lastly, the review found a continuing need exists to ensure that state agency fitness programs designed to assist state employees or the persons the agencies serve, are developed and monitored in a coordinated fashion to ensure their cost effectiveness. Recommendations to address these findings are set out below.

The Governor's Commission on Physical Fitness is Not Needed

Chapter 446, Government Code requires the Governor's Commission on Physical Fitness to educate the public about the benefits of physical fitness; develop fitness programs for persons of all ages; coordinate physical fitness related activities for schools, state and local government and private industry; and to collect and disseminate pertinent information. The commission also is required under the State Employee Health Fitness and Education Act (Art. 6252-27, V.T.C.S.) to review plans for employee fitness programs for state employees. As mentioned in the background, the legislature has ceased funding the commission and its primary functions have been transferred to operational agencies.

The Governor's Commission on Physical Fitness should be abolished and certain of its functions formally placed in other agencies.

The evaluation of the agency indicated that its broad mandate has been sized down by the amount of funding it has received since it was created in 1971. Basically

the state's policy evolved into a low-visibility, minimum effort approach to increasing the statewide level of awareness of physical fitness. Other efforts, independent of governmental actions, have made physical fitness a national preoccupation. Commercial fitness centers, community gyms, public jogging trails and other athletic events are examples of how public demand for fitness activities is being met. A variety of publications and books are also readily available on physical fitness subjects. Fitness related activities are also increasing in the private sector as a result of corporate studies which demonstrated that employee fitness programs reduce medical care costs, disability and worker's compensation expenditures and absenteeism. Corporations have both adequate incentives and sufficient information in the form of other successful corporate programs to initiate such programs without encouragement from the state.

A variety of private associations also exist which promote physical fitness activities. The Texas Association for Health, Physical Education, Recreation and Dance, with 3,700 members, sponsors statewide conventions and other events to promote fitness for students in kindergarten through college. The American Heart Association's Texas affiliate is another organization which sponsors fitness activities such as the "Jump Rope for Heart" function in which about 1,600 Texas school groups participate.

Recognizing this growth in public awareness, the state, through legislative funding decisions and executive actions, has slowly reduced the efforts of the commission to the point that it has ceased to function. In those areas where the state has statutorily authorized new programs aimed at implementing health fitness programs for state employees and public school children, the commission's role has been substantially reduced by transferring the actual responsibility to other agencies.

The current policy of the state clearly reflects that there is no longer a need for state funds to be spent in developing a statewide awareness of the benefits of physical fitness. The commission, regardless of its statutory directives, has been given no future role, even though the state has indicated a continuing need for health fitness. The state's focus on health fitness is now directed toward state employees and persons receiving state-funded services. This type of effort does not require a structure like the current commission's and it should be abolished. An alternative structure to provide a coordinated approach to monitor and assist state agency health fitness efforts is discussed in a later recommendation.

Continued Administration of the State Employee Health Fitness and Education Act of 1983 is Needed

The State Employees Health Fitness and Education Act of 1983 (Art. 6252-27 V.T.C.S) was established to authorize state agencies or institutions to use available public funds for health fitness education activities, and other health fitness related costs. No new funding was appropriated for these programs, but agencies were given the authority to use lapsed or unexpended funds from existing budget categories such as training and professional services to establish fitness programs. These programs could include the provision of health fitness information to employees directed at reducing health risk and preventable illness or injury. Programs could also include activities designed to increase the health fitness of participants. Agencies desiring to develop such programs are required to submit plans to the Governor's Commission on Physical Fitness for review and comment and to the Governor or his designee for approval before implementation.

As part of the review, the Act and its implementation were studied to identify alternate mechanisms for administering the Act in the event that the commission is abolished.

The statute creating the State Employee Health Fitness and Education Act of 1983 should be amended to designate the Texas Department of Health as the agency responsible for administering the Act.

The review identified that considerable cost benefits could be realized by the state through continuation of employee fitness programs. A study conducted by the Texas offices of Tenneco found that medical care costs of employees participating in a fitness program decreased by 58 percent for males and 44 percent for females. Absenteeism decreased 32 percent for females and 17 percent for males. A study conducted in Texas by Prudential found a 45.7 percent reduction in major medical costs and a 20.1 percent reduction in the direct disability dollar costs for employees participating in the fitness program. The Prudential study showed an operational cost of \$120.60 per participating employee but an average savings of \$353.38 per employee in the areas mentioned above. The potential for similar fiscal impact for the state of Texas justifies continued attention in this area. In addition to potential

cost savings, benefits can also be realized in the areas of employee productivity and morale.

Since the Governor's Commission on Physical Fitness is no longer functioning, a system is needed which allows for storage and maintenance of program records, timely approval of fitness plans and ongoing consultation by staff persons if needed. This kind of system is available at the Department of Health and the formal responsibility for the Act should be shifted from the commission to the department. These activities are similar to those already being performed by the department's Health Promotion Division and no additional funds or staff would be required.

The Employee Health and Fitness program, which includes administration of the State Employees Health Fitness and Education Act of 1983, was transferred by the Governor's Commission on Physical Fitness to the Texas Department of Health (TDH) in August of 1987. Because of the potential costs savings to the state of such a program, TDH should have statutory responsibility for continued administration of the Act.

Guidelines Should Ensure that Costs of State Agency Health Fitness Programs not Exceed Benefits

The State Employee Health Fitness and Education Act of 1983 requires that agencies desiring to conduct health fitness programs receive approval of a health fitness plan before expending agency funds to implement the plan. Commission information compiled in 1986 indicates that 16 state agencies and nine universities have commission approved health fitness plans. Overall, these plans cover almost 66,000 employees working in state entities ranging from the Board of Nurse Examiners with 22 employees to the Department of Mental Health and Mental Retardation with over 25,000 employees.

The Governor's Commission on Physical Fitness developed guidelines for agencies to use in establishing health fitness programs. The guidelines require that agency plans describe the participants, purpose, nature, duration, costs and expected results of the programs offered. The guidelines do not currently require agency plans to include a method for evaluating the program to ensure that the costs of the programs do not exceed the program's potential benefits.

The benefits that could be realized from state employee fitness programs have been discussed in the previous recommendation. Agencies must ensure, however, that the costs of equipment, modifying facilities, planning and conducting the

activities, and the participating employees' time spent during working hours on the activity do not exceed the benefits that may be available.

The statute should be amended to require guidelines for developing state employee health fitness programs to include a method for evaluating the costs and benefits of such programs.

In order for the state to maximize the financial benefits available from providing health fitness activities to state employees, data will be needed on which activities are most successful in reducing costs. Current agency plans do not always include methods for identifying and measuring costs and benefits. Approval of agency plans should be granted only if the agency has provided in its plan for the collection of such data. Such data could be useful to the legislature in the future for determining whether the use of state funds for fitness programs should be expanded or restricted.

Coordination of State Agency Fitness Services is Needed

Currently there are at least five state agencies that have some statutory responsibility to provide health fitness programs or information concerning health fitness. These agencies are the Texas Education Agency (TEA), the Texas Department of Health (TDH), the Texas Department on Aging (TDoA), the Texas Rehabilitation Commission (TRC), and the Texas Department of Human Services (DHS). Their responsibilities are briefly discussed below.

The TEA, for example, provides local school districts with physical education curriculum requirements for kindergarten through grade 12 students. The passage of H.B. 256 by the 69th Legislature established physical education as a curriculum element which must be part of each school district's education program. The Governor's Commission on Physical Fitness worked with the TEA during the development of curriculum rules for physical education to include physical fitness as one of the essential elements in each physical education program. Recent nationwide and state studies of youth fitness levels support the need for the state's continued attention to the health fitness of youth. For example, a 1984 Texas study by the Governor's Commission on Physical Fitness of over 6,600 school age youth showed an overall deterioration of youth fitness levels, especially in cardiorespiratory endurance, from the preceding decade. Discussion of these problems among an interagency group of professionals could lead to

recommendations to address these areas and provide the kind of technical assistance the efforts of the commission have provided in the past.

The Texas Department of Health, through its Health Promotion Division, offers public health information and educational material aimed at reducing health conditions created by individual life style choices. Smoking, lack of exercise, poor diet or inattention to safety concerns are contributing factors to preventable deaths in the state. This division provides technical assistance to agencies, schools, community organizations, local health departments and other groups with the goal of reducing harmful behavior patterns. With the transfer of the State Employee Health Fitness program to TDH, the agency also has the responsibility to review health fitness plans submitted by state agencies. This new responsibility, combined with the agency's recognition of physical fitness as a means of preventing illness and disease makes TDH a significant component of the state's health fitness effort.

The Texas Department on Aging (TDoA) also serves a population which could benefit from state-sponsored health fitness activities. Activities aimed at improving a senior citizen's mobility, flexibility and general fitness could help to postpone or prevent more restrictive living arrangements, such as nursing home placements, which often occur at state expense. Texas Department on Aging provided the Governor's Commission on Physical Fitness with federal funds through an interagency agreement to train fitness instructors for the elderly population, until the commission's staff activities ceased. Texas Department on Aging has not lost federal funds due to the termination of this program, but has allocated the funds to other senior citizen programs. The agency provides federal funds to Area Agencies on Aging (AAA) throughout the state. The AAAs, in turn, fund senior citizen centers to provide a range of services. Some 280 centers designated as multi-purpose senior citizen centers are required to provide physical fitness programs while other centers may do so on a voluntary basis. Texas Department on Aging has indicated that it can benefit from the expertise of other state agencies which address health fitness concerns, as the agency continues to seek cost efficient way to promote physical fitness activities for its target population.

Other state agencies such as the Texas Department of Human Services and the Texas Rehabilitation Commission also serve populations which could benefit from improved health fitness, although physical fitness is not a major focus of these agencies currently.

A brief review of these programs indicated that all the agencies share the common goal of improving the health fitness levels of their clients. Although many

of the same people are served by one or more of the agencies, the state has not placed a priority on focusing its efforts in the health fitness area. Without this priority, there is little incentive to share program knowledge or to coordinate activities to the degree they can be coordinated. Bringing the agencies together can be done without the need for an intermediary, such as the Commission on Physical Fitness.

The statutes should be amended to create an interagency council, consisting of representatives of the Texas Department of Health, the Texas Education Agency, the Texas Department on Aging, and the Office of the Governor to coordinate the health fitness services available through state agencies.

An interagency council could assist in the coordination of health fitness services provided by the state at no extra cost. Agency representatives on the council should be appointed by their respective board chairpersons. Involving the chairperson in the process would call attention to the work of the council and result in better understanding and support of the council's activities.

The council would have the responsibility for reviewing and approving health fitness plans submitted by agencies to the Department of Health and commenting on any new health fitness related agency rules and on existing health fitness rules as the council determines appropriate. The council would recommend guidelines for operation of health fitness activities provided by state agencies and serve as a forum for input from the private sector on the state's evolving role regarding health fitness. To effectively carry out its duties, the council should be authorized to use volunteer lay and professional advisors as needed. In addition, the council should be authorized to expand its membership to other state agencies, such as the Texas Department of Human Services and the Texas Rehabilitation Commission in its activities as necessary and appropriate.

Because the Texas Department of Health administers the State Employee Health Fitness and Education Act of 1983 and operates a broad range of health fitness related activities through its Health Promotion division, the council should be administratively attached to this division.

OTHER CHANGES

Across-the-Board Recommendations

From its inception, the Sunset Commission identified common agency problems. These problems have been addressed through standard statutory provisions incorporated into the legislation developed for agencies undergoing sunset review. Since these provisions are routinely applied to all agencies under review, the specific language is not repeated throughout the reports. The application to particular agencies are denoted in abbreviated chart form.

Interagency Council on Health Fitness

Applied	Modified	Not Applied	Across-the-Board Recommendations
			A. GENERAL
		X	1. Require public membership on boards and commissions.
		X	2. Require specific provisions relating to conflicts of interest.
		X	3. Provide that a person registered as a lobbyist under Article 6252-9c, V.A.C.S., may not act as general counsel to the board or serve as a member of the board.
X			4. Require that appointment to the board shall be made without regard to race, color, handicap, sex, religion, age, or national origin of the appointee.
	X		5. Specify grounds for removal of a board member.
	X		6. Require the board to make annual written reports to the governor, the auditor, and the legislature accounting for all receipts and disbursements made under its statute.
		X	7. Require the board to establish skill-oriented career ladders.
		X	8. Require a system of merit pay based on documented employee performance.
	X		9. Provide that the state auditor shall audit the financial transactions of the board at least once during each biennium.
	X		10. Provide for notification and information to the public concerning board activities.
		X	11. Place agency funds in the treasury to ensure legislative review of agency expenditures through the appropriation process.
		X	12. Require files to be maintained on complaints.
		X	13. Require that all parties to formal complaints be periodically informed in writing as to the status of the complaint.
		X	14. (a) Authorize agencies to set fees. (b) Authorize agencies to set fees up to a certain limit.
		X	15. Require development of an E.E.O. policy.
		X	16. Require the agency to provide information on standards of conduct to board members and employees.
X			17. Provide for public testimony at agency meetings.
		X	18. Require that the policy body of an agency develop and implement policies which clearly separate board and staff functions.
		X	19. Require development of accessibility plan.

Interagency Council on Health Fitness
(cont.)

Applied	Modified	Not Applied	Across-the-Board Recommendations
			B. LICENSING
		X	1. Require standard time frames for licensees who are delinquent in renewal of licenses.
		X	2. Provide for notice to a person taking an examination of the results of the exam within a reasonable time of the testing date.
		X	3. Provide an analysis, on request, to individuals failing the examination.
		X	4. Require licensing disqualifications to be: 1) easily determined, and 2) currently existing conditions.
		X	5. (a) Provide for licensing by endorsement rather than reciprocity. (b) Provide for licensing by reciprocity rather than endorsement.
		X	6. Authorize the staggered renewal of licenses.
		X	7. Authorize agencies to use a full range of penalties.
		X	8. Specify board hearing requirements.
		X	9. Revise restrictive rules or statutes to allow advertising and competitive bidding practices which are not deceptive or misleading.
		X	10. Authorize the board to adopt a system of voluntary continuing education.