



EXERCISE GOOD SENSE: ASK QUESTIONS BEFORE JOINING A HEALTH SPA

by Texas Attorney General Greg Abbott

MANY TEXANS STRIVING TO HONOR their New Year's resolutions may be considering whether to join a fitness center or health spa. Before signing a membership contract, however, consumers should carefully evaluate facilities and compare membership costs.

Potential members should visit several health spas during the time of day they plan to exercise and note the conditions. Is the facility crowded? Are the machines, locker rooms, showers and pool clean and well-maintained? Is the staff readily available for assistance? What qualifications or special training do instructors have?

When speaking to a health club's representative, Texans should ask whether the facility offers free trial memberships. Consumers should use a trial membership to confirm that the club meets their expectations. If the club does not offer free trial memberships, interested consumers may consider joining for just a few months rather than entering a long-term contract.

Texans should also ask about a club's membership numbers, including whether the club limits the total number of members. A health club that was not crowded during an initial visit may be far busier ordinarily, particularly if the gym is new or if the visit took place during off-peak hours.

Potential health spa members also should keep in mind that different facilities keep different hours. Some health clubs are open

24 hours a day, year round. Others have shorter hours or are closed on holidays.

As with any contract, consumers should carefully read health spa membership agreements before signing any paperwork. Any promises the facility's staff members made must be written into the contract or those promises may not be enforceable. There are other important questions to consider before signing a membership agreement. What is the health club's cancellation policy? Will the gym refund unused membership dues if a member decides to cancel? If members move, do their memberships transfer with them or can they use other branches of the fitness center?

Some gyms and health spas offer financing options in order to help potential members afford their membership dues. When calculating payments, consumers should remember to examine whether finance charges, annual percentage rates, sign-up fees or maintenance dues are included. It is wise to calculate membership costs per week and per day to help budget the club's actual costs.

Health spas operating in Texas must be registered with the Secretary of State's Office (SOS). The spa must have an operator's certificate of registration and post a \$20,000 to \$50,000 security deposit with the SOS, depending on the size of its membership. The security deposit is held

to reimburse health spa members who suffer financial loss if a facility closes unexpectedly.

In fact, one of the most common health spa complaints received by the Office of the Attorney General involves sudden facility closures. Health spa members should maintain good personal records, including copies of their current contract and payment receipts. In the event a facility closes unexpectedly, members with time remaining on their prepaid membership contracts may file claims with the SOS for the balance remaining on their contracts. Good recordkeeping practices may help expedite prorated refunds.

Health clubs that also provide child care or massage therapy must obtain additional state operating licenses. To verify that the child care operation is properly registered, health club members can contact the Child Care Licensing Division of the Texas Department of Family and Protective Services. Massage therapists must be licensed by the Texas Department of State Health Services.

Texans who are concerned about a health club's failure to deliver services as required by contract or its operation without proper licenses can file a complaint with the Office of the Attorney General online at www.oag.state.tx.us or by calling (800) 252-8011.

POINTS TO REMEMBER



HEALTH SPAS

To find out if a health spa is registered and bonded with the State of Texas:

Secretary of State
www.sos.state.tx.us
(512) 463-5555

To find out whether complaints have been filed or to file a complaint against a health spa:

Office of the Attorney General
www.oag.state.tx.us
(800) 252-8011

To confirm that a child care facility is registered with the State of Texas:

Texas Department of Family and Protective Services
www.dfps.state.tx.us
(800) 720-7777

To verify that a massage therapist is properly licensed:

Texas Department of State Health Services
www.dshs.state.tx.us/massage
(512) 834-6616

Information on this and other consumer health topics is available on the Attorney General's Web site at www.oag.state.tx.us.



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