

# **WEST VIRGINIA LEGISLATURE**

## **2026 REGULAR SESSION**

**Introduced**

**House Bill 4815**

**FISCAL  
NOTE**

By Delegates Cooper, Clay, Roop, Toney, and

Canterbury

[Introduced January 26, 2026; referred to the

Committee on Health and Human Resources]

1 A BILL to amend and reenact §8-32-4 of the Code of West Virginia, 1931, as amended, relating to  
2 permitting a political subdivision-based community health center to pay bonuses and  
3 incentives under certain conditions.

*Be it enacted by the Legislature of West Virginia:*

**ARTICLE 32. INTERGOVERNMENTAL RELATIONS - CONTRIBUTIONS TO OR  
INVOLVEMENT WITH NONSTOCK, NONPROFIT CORPORATIONS OR  
HEALTH INSTITUTIONS FOR PUBLIC PURPOSES.**

**PART IV. HEALTH INSTITUTIONS.**

**§8-32-4. Legislative findings; authority of municipalities and county commissions to make  
appropriations; limitations and restrictions.**

1 (a) (1) The Legislature hereby finds that the support of public or nonprofit health institutions  
2 dedicated to making available to the general public health and mental health services is for the  
3 general welfare of the public and is a public purpose for which funds of a municipality or county  
4 commission may be lawfully expended. This section is enacted in view of this finding and shall be  
5 liberally construed in the light thereof. As used in this section, the term "health institution" means a  
6 hospital, health or mental health clinic, regional or community health or mental health center,  
7 mental retardation facility, extended care facility, nursing home, or other health or mental health  
8 institution, which is open to the general public.

9 (2) The Legislature further finds that certain community health centers serving rural and  
underserved communities in West Virginia function as political subdivisions and rely on federal  
and self-generated funding. To recruit and retain qualified health care professionals in these  
challenging environments, it is necessary to authorize limited flexibility to provide financial  
incentives consistent with federal compliance and community board oversight.

14 (b) Notwithstanding any statutory or charter provision to the contrary, municipalities and  
15 county commissions are hereby empowered and authorized to appropriate funds, subject to the

16 conditions and limitations set forth in this section, for the establishment, cost, operation,  
17 maintenance and projects of any health institution, whether such health institution be situate within  
18 or without the confines of any such municipality or county. Funds may not be appropriated by a  
19 municipality or county commission for the benefit and use of any health institution unless such  
20 health institution is either owned and operated by a unit of government, or is owned and operated  
21 by a nonstock, nonprofit corporation chartered under the laws of or licensed to do business in this  
22 state which provides in its charter that no member trustee or member of the board of directors (by  
23 whatever name the same may be called) shall receive any compensation, gain or profit from such  
24 corporation and which is operated in compliance with such charter provisions. Any such  
25 appropriation shall be made from the General Funds of such municipality or county commission  
26 not otherwise appropriated or from federal revenue sharing funds received by such municipality or  
27 county commission.

28 (c) The recipient of any funds appropriated under the provisions of this section shall upon  
29 demand at any time make a full and complete accounting of all such funds to the governing body of  
30 the municipality or county commission which made such appropriation and shall in every event  
31 without demand make to such governing body an annual accounting thereof.

32 (d) Under no circumstances whatever shall any action taken by any municipality or county  
33 commission under the authority of this section give rise to or create any indebtedness on the part  
34 of the municipality, the county, the governing body of such municipality, the county commission,  
35 any member of such governing body or county commission or any municipal or county official or  
36 employee.

37 (e) No provision within this article prohibits the ability of a county or municipal hospital to  
38 borrow money and to perform such actions and do those things which are reasonably necessary to  
39 effectuate the purposes of this section, including, but not limited to, obtaining credit to further the  
40 mission of such hospital and acceptance of a loan for working capital requirements, as that term is  
41 generally defined: *Provided*, That the hospital complies with the provisions of subsection (d) of this

42 section so that any indebtedness created is at no time an obligation of any municipality, the county  
43 commission, any member of such governing body or county commission or any municipal or  
44 county official or employee.

45 (f) Notwithstanding any provision of this code to the contrary, a community health center  
46 that is designated as a political subdivision under the laws of this state may establish and  
47 implement policies to provide performance-based bonuses or recruitment and retention incentives  
48 to its employees, subject to the following conditions:

49 (1) The community health center receives the majority of its operational funding from non-  
50 state sources, including, but not limited to, federal grants, third-party reimbursements, and  
51 program income;

52 (2) Any such bonuses or incentives are provided using non-state appropriated funds and  
53 are in compliance with applicable federal rules governing Federally Qualified Health Centers  
54 (FQHCs);

55 (3) The bonus or incentive policy is adopted by formal action of the community health  
56 center's governing board and incorporated into its official personnel policies; and

57 (4) The bonus or incentive does not exceed 10 percent of the employee's annual base  
58 salary unless otherwise authorized by a two-thirds vote of the full governing board and  
59 documented in writing with justification.

60 (g) For the purposes of this section, "community health center" means an organization that:

61 (1) Has been designated as a political subdivision of the state;

62 (2) Operates in accordance with Section 330 of the Public Health Service Act as a  
63 Federally Qualified Health Center; and

64 (3) Is governed by a community-based board of directors or trustees with fiduciary  
65 responsibility over operations and personnel policy.

66 (h) Subsections (f) and (g) are intended to apply solely to those community health centers  
67 that qualify as political subdivisions and are not intended to alter the classification of hospitals or

68 other entities excluded from political subdivision status under §29-12A-3 of this code.

NOTE: The purpose of this bill is to authorize bonus and incentive programs at political subdivision-based community health centers.

Strike-throughs indicate language that would be stricken from a heading or the present law and underscoring indicates new language that would be added.