Presentation and Workshop
Legislative Oversight of State Medicaid Programs

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Levin Center for Oversight and Democracy

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Levin Center for Oversight and Democracy

U.S. Sen. Carl Levin

Pennsylvania Oversight Committee

- Workshops for Congress, state, international legislatures
- Videos, testimony, webinars, social media
- Research & Reports (50-state analysis, contract oversight, more)
- Conferences, panels & events
- State Oversight Academy
- More: Benjamin.Eikey@wayne.edu

North Carolina General Assembly
Oversight Workshop

Wayne State Law School

DC Council Oversight Workshop

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Agenda

- What is Legislative Oversight?
- State Oversight Academy Wiki, 50 State Study
- Oversight Topics, Phases of an Investigation
- Recommended Best Practices
- Crafting an Oversight Plan
- Oversight Scenario
What is Legislative Oversight?

The “eyes and voice” of the people

“It is the proper duty of a representative body to look diligently into every affair of government and to talk much about what it sees. It is meant to be the eyes and the voice, and to embody the wisdom and will of its constituents.”

-- United States Supreme Court

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Cycle of Accountability

Problem/Outcome

Implementation

Oversight

Regulation

Legislation

Law

Eyes and Voice of the People

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Cycle of Accountability

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## Routine or Event-Driven Oversight?

<table>
<thead>
<tr>
<th>Routine: &quot;cop on the beat&quot;</th>
<th>Event-Driven: &quot;firefighter&quot;</th>
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</thead>
<tbody>
<tr>
<td>Program Outcomes</td>
<td>Scandal</td>
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<td>Budgetary</td>
<td>Disaster</td>
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<td>Contracts</td>
<td>Chronic Problems</td>
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<td>Compliance</td>
<td>Escalating Problems</td>
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<tr>
<td>Deter Malfeasance</td>
<td>Long-term Investigation</td>
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Your Superpowers

• Legislator phone calls and emails get returned.
• Legislators can request investigations and reports.
• Legislator questions trigger research, reconsideration, change.
• Oversight can have as much, or more, impact as legislation.
Avenues for State Legislative Oversight

- Analytic Bureaucracies
- Appropriations Process
- Committees
- Administrative Rule Review
- Advice and Consent
- Monitoring Contracts
Origin of Investigation Topics

- Committee jurisdiction
- Leadership concerns
- Scandals, events, news, problems
- Reports
- Constituents
- Whistleblowers, advocacy groups
- Legislator concerns
- Lawsuits
- Agencies
- Personal experience
- Oversight plan, long-term vision
Examples of Topics

- Pension funds
- Prison Operations
- Foster care
- Disaster response and mitigation
- Lobbying disclosures
- Contract mismanagement
- Infrastructure
Phases of an Investigation

1. Fact-Finding
2. Written Product
3. Hearing
4. Follow up

Tutorials: https://levin-center.org/congressional-lawmakers/online-tutorials/
South Carolina

House Oversight Committee
  o Full Committee plus five subcommittees
  o Video archive and minutes of all meetings
  o Public input form, plus info on testimony submission
  o Restructuring recommendations for agencies
  o Seven-year agency reviews
South Carolina

House Oversight Committee
  o Transparency report to citizens
    ▪ Purpose, findings, and recommendations
  o All reports available online since 2014

Recommendations for Strengthening Oversight

- Joint oversight committee with balanced party membership E.g., Michigan SJR O, 2022
- Bipartisan approach to topics, inquiry, witnesses, questions, etc.
- More follow-up (e.g., hearings) on reports.
- More contract oversight.
- Create oversight plan for a committee, or even full legislature.
- Post status and results of investigations on website.

For additional resources: [https://www.levin-center.org/state-lawmakers/state-oversight-resources/](https://www.levin-center.org/state-lawmakers/state-oversight-resources/)
Oversight Planning

Oversight planning can and should be undertaken at any of these levels:

• Entire legislature
• House/Senate
• Caucus
• Committee
• Investigation

For additional resources: [https://levin-center.org/state-oversight-academy/state-oversight-resources/](https://levin-center.org/state-oversight-academy/state-oversight-resources/)
# Medicaid Oversight Plan

<table>
<thead>
<tr>
<th>Topic</th>
<th>Subtopic</th>
<th>Factual Question</th>
<th>Avenue(s)</th>
<th>Routine/Event Driven (Required Resources)</th>
<th>Timeline</th>
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<tbody>
<tr>
<td>Health Equity and Justice</td>
<td>Medicaid and Reentry</td>
<td>How do returning citizens that qualify for Medicaid become covered?</td>
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Avenues:
- Analytic Bureaucracies
- Appropriations Process
- Committees
- Admin Rule Review
- Advice and Consent
- Monitoring Contracts

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## Medicaid Oversight Scenarios

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<tr>
<td>1. Children</td>
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<td>• Analytic Bureaucracies</td>
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<td>2. Expansion</td>
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<td>• Appropriations Process</td>
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<td>3. Health Equity and Justice</td>
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<td>4. Safety Net Providers</td>
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<td>• Admin Rule Review</td>
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<td>5. Trauma Informed Care</td>
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<td>• Advice and Consent</td>
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<td>6. Opioid Use Disorder</td>
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<td>• Monitoring Contracts</td>
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<td>7. Primary Care Deserts</td>
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<td>8. Long Term Servicing and Medicaid Funding</td>
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<td>9. Medicaid Unwinding</td>
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<td>10. Medicaid Home and Community-Based Waivers</td>
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Please view the handout for more information
Presentations and Q&A
Thank you!

For more information, contact:

Ben Eikey, Benjamin.Eikey@wayne.edu
State Oversight Resources: https://www.levin-center.org/state-lawmakers/state-oversight-resources/
State Oversight Workshops: https://www.levin-center.org/state-lawmakers/oversight-workshops/