



WAYNE STATE
Law School

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

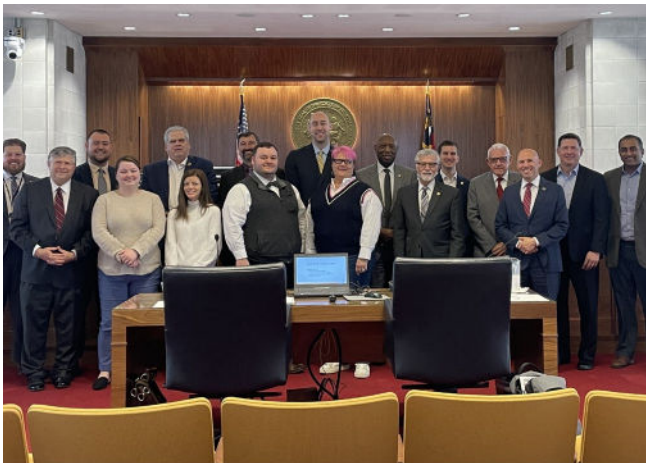


Wayne State Law School



DC Council Oversight Workshop

- 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

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?

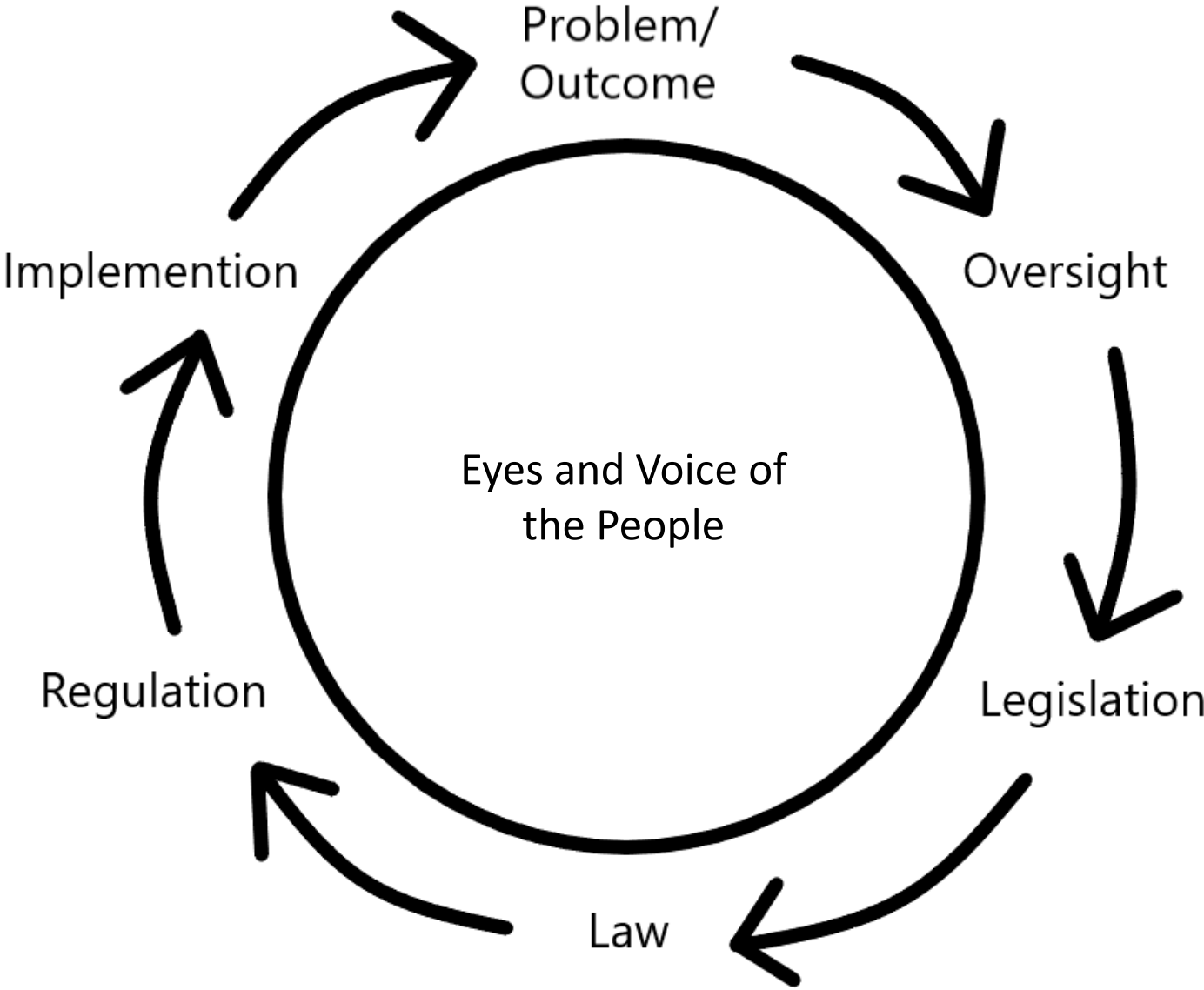
The “eyes and voice” of the people

“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.”

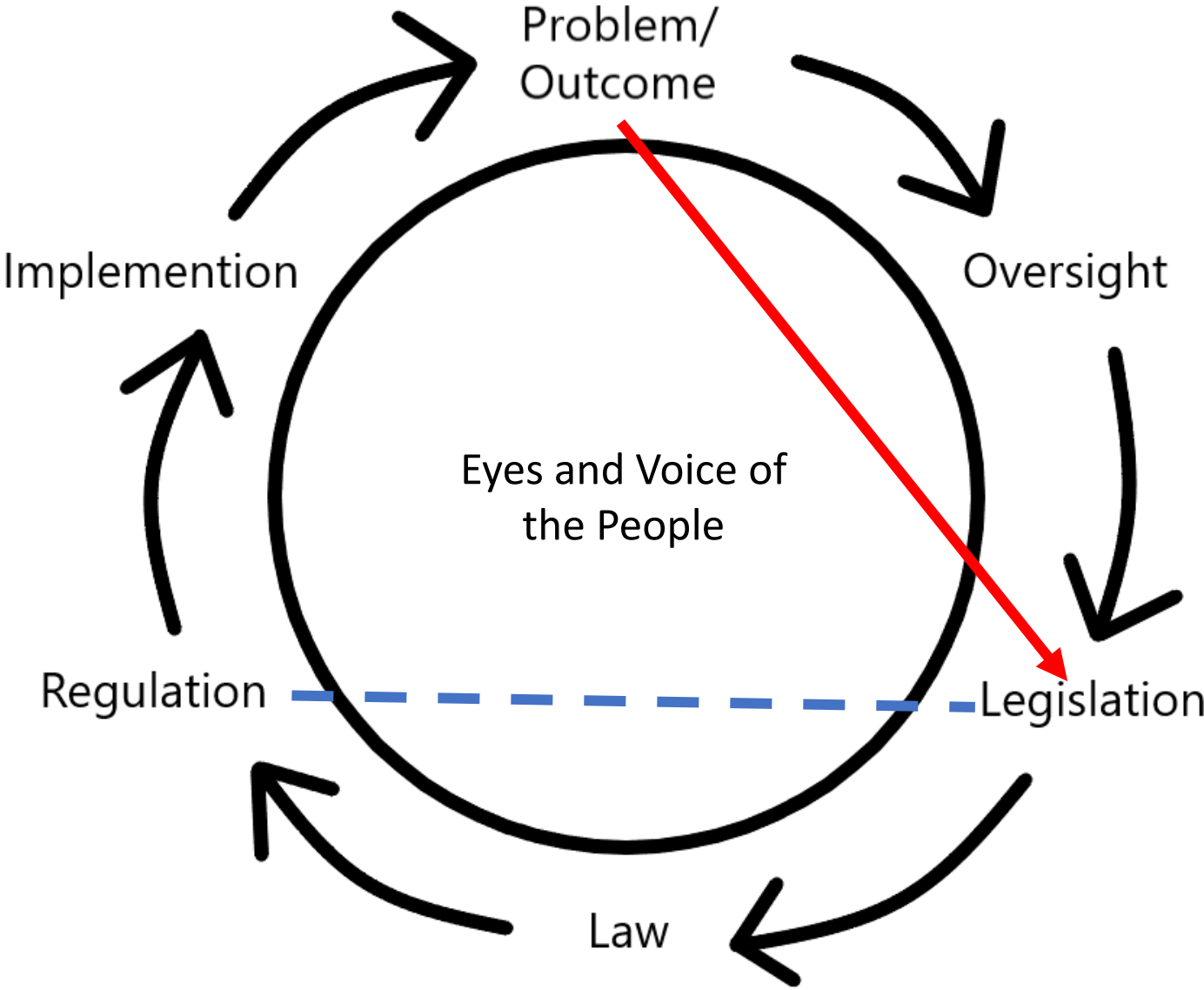
-- United States Supreme Court¹

¹ *Trump v. Mazars USA, LLP*, 140 S.Ct. 2019, 2031 (2020), citing *United States v. Rumely*, 345 U. S. 41, 43 (1953).

Cycle of Accountability



Cycle of Accountability



Routine or Event-Driven Oversight?

Routine: "cop on the beat"	Event-Driven: "firefighter"
Program Outcomes	Scandal
Budgetary	Disaster
Contracts	Chronic Problems
Compliance	Escalating Problems
Deter Malfeasance	Long-term Investigation

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

State Oversight Academy

State Legislature Oversight Wiki

The screenshot shows the homepage of the State Legislative Oversight Wiki. At the top, there is a dark green navigation bar with the text "Levin Center Home" on the left and "Annual Report", "Newsletter", and "Events" on the right. A search bar is located in the center of this bar. Below the navigation bar is a white horizontal bar with a yellow background on the left side. The text "STATE LEGISLATIVE OVERSIGHT WIKI" is centered in the white bar, with "2.0" below it. A "SUPPORT NOW" button is on the right. Below this is a large green banner with a search bar on the left and a "SEARCH" button on the right. The banner also features the logos of the Levin Center for Government Oversight and the State Oversight Academy.

The screenshot shows a grid of state links on the State Legislative Oversight Wiki. The grid is organized into three columns. The first column is titled "Featured Reports and Resources" and contains a list of states: American Samoa, California, and Delaware. The second column contains Alabama, Arizona, Colorado, and District of Columbia. The third column contains Alaska, Arkansas, Connecticut, and Florida. Each state link is accompanied by a small circular icon of the state's seal.

The screenshot shows the Michigan page on the State Legislative Oversight Wiki. The page has a yellow background. On the left side, there is a map of Michigan. To the right of the map, the word "Michigan" is written in a large, bold font. Below the name, there is a breadcrumb trail: "Home > State Legislative Oversight Wiki 2.0 > Michigan".

The screenshot shows the content of the Michigan page. It is organized into several sections, each with a title and a brief description, followed by a right-pointing arrow. The sections are: "Legislature" (Type of Legislature Michigan has a full-time, bicameral legislature. House of Representatives: 110 members | 2-year terms 12 years in...), "Committee Oversight Authority" ("Legislative committees; powers, punishment for contempt. "Sec. 1." Committees and commissions of or appointed by the legislature may by resolution...), "Standing Committees Focused on Oversight" (House Ethics and Oversight Committee Website Membership, testimony, and meeting minutes available on website. Purpose/Jurisdiction "Upon receipt of Auditor General...), and "Non-Standing Committees Focused on Oversight" (Joint Committee on Administrative Rules House Website / Senate Website Membership / membership; rulemaking process; documents; reports; regulatory plans; proposed...).

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

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



South Carolina

House Oversight Committee

- Transparency report to citizens
 - Purpose, findings, and recommendations
- All reports available online since 2014

Oversight Matters Podcast: Rep. Wes Newton: <https://levin-center.org/what-is-oversight/oversight-matters/>

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/>

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/>

Medicaid Oversight Plan

Topic	Subtopic	Factual Question	Avenue(s)	Routine/Event Driven (Required Resources)	Timeline
Health Equity and Justice	Medicaid and Reentry	How do returning citizens that qualify for Medicaid become covered?			

Avenues:

- Analytic Bureaucracies
- Appropriations Process
- Committees
- Admin Rule Review
- Advice and Consent
- Monitoring Contracts

Medicaid Oversight Scenarios

Topic	Subtopic	Factual Question	Avenue(s)	Routine/ Event Driven (Required Resources)	Timeline
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1. Children
2. Expansion
3. Health Equity and Justice
4. Safety Net Providers
5. Trauma Informed Care
6. Opioid Use Disorder
7. Primary Care Deserts
8. Long Term Servicing and Medicaid Funding
9. Medicaid Unwinding
10. Medicaid Home and Community-Based Waivers

- Analytic Bureaucracies
- Appropriations Process
- Committees
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- Advice and Consent
- Monitoring Contracts

Please view the handout for more information





Presentations and Q&A





Thank you!

For more information, contact:

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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/>

