



WAYNE STATE
Law School

Presentation and Workshop Legislative Oversight of State Medicaid Programs

Ben Eikey and Ian McKnight

Levin Center for Oversight and Democracy

September 19th, 2023



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?

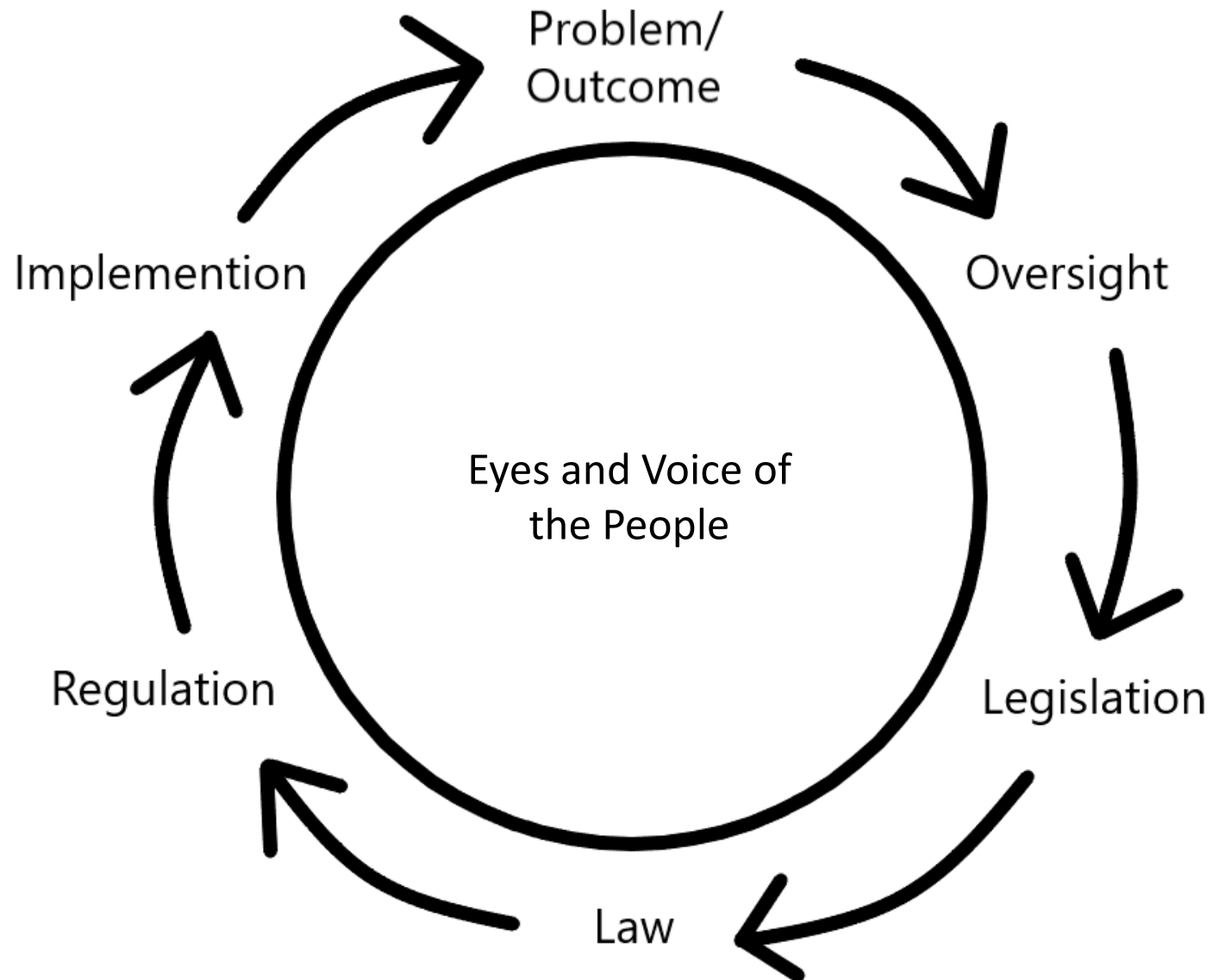
The “eyes and voice” of the people

“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.”

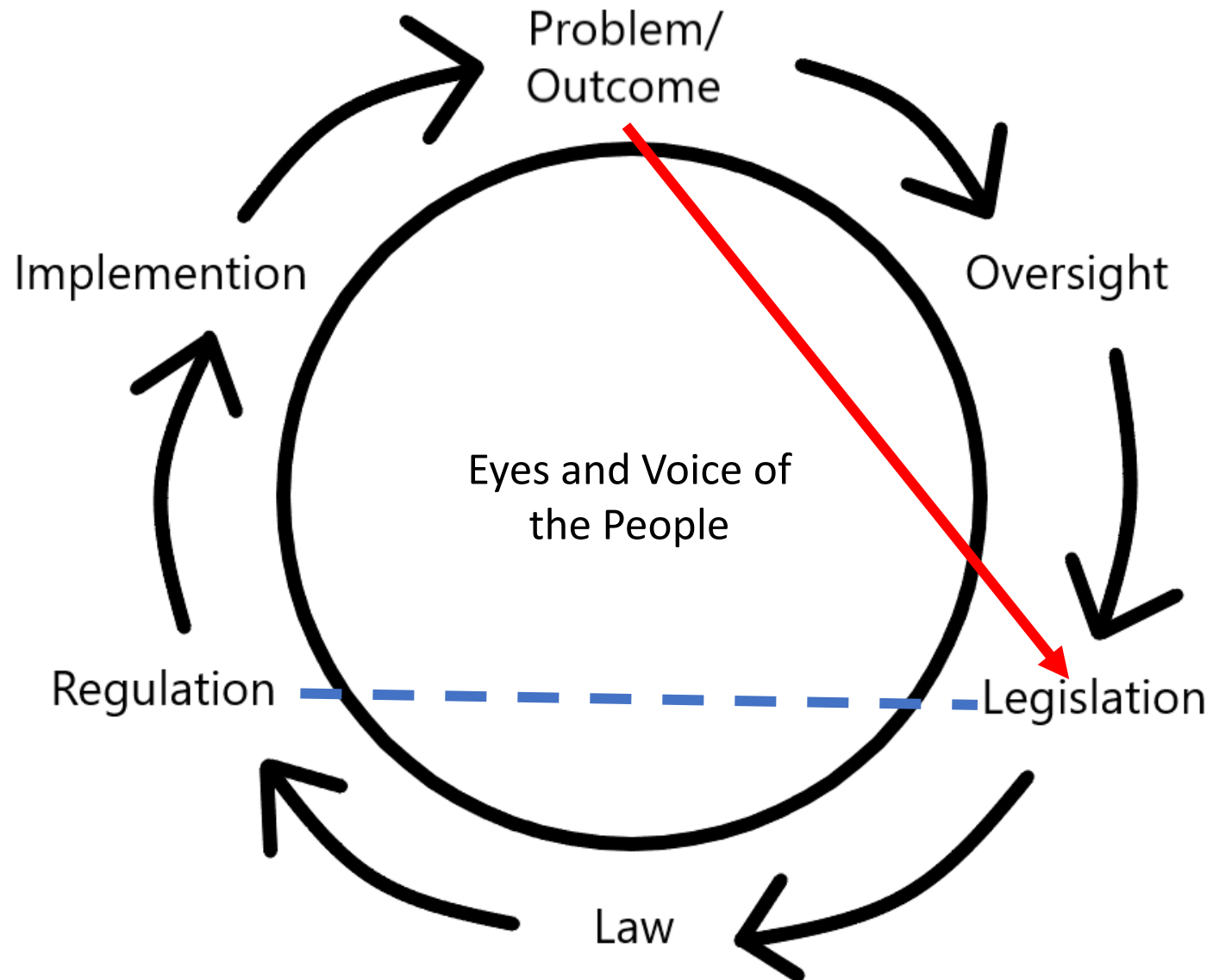
-- United States Supreme Court¹

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

Bookmarks

YinG

Mott

Books

Bloomberg Gover...

Patrick Barry

SOA

Research

HDC

Pointe West

Aisle Planner

Other Bookma...

Bookmarks

YinG

Mott

Books

Bloomberg Gover...

Patrick Barry

SOA

Research

HDC

Pointe West

Aisle Planner

Other Bookmarks

Levin Center Home

Annual Report

Newsletter

Events

Search

Twitter

Facebook

YouTube

About

What is Oversight? - Government Oversight

Events & Commentary

Levin Center at Work

State Oversight Academy

Awards

STATE LEGISLATIVE OVERSIGHT WIKI 2.0

SUPPORT NOW

Search...

All Categories

SEARCH

Featured Reports and Resources

American Samoa

California

Delaware

Alabama

Arizona

Colorado

District of Columbia

Alaska

Arkansas

Connecticut

Florida

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...

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
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
- Admin Rule Review
- Advice and Consent
- Monitoring Contracts

Please view the handout
for more information



WAYNE STATE
Law School

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/>

