



WAYNE STATE
Law School

Legislative Oversight State Medicaid Programs

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Levin Center for Oversight and Democracy

State Oversight Academy

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MIDWEST

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Levin Center for Oversight and Democracy



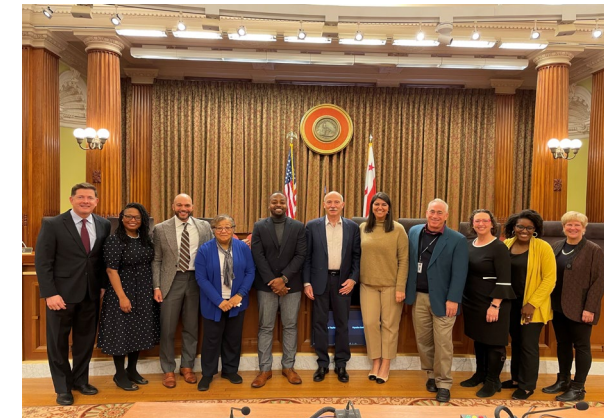
U.S. Sen. Carl Levin



Pennsylvania Oversight Committee

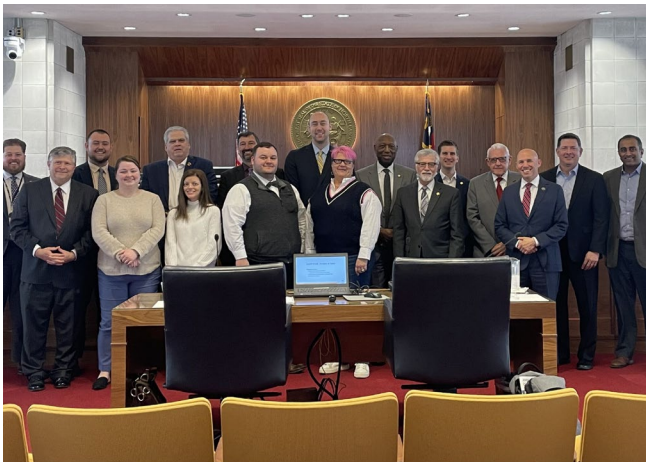


Wayne State Law School



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
- Oversight Topics, Phases of an Investigation
- Recommended Best Practices
- Crafting a Medicaid Oversight Plan
- Oversight Scenario

What is Legislative Oversight?

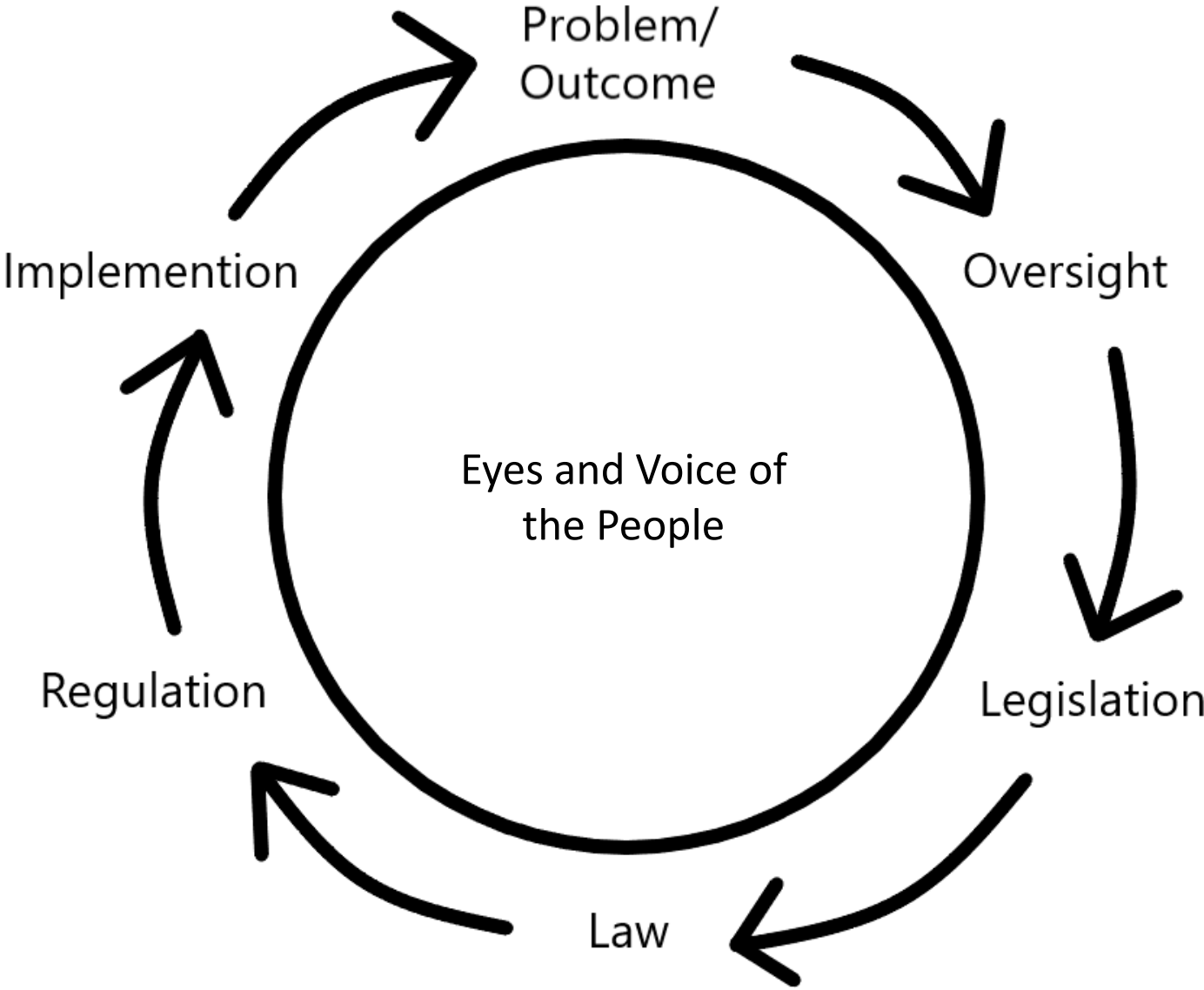
The “eyes and voice” of the people

“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.”

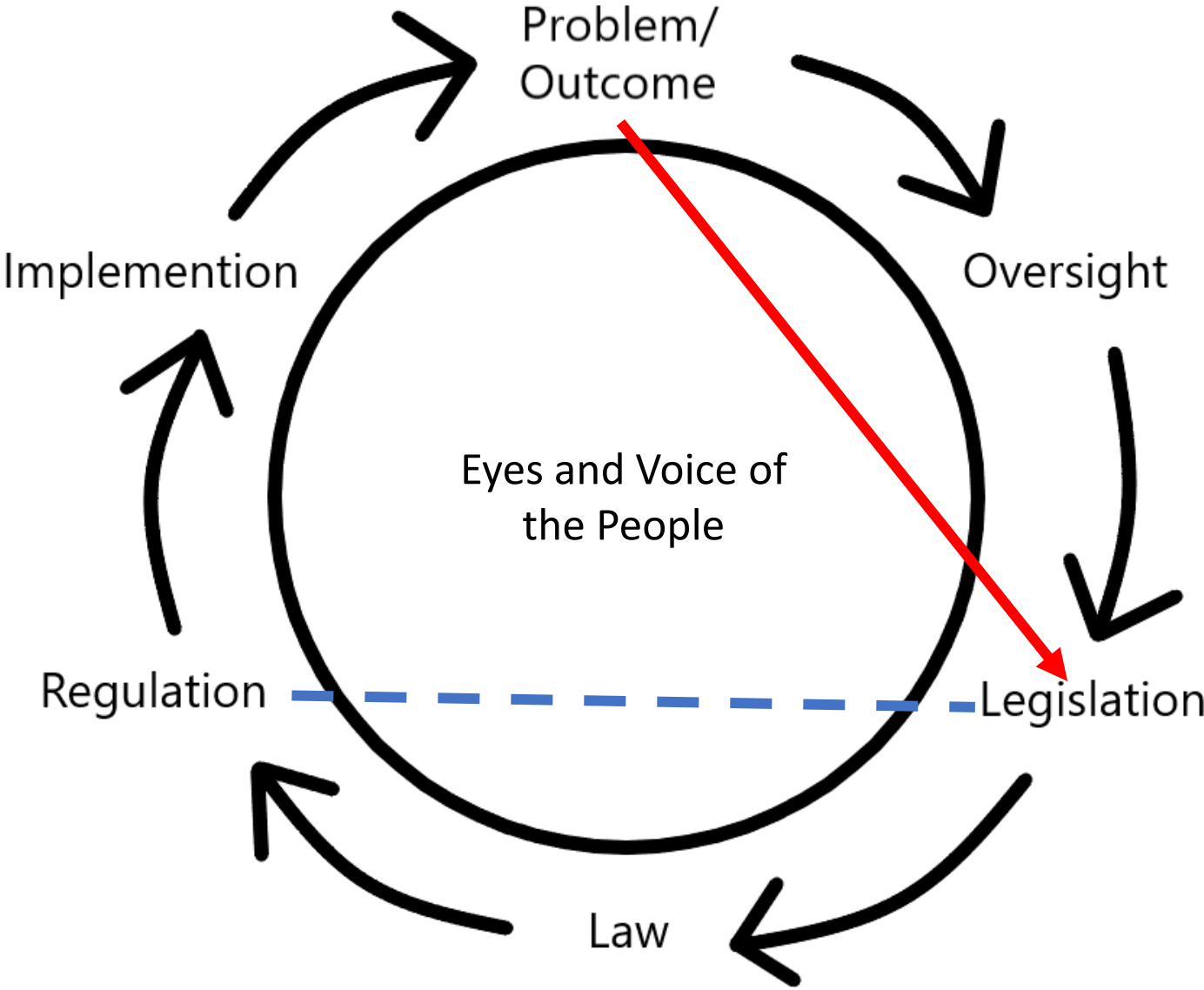
-- United States Supreme Court¹

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

Levin Center Home Annual Report Newsletter Events Search

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	Alabama	Alaska
American Samoa	Arizona	Arkansas
California	Colorado	Connecticut
Delaware	District of Columbia	Florida

Michigan

Home > State Legislative Oversight Wiki 2.0 > Michigan

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

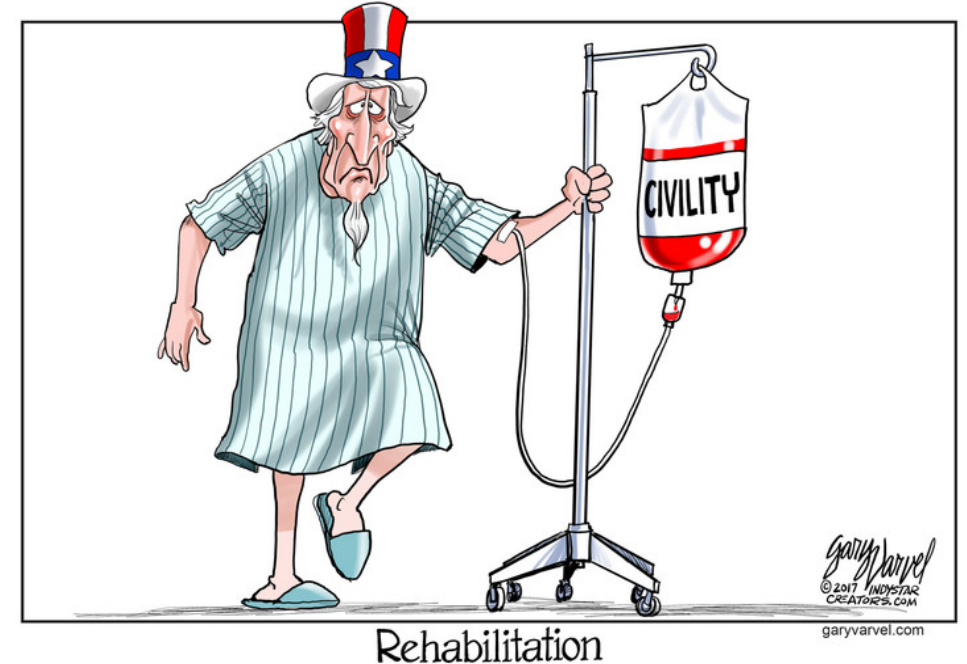


For additional resources: <https://levin-center.org/state-oversight-academy/state-oversight-resources/>

Civility in Oversight

When conducting an inquiry,

- Focus on process over personalities.
- Poor results are not always the agency personnel's fault.
- Remember that building effective partnerships with agency personnel is often a better path to meaningful change than misusing oversight as a disciplinary tool.
- Build a positive culture by expecting agency personnel and members from the other party are also pursuing information and problem solving in good faith.
- Let the facts be the guide.



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. Disability Access
5. Safety Net Providers
6. Trauma Informed Care
7. Opioid Use Disorder
8. Primary Care Deserts
9. Long Term Servicing and Medicaid Funding
10. Medicaid Unwinding
11. Medicaid Home and Community-Based Waivers

- Analytic Bureaucracies
- Appropriations Process
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Q&A





Thank you!

For more information, contact:

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