Tab 1SB 936 by **Gainer**; (Identical to H 00593) Disability Retirement Benefits

The Florida Senate

COMMITTEE MEETING EXPANDED AGENDA

MILITARY AND VETERANS AFFAIRS AND SPACE Senator Wright, Chair Senator Cruz, Vice Chair

MEETING DATE:	Wednesday, February 5, 2020
	9:30—11:30 a.m. Mallory Horne Committee Room, 37 Senate Building
PLAGE.	Manory Home Committee Room, ST Senate Building

MEMBERS: Senator Wright, Chair; Senator Cruz, Vice Chair; Senators Broxson, Gainer, Harrell, Pizzo, and Torres

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
1	SB 936 Gainer (Identical H 593)	Disability Retirement Benefits; Allowing members receiving care at federal Veterans Health Administration facilities to use certification by a specified number of physicians working at such facilities as proof of total and permanent disability for purposes of establishing eligibility for benefits, etc. GO 01/13/2020 Favorable MS 02/05/2020 Favorable RC	Favorable Yeas 7 Nays 0
	Presentation by Emmanuel Tormes Company	s, Senior Manager, Government Operations, The Boeing	Presented

Other Related Meeting Documents

The Florida Senate BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prep	ared By: The Pr	ofessiona	al Staff of the Cor	mmittee on Military	and Veterans Af	airs and Space
BILL:	SB 936					
INTRODUCER:	Senator Gain	Senator Gainer				
SUBJECT:	Disability R	etiremen	nt Benefits			
DATE:	February 4,	2020	REVISED:			
ANAL	YST	STAF	F DIRECTOR	REFERENCE		ACTION
l. Hackett		McVa	ney	GO	Favorable	
2. Brown		Caldw	vell	MS	Favorable	
3.				RC		

I. Summary:

SB 936 amends certification requirements for a veteran to establish a proof of disability to receive a disability retirement benefit under the Florida Retirement System. Specifically, the bill allows a member of the Florida Retirement System who is receiving care at a federal Veterans Health Administration facility to offer certification by two of that facility's physicians as proof of the member's total and permanent disability, regardless of where the physician is licensed. Current law requires a member to receive certification from physicians licensed in Florida or the state in which the member works.

The bill is not expected to impact state or local revenues or expenditures.

The bill takes effect July 1, 2020.

II. Present Situation:

Florida Retirement System - Disability Retirement

Benefits under the Florida Retirement System may not be paid unless the member has ended employment.¹ A member who becomes totally and permanently disabled in the line of duty or after completing 5 years of service is entitled to a disability benefit.² A member is considered totally and permanently disabled if, "in the opinion of the administrator, he or she is prevented, by reason of a medically determinable physical or mental impairment, from rendering useful and efficient service as an officer or employee.³ The Division of Retirement has adopted rules for

¹ Section 121.091, F.S.

² Section 121.091(4), F.S.

³ Section 121.091(4)(b), F.S.

required documentation of a member's termination of employment and establishment of disability in order to approve disability retirement.⁴

Proof of disability is provided by certification of the member's total and permanent disability from two licensed physicians of the state, as well as other evidence required by the administrator.⁵A member whose employment requires full time work outside the state, but within the United States, may include certification from two physicians licensed in the state in which the member works.⁶

In situations in which a federal veterans health facility is treating a member, physicians licensed in other states frequently provide the health services. In these circumstances, to prove disability, the member must go outside of his or her primary care facility to receive the required disability certification from Florida-licensed physicians. This process may prove time-consuming and costly.

The Florida-licensed physicians must document that:

- The member's medical condition occurred or became symptomatic during the member's employment;
- The member was totally and permanently disabled at the time he or she terminated covered employment; and
- Following termination, the member has not been employed.⁷

If the member applies for an in-line-of-duty disability, the physician must additionally document by competent medical evidence that the disability was caused by a job-related illness or accident during the member's employment.⁸

The administrator may require periodic reexaminations of the status of disability.⁹ If the administrator finds that the member has recovered from his or her disability prior to reaching the regular retirement date, disability retirement benefits are discontinued.

Veterans Health Administration Physicians

The Veterans Health Administration (VHA) is one of the main administrations of the United States Department of Veterans Affairs.¹⁰ The VHA operates medical facilities that provide services to nearly 9 million veterans nationwide. While the VHA is responsible for ensuring that physicians at its facilities are properly credentialed, the VHA affords broad discretion to each facility director in hiring and credentialing.¹¹

⁴ Section 121.091(4)(a)2., F.S.

⁵ Section 121.091(4)(c)1., F.S.

⁶ Id.

⁷ Section 121.091(4)(c)2., F.S.

⁸ Section 121.091(4)(c)3., F.S.

⁹ Section 121.091(4)(h), F.S.

¹⁰ United States Government Accountability Office, *Greater Focus on Credentialing Needed to Prevent Disqualified Providers from Delivering Patient Care*, pg. 5 (Feb. 2019); available at <u>https://www.gao.gov/assets/700/697173.pdf</u>. ¹¹ *Id*. at 7-8.

A VHA physician must be licensed for unrestricted practice in any state to practice with the agency.¹² The state license must be full, active, current, and unrestricted. A physician who has had his or her license revoked for misconduct, incompetence, or substandard care is not eligible for VHA work unless the license is fully restored by the state licensing board. Physicians must also provide the VHA with employment history, pre-employment references, and details of past involvement with malpractice allegations. Prior to offering a position to a physician, the VHA must consult the National Practitioner Data Bank, which provides a background check for each new hire.¹³

III. Effect of Proposed Changes:

This bill provides a veteran with another option in establishing a proof of disability when he or she seeks a disability retirement benefit under the Florida Retirement System (FRS). Current law requires the FRS member, in establishing a proof of disability, to submit a certification of the members' total and permanent disability from two licensed physicians of the state, or of the state in which the member works full time. Pursuant to the bill, an FRS member who is receiving care at a federal Veterans Health Administration facility may alternatively offer two of that facility's physicians' certifications as proof of the member's total and permanent disability, regardless of where the physician is licensed.

The bill takes effect July 1, 2020.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

Not applicable. This bill does not require counties or municipalities to take an action requiring the expenditure of funds, reduce the authority that counties or municipalities have to raise revenue in the aggregate, nor reduce the percentage of state tax shared with counties or municipalities.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

¹² Department of Veterans Affairs, Veterans Health Administration, *VHA Handbook, Credentialing and Privileging*, Handbook No. 1100.19, Pg. 14 (Oct. 15, 2012) ; available at <u>https://www.va.gov/vhapublications/publications.cfm?pub=2</u> (last visited Jan. 14, 2020).

¹³ *Id.* at 15-24.

E. Other Constitutional Issues:

Article X, Section 14 of the State Constitution requires that any governmental unit increasing Florida Retirement System benefits must concurrently provide for the funding of the increase on a sound actuarial basis. Because this bill does not increase benefits, no actuarial study is required, and no additional funding is necessary.¹⁴

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

A veteran who is an FRS member seeking a proof of disability would not have to seek out and submit the certification of disability from two licensed physicians in-state if he or she is receiving treatment from a federal Veterans Health Administration (VHA) facility outside the state. Alternatively, the member may receive certification from physicians treating the member at the VHA facility. Therefore, this bill would potentially save the veteran time and money, and the veteran may receive a disability retirement benefit sooner.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 121.091 of the Florida Statutes.

IX. Additional Information:

A. Committee Substitute – Statement of Changes:

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

¹⁴ Department of Management Services, 2020 Agency Legislative Bill Analysis (on file with the Senate Committee on Military and Veterans Affairs and Space).

B. Amendments:

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.

SB 936

By Senator Gainer

2-01359-20 2020936 2-01359-20 1 A bill to be entitled 30 2 An act relating to disability retirement benefits; 31 amending s. 121.091, F.S.; allowing members receiving 32 care at federal Veterans Health Administration 33 facilities to use certification by a specified number 34 of physicians working at such facilities as proof of 35 total and permanent disability for purposes of 36 establishing eligibility for benefits; providing an 37 effective date. С 38 10 39 11 Be It Enacted by the Legislature of the State of Florida: 40 12 41 13 Section 1. Paragraph (c) of subsection (4) of section 42 14 121.091, Florida Statutes, is amended to read: 43 15 121.091 Benefits payable under the system.-Benefits may not 44 16 be paid under this section unless the member has terminated 45 17 employment as provided in s. 121.021(39)(a) or begun 46 18 participation in the Deferred Retirement Option Program as 47 19 provided in subsection (13), and a proper application has been 48 20 filed in the manner prescribed by the department. The department 49 21 may cancel an application for retirement benefits when the 50 22 member or beneficiary fails to timely provide the information 51 23 and documents required by this chapter and the department's 52 24 rules. The department shall adopt rules establishing procedures 53 25 for application for retirement benefits and for the cancellation 54 of such application when the required information or documents 26 55 27 are not received. 56 28 (4) DISABILITY RETIREMENT BENEFIT.-57 29 (c) Proof of disability.-The administrator, before 58 Page 1 of 3 CODING: Words stricken are deletions; words underlined are additions.

2020936 approving payment of any disability retirement benefit, shall require proof that the member is totally and permanently disabled as provided herein: 1. Such proof shall include the certification of the member's total and permanent disability by two licensed physicians of the state and such other evidence of disability as the administrator may require, including reports from vocational rehabilitation, evaluation, or testing specialists who have evaluated the applicant for employment. A member whose position with an employer requires that the member work full time outside this state in the United States may include certification by two licensed physicians of the state where the member works. A member who is receiving care at a federal Veterans Health Administration facility may include certification by two licensed physicians working at the facility. 2. It must be documented that: a. The member's medical condition occurred or became symptomatic during the time the member was employed in an employee/employer relationship with his or her employer; b. The member was totally and permanently disabled at the time he or she terminated covered employment; and c. The member has not been employed with any other employer after such termination. 3. If the application is for in-line-of-duty disability, in addition to the requirements of subparagraph 2., it must be documented by competent medical evidence that the disability was caused by a job-related illness or accident which occurred while the member was in an employee/employer relationship with his or her employer.

Page 2 of 3

CODING: Words stricken are deletions; words underlined are additions.

2-01359-20

59

60

61

62

2020936

4. The unavailability of an employment position that the

member is physically and mentally capable of performing will not

be considered as proof of total and permanent disability.

Section 2. This act shall take effect July 1, 2020.

Page 3 of 3 CODING: Words stricken are deletions; words <u>underlined</u> are additions.



2020 AGENCY LEGISLATIVE BILL ANALYSIS

AGENCY: Department of Management Services

	BILL INFORMATION	
BILL NUMBER:	SB 936	
BILL TITLE:	Disability Retirement Benefits	
BILL SPONSOR:	Gaines	
EFFECTIVE DATE:	7/1/2020	

CU	RRENT COMMITTEE
N/A	
	SIMILAR BILLS
BILL NUMBER:	N/A
SPONSOR:	N/A
	BILL NUMBER:

	EVIOUS LEGISLATION
BILL NUMBER:	N/A
SPONSOR:	N/A
YEAR:	N/A
LAST ACTION:	N/A

A substantia de la composición de la c Portece de la composición de la composic Portece de la composición de la composic	DENTICAL BILLS
BILL NUMBER:	HB 593
SPONSOR:	Williamson

Is this bill part of an agency package?

BILL ANALYSIS INFORMATION		
DATE OF ANALYSIS:	December 21, 2019	
LEAD AGENCY ANALYST:	Cody Farrill, Legislative Affairs Director	
	Andrew Forst, Deputy Director	
ADDITIONAL ANALYST(S):	David Disalvo, Director of Retirement	
	Garry Green, Retirement-Chief of Research and Education	
LEGAL ANALYST:	Chasity O'Steen, General Counsel	
FISCAL ANALYST:	Morgan Helton, Budget Director	

POLICY ANALYSIS

1. EXECUTIVE SUMMARY

Allow for Florida Retirement System (FRS) members or beneficiaries who receive medical treatment in federal Veterans Affairs (VA) facilities to receive certification of proof of total and permanent disability by licensed physicians working at VA facilities.

2. SUBSTANTIVE BILL ANALYSIS

1. PRESENT SITUATION:

Section 121.091(4)(c)1., Florida Statutes requires members to provide proof, via a certification by two licensed physicians of the state (Florida-licensed), of being totally and permanently disabled before the administrator (Secretary of the Department of Management Services, according to s. 121.025, F.S.) can approve payment of any disability retirement benefit.

The requirement that certification be provided by two Florida-licensed physicians can be more complicated for members of the Florida Retirement System (FRS) or their beneficiaries who seek care at a federal Veterans Administration facility, where many of the physicians on staff are on rotation throughout the country and are not Florida-licensed physicians. If an FRS member or beneficiary's doctor is not a Florida-licensed physician, they must find a different doctor that is licensed in Florida to complete the certification of being totally and permanently disabled. This process for FRS members or beneficiaries having to find a Florida-licensed physician, in addition to their regular physician at a federal VA facility, can increase costs and delay their getting added to the retired payroll.

2. EFFECT OF THE BILL:

Section 121.091(4)(c)1., F.S. would be amended to include that a member who is receiving care at a federal VA facility may include certification by two licensed physicians working at a federal VA facility. This change in law would likely reduce the amount of time necessary for certain FRS members or beneficiaries who use a VA facility as their medical provider to certify total and permanent disability and therefore be add to the retired payroll sooner.

3. DOES THE BILL DIRECT OR ALLOW THE AGENCY/BOARD/COMMISSION/DEPARTMENT TO DEVELOP, ADOPT, OR ELIMINATE RULES, REGULATIONS, POLICIES, OR PROCEDURES? Y□ N⊠

If yes, explain:	N/A
Is the change consistent with the agency's core mission?	Y IN NI
Rule(s) impacted (provide references to F.A.C., etc.):	N/A

4. WHAT IS THE POSITION OF AFFECTED CITIZENS OR STAKEHOLDER GROUPS?

Proponents and summary of position:	Unknown
Opponents and summary of position:	Unknown

5. ARE THERE ANY REPORTS OR STUDIES REQUIRED BY THIS BILL?

Y NX

If yes, provide a description:	N/A
Date Due:	N/A

Bill Section Number(s):	N/A

6. ARE THERE ANY NEW GUBERNATORIAL APPOINTMENTS OR CHANGES TO EXISTING BOARDS, TASK FORCES, COUNCILS, COMMISSIONS, ETC. REQUIRED BY THIS BILL? Y□ N⊠

Board:	N/A
Board Purpose:	N/A
Who Appoints:	N/A
Changes:	N/A
Bill Section Number(s):	N/A

FISCAL ANALYSIS

1. DOES THE BILL HAVE A FISCAL IMPACT TO LOCAL GOVERNMENT?

 Revenues:
 N/A

 Expenditures:
 N/A

 Does the legislation increase local taxes or fees? If yes, explain.
 N/A

 If yes, does the legislation provide for a local referendum or local governing body public vote prior to implementation of the tax or fee increase?
 N/A

2. DOES THE BILL HAVE A FISCAL IMPACT TO STATE GOVERNMENT?

YD N⊠

Y NØ

Revenues:	N/A
Expenditures:	N/A
Does the legislation contain a State Government appropriation?	N/A
If yes, was this appropriated last year?	N/A

3. DOES THE BILL HAVE A FISCAL IMPACT TO THE PRIVATE SECTOR?

YD NØ

Revenues:	N/A
Expenditures:	N/A
Other:	N/A

4. DOES THE BILL INCREASE OR DECREASE TAXES, FEES, OR FINES?

Y NX

If yes, explain impact.	N/A
Bill Section Number:	N/A

5. ACTUARIAL STATEMENT OF FISCAL SOUNDNESS - FRS

Does the bill comply with the requirements of Article X, Section 14 of the Constitution?	Yes.
Does the bill satisfy the actuarial cost impact provisions of Chapter 112, Part VII, Florida Statutes pending completion of actuarial impact statements?	Yes.
Explanation:	SB 936 allows the doctors treating FRS members to certify total and permanent disability in addition to Florida-licensed physicians beginning July 1, 2020. This change would provide FRS members who use the Veterans Administration medical care system greater flexibility to meet certification of total and permanent disability.
Fiscal Note:	The change proposed by SB 936 does not alter the requirements for FRS members to become eligible to receive disability retirement benefits. The change proposed by SB 936 does not require an actuarial special study.

Matt Larrabee, Enrolled Actuary Milliman Inc. Date: December 21, 2019

TECHNOLOGY IMPACT

1. DOES THE BILL IMPACT THE AGENCY'S TECHNOLOGY SYSTEMS (I.E. IT SUPPORT, LICENSING SOFTWARE, DATA STORAGE, ETC.)? Y□ N⊠

If yes, describe the	N/A	
anticipated impact to the		
agency including any fiscal		
impact.		

FEDERAL IMPACT

1. DOES THE BILL HAVE A FEDERAL IMPACT (I.E. FEDERAL COMPLIANCE, FEDERAL FUNDING, FEDERAL AGENCY INVOLVEMENT, ETC.)? Y \square N \boxtimes

If yes, describe the anticipated impact including	N/A	
any fiscal impact.		

ADDITIONAL COMMENTS

NA

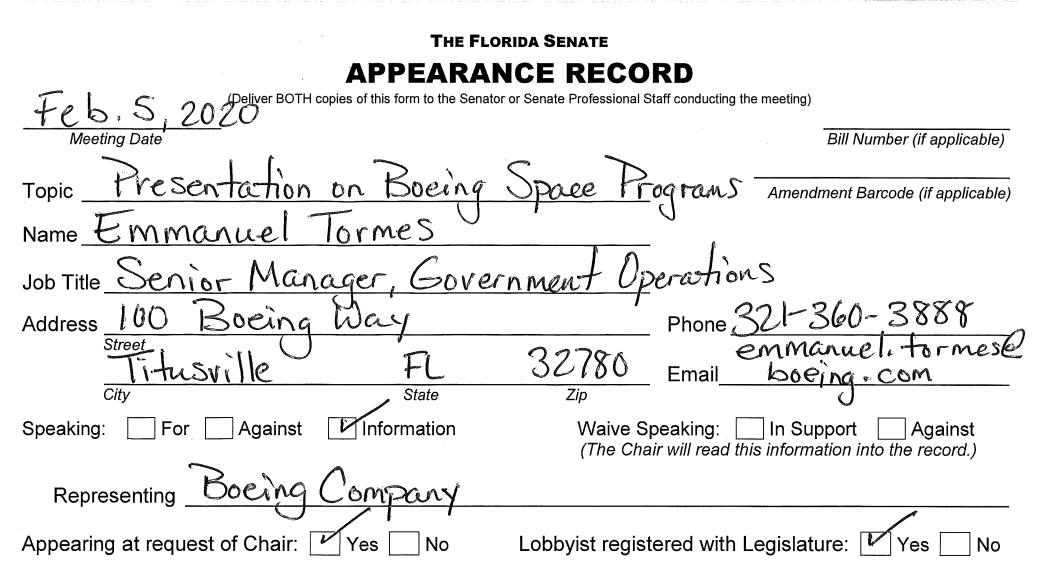
LEGAL - GENERAL COUNSEL'S OFFICE REVIEW	
Issues/concerns/comments:	In the early 2000's the Division would accept certifications from VA physicians. However, the legal office had difficulty obtaining records and deposition testimony as the VA asserted that they were immune from State subpoenas.

THE FLORIDA SENATE	
APPEARANCE RECOR	RD
2/12/20 (Deliver BOTH copies of this form to the Senator or Senate Professional State Meeting Date	aff conducting the meeting) 936 Bill Number (if applicable)
Topic Veterans Disability Retmenent	Amendment Barcode (if applicable)
Name Cody FARRILL	
Job Title Deputy Chief of Staff	
Address 4050 Esplanade Way	Phone 850 487700
Tallaharre FL 32311 City	Email
Speaking: For Against Information Waive Sp (The Chair	eaking: In Support Against will read this information into the record.)
Representing Department of Management	Series
Appearing at request of Chair: Yes No Lobbyist registe	ered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/14/14)



While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/14/14)





Boeing in Florida

Jacksonville **Fort Walton Beach Space Coast** Fort Lauderdale Miami Miami Headquarters & **Executive Offices Boeing Global Services** Boeing Defense, Space & Security **Boeing Distribution Boeing Global Services** Aviall **Boeing Global Services** Services, Inc. **Space Coast** CST-100 Starliner Full-Flight V-22 Repair, **Battery Services** Subsidiary Headquarters Simulator Training Modifications & F/A-18 Modifications & Repairs Systems Support Proprietary **Boeing Space & Launch** Programs **Division Headquarters** QF-16 Classroom & Computer-**Drone Peculiar** . Based Training Equipment Integration AC-130U Gunship Fasteners and Sustainment Consumables Miami Hose Shop International **Space Station P-8A** Composite & Structural Systems Upgrades & Repair Training **Trainers Development Boeing Latin America** Technical Space Wheel & Brake Repair Inventory Management Office

Services

Copyright © 2019 Boeing. All rights reserved.

Publications

Launch

System

Our Legacy & Our Future

1959 1960 1961 1963 1965 1967 1968 1971 1973 1973 1978





Shuttle



601

ISS





Saturn V Apollo

1981 1987 1998 1999 2009 2012

702HP



702MP

702SP



Lunar

Rover





1980

Coming Up

SLS

Skylab Mariner 10 GPS 1

Starliner

Gateway

Boeing in Space



Copyright © 2019 Boeing. All rights reserved.

International Space Station





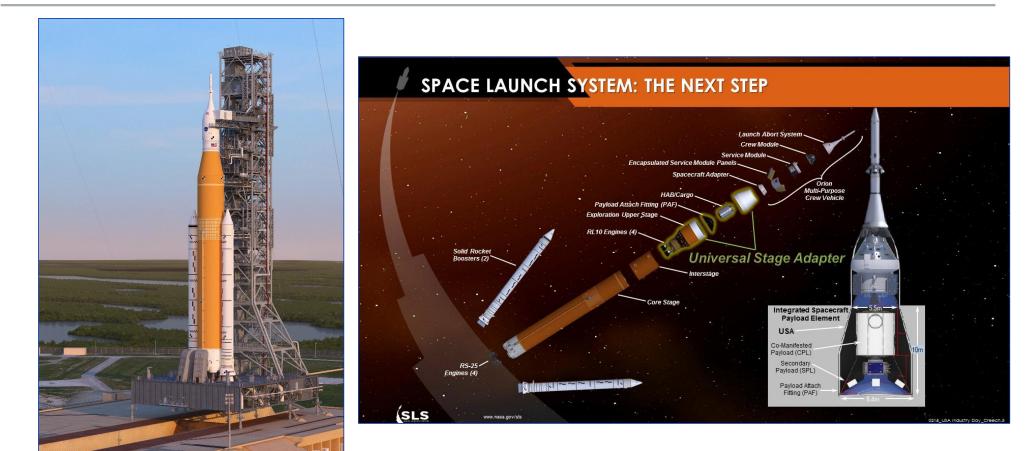


X-37B Orbital Test Vehicle

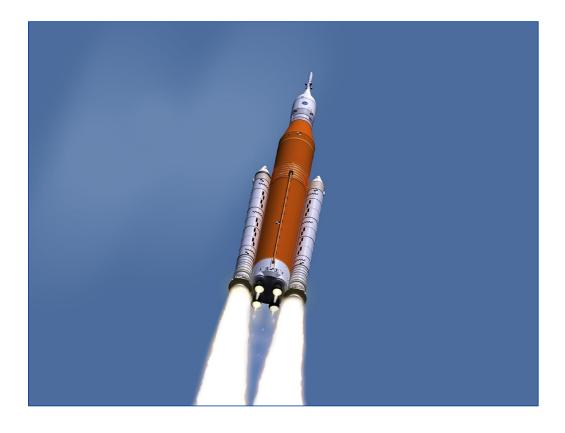


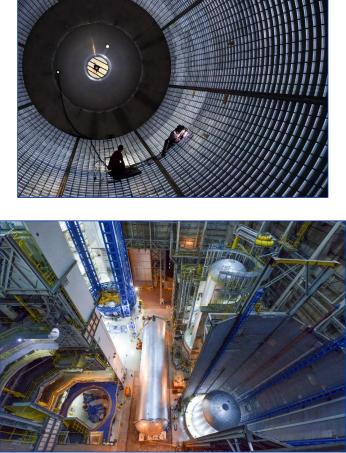






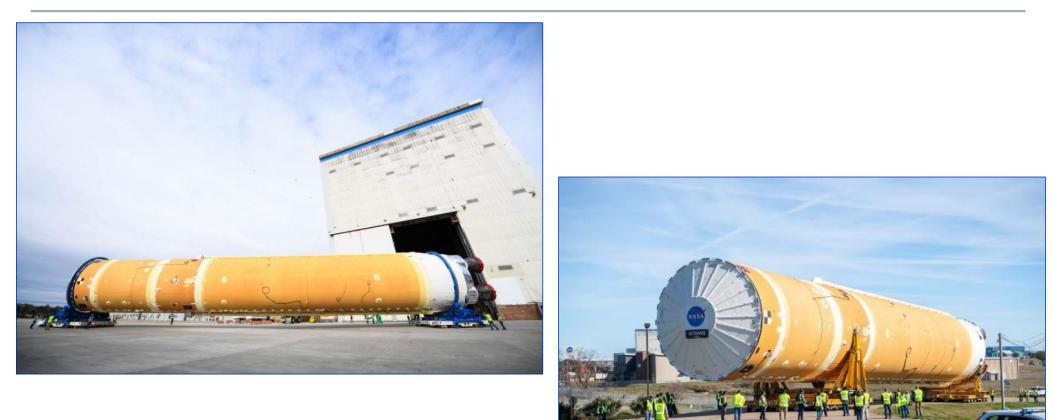




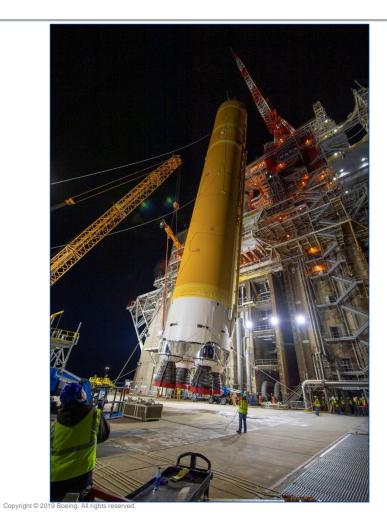
























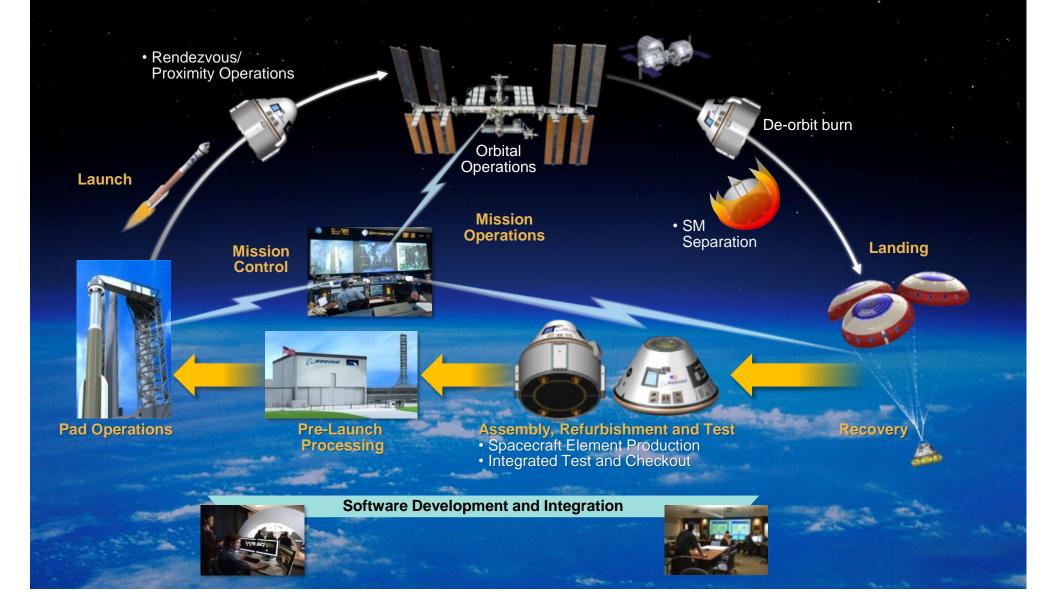








- Boeing Astronaut
 Chris Ferguson
- NASA Astronaut Mike Fincke
- NASA Astronaut Nicole Mann







Copyright © 2019 Boeing. All rights reserved.





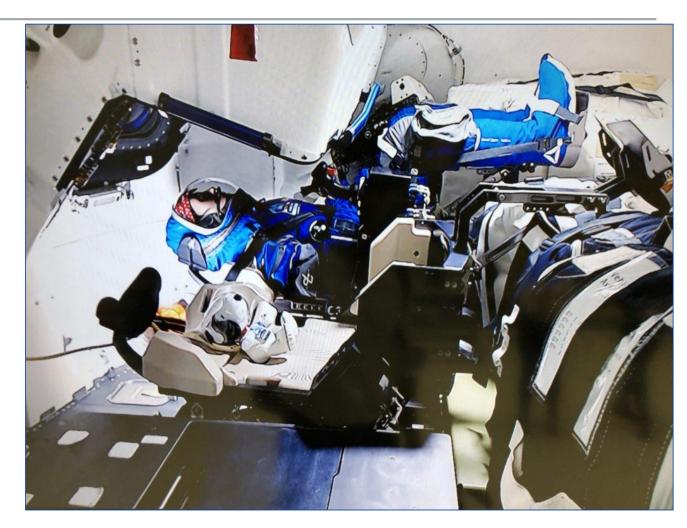








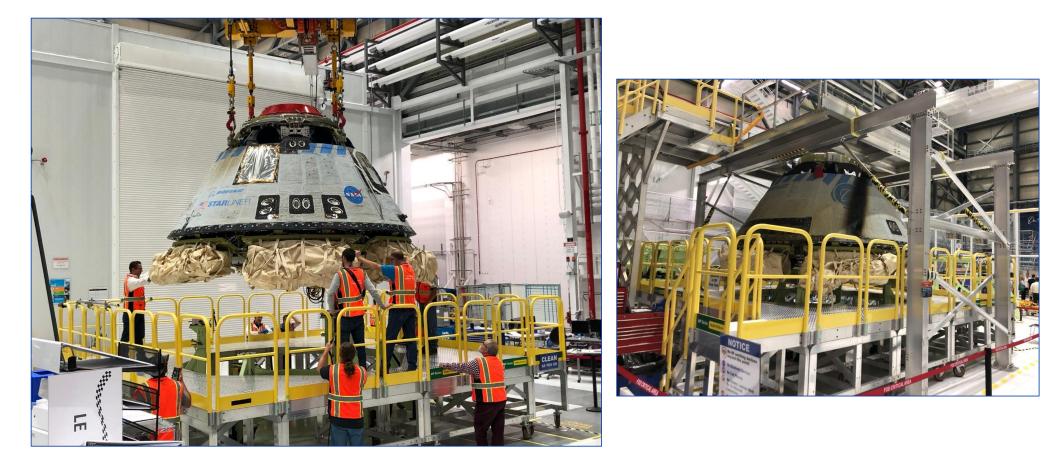










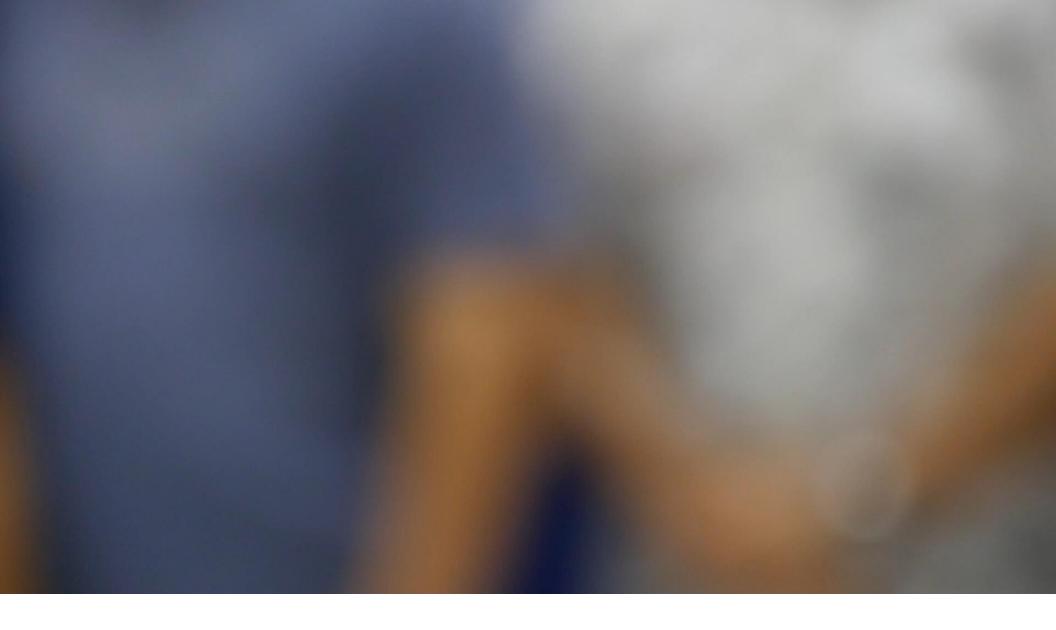


Investing in Our FuturE











CourtSmart Tag Report

Room: LL 37 Case No.: Type: Caption: Senate Military and Veterans Affairs and Space Committee Judge: Started: 2/5/2020 9:32:11 AM Ends: 2/5/2020 10:19:41 AM Length: 00:47:31 9:32:10 AM Meeting called to order by Chair Wright 9:32:15 AM CAA, Lois Graham with roll call 9:32:25 AM Quorum announced 9:32:34 AM Pledge of Allegiance led by Senator Torres 9:32:56 AM Chair with opening comments 9:33:13 AM Tab 1 SB 936 -Disability Retirement Benefits by Senator Gainer 9:33:21 AM Senator Gainer explains the bill 9:35:02 AM Appearance Forms 9:35:07 AM Cody Farrill, Deputy Chief of Staff, Florida Department of Management Services, waives in support 9:35:17 AM Senator Gainer waives close 9:35:28 AM Roll call on SB 936 **9:35:35 AM** SB 936 reported favorably 9:35:46 AM Tab 2 - Presentation by The Boeing Company 9:36:04 AM Mr. Emmanuel Tormes, Senior Manager, Government Operations, presents **9:43:46 AM** Chair Wright with question 9:43:56 AM Senator Torres with guestion 9:44:15 AM Mr. Tormes responds 9:44:17 AM Senator Torres with follow-up 9:44:33 AM Mr. Tormes responds 9:44:38 AM Chair Wright with question 9:52:24 AM Mr. Tormes responds 9:52:30 AM Senator Pizzo with guestion **10:06:51 AM** Chair Wright with question 10:06:59 AM Mr. Tormes responds 10:07:50 AM Chair Wright with comments 10:07:57 AM Senator Broxson with guestion 10:08:06 AM Mr. Tormes responds 10:08:53 AM Chair Wright with comments 10:08:56 AM Senator Pizzo with question 10:09:06 AM Mr. Tormes responds 10:09:12 AM Senator Pizzo with follow-up 10:09:24 AM Mr. Tormes responds 10:09:27 AM Senator Pizzo with follow-up 10:09:33 AM Mr. Tormes responds 10:09:35 AM Senator Pizzo with follow-up 10:09:38 AM Mr. Tormes responds 10:09:44 AM Senator Pizzo with question 10:09:50 AM Mr. Tormes responds 10:10:53 AM Senator Pizzo responds 10:10:55 AM Mr. Tormes responds 10:11:58 AM Senator Broxson with comments

10:12:34 AM Mr. Tormes responds

10:12:59 AM Senator Pizzo with follow-up

10:13:05 AM Mr. Tormes responds

10:13:09 AM Senator Pizzo with question

10:13:10 AM Mr. Tormes responds

10:13:15 AM Senator Pizzo with question

10:13:19 AM Mr. Tormes responds

10:13:36 AM Chair Wright with question

10:13:41 AM Mr. Tormes responds

10:14:20 AM Senator Harrell with questions

10:14:29 AM Mr. Tormes responds

10:15:21 AM Senator Harrell with follow-up

10:15:26 AM Mr. Tormes responds

10:16:04 AM Senator Harrell with question

10:16:06 AM Mr. Tormes responds

10:17:36 AM Chair Wright with comments

10:18:45 AM Senator Harrell with motion to be shown as voting favorably on SB 936-Adopted

10:19:06 AM Senator Pizzo with motion to be shown as voting favorably on SB 936-Adopted

10:19:20 AM Senator Broxson moves to adjourn

10:19:27 AM Meeting adjourned