

Dated 07/07/2017

ADA Website Accessibility Compliance: How to Protect Your Practice

The focus of “ADA compliant” websites has become a hot topic of discussion lately. You’ve likely heard of the issue by now, but perhaps you’re not entirely sure what it means for your practice. Is it really true that a few simple mistakes can land you in legal hot water? In this short guide, we’ll explain the basics of how the ADA pertains to websites so that you can take the appropriate steps to provide the best care to your patients, and to protect your practice from unnecessary litigation.

This is by no means a comprehensive guide, nor is it meant to provide legal advice. If you find yourself facing an ADA-related claim, you should consult an attorney. Nevertheless, by the time you’ve finished reading this, we hope to reduce some of the fear and misinformation swirling around the issue. First, let’s cover the basics.

What is the ADA?

The Americans with Disabilities Act (“ADA”, sometimes “AwDA”) is a federal law passed in 1990 that aims to protect the rights of disabled people to ensure they are not discriminated against due to their disability. This is the same law that requires real-world public locations (referred to by the ADA as “places of public accommodation”) to be accessible to disabled patrons by offering accommodations such as wheelchair ramps and handicapped parking. The law is well-intentioned, and largely effective at improving the lives of disabled people. Unfortunately, however, the law did not account for the growing dependence of the Internet, and did not provide specific language to cover any differences or similarities between physical locations and a website.

What do the Recent ADA Lawsuits Claim?

Until recently, many of these lawsuits had been in relation to actual physical locations. But over the past year or so, some dentists have received letters from lawyers claiming that their websites do not comply with The Americans with Disabilities Act, and thus have not provided the necessary accommodations for their clients. These letters often threaten legal action unless the practice agrees to pay an amount of money to settle the dispute outside of court. In order to prevent a potentially long and costly legal battle, many of these dentists have agreed to the settlement.

What Does It Mean to Be “ADA Compliant”?

If you take only one thing away from this guide, it should be this: as of today, there is no legal definition for an “ADA compliant” website. The current ADA regulations, which are enforced by the Department of Justice (“DOJ”), do not specifically mention websites and their accessibility requirements. The DOJ has stated that official regulations for website accessibility will not be released until at least the Spring of 2018. Until that point, all we have to work with are suggested guidelines, not hard-and-fast requirements.

Although there is no specific language (*as of the date of this publication*) within The Americans with Disabilities Act regarding website requirements, there are arguments that can be made that the language of the law insinuates websites as a place of public accommodation. Because of this lack of specificity, different state courts have different views, which can range from:

- Websites are not required to be accessible to people with disabilities
- Only websites that have a connection to an actual brick and mortar location must be accessible to people with disabilities
- All websites must be accessible to people with disabilities

Immediate Steps to Take

If you are a current client of Officite, then your website meets the current suggested ADA accessibility guidelines. In addition, Officite will keep all of its clients' websites updated to meet these guidelines without any action required by its clients.

If your website is not hosted by Officite, you should take a moment to familiarize yourself with the basics of website accessibility. The DOJ has suggested the WCAG 2.0's 'Level AA Success Criteria' as the best accessibility standards to follow. Again, these are suggested guidelines; they are not currently laws. Nevertheless, this checklist is a good place to start. If you can check every box of the Level AA Success Criteria, you are in the best position to defend your website from any "non-compliant" complaints you may receive.

Next, it's a good idea to run your current website through an automatic evaluation tool that will help to reveal some of the most common potential accessibility problems.

Further Complications

Even if you have checked your website against the suggested ADA website accessibility guidelines and run the automatic evaluation tool, if you or your office staff add or modify content on your website, regardless of whether it is written or visual, it is difficult to guarantee that these changes fall within the suggested ADA website accessibility guidelines. If you do make changes to your website, it is best to use a website hosting company that meets the suggested ADA website accessibility guidelines and have their customer service team make the changes for you.

Additional Information

For healthcare practices that do not currently host their websites with Officite, Officite provides a complimentary ADA accessibility review to help gauge where your website stands in relation to the currently suggested ADA accessibility guidelines. To get this free evaluation, please call 888-700-3971 between the hours of 8am–5pm Central Time, M-F or visit www.OfficiteFreeADARreview.com to schedule an appointment.

As the leader in website hosting and web presence solutions for healthcare practices, it is Officite's goal to help all healthcare practices prosper and remain equipped for success in the future. Please feel free to share this FAQ document in its entirety. You may also direct additional questions to Officite's team of Web Presence Advisors who can be reached at 888-700-3971.