LEVEL access

Digital Accessibility in Health Care

Five best practices for online accessibility and why medical providers must prioritize it

In the wake of COVID-19, many patients are increasingly reliant on digital communication as the primary way in which they engage health-care providers. We've witnessed an explosion in telehealth, for example. Yet the vast majority of websites and web experiences are inaccessible for individuals with disabilities, which has prompted a tidal wave of lawsuits. More than 10,700 organizations have been sued between 2017 and 2021, and that doesn't include the hundreds of thousands of demand letters sent—often a precursor to a lawsuit.

The impact of an accessible experience is significant. According to the Centers for Disease Control and Prevention, 61 million Americans, or 26 percent of the adult population, identify as having a disability. Disabilities include impairments to vision and motor skills, as well as mobility challenges, hearing difficulties, and cognitive impairments,

among others. Some of these disabilities impact the way an individual interacts with online content, or whether they can interact with online content at all.

If a digital experience isn't designed and developed with the needs and perspectives of individuals with disabilities in mind, they simply will not be able to interact with that experience, impacting the availability and quality of care people with disabilities will receive.

But digital accessibility is not only a moral imperative, there are laws mandating it. **In this piece, we outline digital accessibility compliance obligations for health-care companies, how prioritizing accessibility is a competitive advantage, and we provide five best practices to follow to enhance patients' online experiences.**

Laws

Creating an equitable online experience for your health-care organization is a legal imperative. Three major pieces of legislation make this clear:

The Affordable Care Act (ACA), Section 1557

The Affordable Care Act (ACA) is a health care reform law signed in 2010. Section 1557 of the ACA states that any health program that received funding from the U.S. Department of Health and Human Services must make its information, services, and facilities accessible. This includes websites, online help tools, and online bill-payment systems.

Section 1557 also requires covered entities to provide "appropriate auxiliary aids and services for individuals with disabilities." These aids or services can include making your online documents available in large print or in braille, for example.

The Americans with Disabilities Act (ADA)

The Americans with Disabilities Act (ADA) is a civil rights law passed in 1990. It prohibits discrimination and ensures equal opportunity for people with disabilities in employment, state and local government services, places of public accommodations, commercial facilities, and transportation. Specifically, Title III of the ADA prohibits discrimination on the basis of disability in places of public accommodations. This may include doctor's offices, among other health-related facilities.

The ADA was signed into law before the internet went mainstream, so the law itself does not specifically mention digital accessibility. It's open to interpretation, but the U.S. Department of Justice has clearly stated it believes Title III applies to websites. U.S. federal courts are taking the same stance; many are ruling on the side of accessibility. This means that a health-care provider's physical location as well as its website must be accessible in order to comply with the ADA.

Laws *(continued)*

Section 508 of the Rehabilitation Act

Section 508 of the U.S. Rehabilitation Act of 1973 requires that federally funded entities, which may include hospital systems, make their Information and Communication Technology (ICT) accessible for people with disabilities, including any they buy, create, or use. ICT refers to all pages of a website, software, applications, intranet sites and tools, and electronic documents.

Guidelines

Web Content Accessibility Guidelines (WCAG)

Legal compliance starts with WCAG. The Web Content Accessibility Guidelines (WCAG) provide a set of globally accepted technical standards to achieve digital accessibility and meet legal requirements. While WCAG itself is not a law, WCAG standards are adopted as requirements in numerous pieces of legislation, including Section 508 of the Rehabilitation Act.

There are various versions of WCAG: 1.0, 2.0, 2.1, and soon, 2.2. Each version builds upon the previous, adding additional success criteria to keep pace with changing technology. There are also three levels of conformance, indicated by A, AA, or AAA, with "A" being the base level of conformance and "AAA" the maximum. Each conformance level builds on the previous level like a pyramid. So, in order to meet Level AA, you must meet all of Level A, and in order to meet Level AAA, you must meet all of Level AA.

For legal compliance and ensuring maximum usability, conformance with the latest version of WCAG is the best-practice approach. Regarding conformance level, accessibility laws generally mandate conformance with Level A and AA success criteria because all of the technical standards in Level AAA may not be applicable or realistic in all situations.

Why digital accessibility and why now?

Digital transformation: The COVID-19 pandemic continues to propel online transformation. In our digitally driven world, patients find doctors and schedule appointments online. They review test results by accessing web portals. They research symptoms and educate themselves on providers' websites. Many pay medical bills via the internet. And increasingly, patients are meeting with medical providers virtually. Following WCAG standards when designing and developing digital assets ensures those experiences meet the needs of every patient.

Risk mitigation: Lack of accessibility not only creates barriers for users, it may put your organization at legal risk. Every year, plaintiffs file thousands of ADA lawsuits against organizations for inaccessible online experiences. And as digital interaction continues to become our primary means of communication, we're witnessing a rise in private enforcement. An increasing number of medical providers and health-care facilities are facing legal action for non-compliance. And the Health-Care Equipment / Services industry is among those industries frequently targeted in ADA litigation.

A commitment to accessibility also prevents the potential loss of funding from the U.S. government for failing to comply with Section 508 of the Rehabilitation Act.

Competitive advantage: A commitment to accessibility is also a significant competitive advantage for providers:

▸ Supports an organizational commitment to inclusion, enhancing a provider or health-care brand's public reputation

▸ Mitigates the risk of what could become a reputation-damaging lawsuit

▸ Boosts business—Americans with disabilities spend <u>$868 billion annually</u> on health care

▸ Accommodates the needs of all patients, reducing the chance they'll choose a competitor who will better meet their needs

▸ Drives referrals—satisfied patients and their friends and families are more likely to recommend you to others if they have a frictionless experience on your website or app

Five best practices for digital accessibility

How can health-care providers ensure their digital experiences are accessible? Here are five best practices:

1 Build your online experiences with individuals with disabilities in mind, and start in the design phase. Be mindful of barriers that will make it difficult for a patient with a disability to engage. For example:

  ▸ Use large, readable fonts. Best practice is 12 point minimum.

  ▸ Provide sufficient color contrast between an element in the foreground and its background.

  ▸ Offer multiple ways for users to navigate through an experience, whether they're using a mouse or a keyboard.

  ▸ Provide a description—or alternative text—for non-decorative images.

  ▸ Ensure every element is properly labeled, from links to buttons to form fields.

  ▸ Create content with a proper heading structure so users can move logically through the information on a page.

2 Engage individuals with disabilities to evaluate and test websites, mobile apps, portals, or products. While developers are looking for code-level errors, there's simply no substitute for a user who relies on assistive technology interacting with an experience in the way it's intended. They can then report any barriers they encounter. This feedback will help you prioritize fixes beginning with the most critical user flows, ensuring they are accessible from start to finish.

3 Think beyond your website and account for the needs of every possible user, including your employees. Don't forget about:

- ▸ Video content—does it have closed captioning?

- ▸ Text files—do they come with audio descriptions?

- ▸ PDFs and documents—are they properly structured and tagged?

- ▸ Mobile sites and applications—have they been designed for accessibility?

- ▸ Job recruiting platforms and career pages—are they accessible to all potential candidates?

- ▸ Employee onboarding, training sessions, and virtual staff meetings—are they accessible to all employees? Have you surveyed employees about their accessibility needs?

4 Publish a public accessibility statement on your website. This kind of statement demonstrates to users you care about accessibility and provides them with information about the specific accessibility accommodations your organization has made. It should also include contact information in case a visitor encounters a barrier. And it should be easy to find, linking from multiple places on your site.

5 Commit for the long term. Digital accessibility isn't a one-and-done project. Content is dynamic. Multimedia assets are added and updated. Documents change. A commitment to accessibility is a commitment to keeping your experiences accessible as they evolve.

Digital accessibility in action

Merck, a global health-care leader, is working to help the world be well. As part of its commitment to increasing access to health care, Merck is committed to making its internal and external digital properties inclusive and user-friendly for people of all abilities.

Merck partnered with us to implement a comprehensive accessibility solution, including an organization-wide policy, and achieve the following results:

▸ Demonstrate a disability-friendly and inclusive image to website visitors, job applicants, and employees with disabilities.

▸ Achieve and maintain compliance with web accessibility regulations.

▸ Create a culture of trust and inclusion. Merck has made it easier for people with disabilities to pursue its career opportunities and receive on-the-job training.

"Level Access helped us establish an enterprise-wide accessibility policy, making our digital engagements more inclusive – a way of working and company value proudly shared by both of our organizations."

-Stephen Framil, Director, Enterprise Digital Governance, Merck
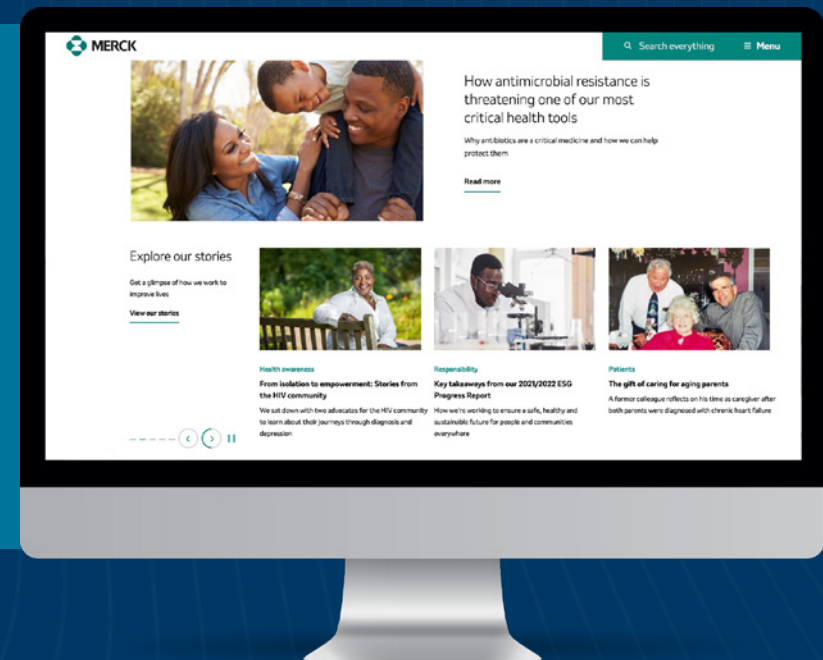
We're here to help

Making your website, apps, products, and platforms accessible may seem overwhelming—especially if you're managing multiple sites or brands. But we're here to help. We have experience in the rehabilitative services sector, enabling patients with disabilities to access technology, so we understand health-care providers' needs and patient expectations.

As a partner, Level Access will equip your organization with all of the tools, resources, expertise, training, and legal support needed to provide an inclusive online experience, whether on one website or a portfolio of assets. We support efforts to maintain compliance with Section 1557 of the ACA, Section 508 of the Rehabilitation Act, and the ADA, conforming with the latest WCAG standards. Most importantly, we help you create a barrier-free user experience for all of your patients, enabling them to seamlessly interact with the critical health-care information and services they need, whenever they need them.
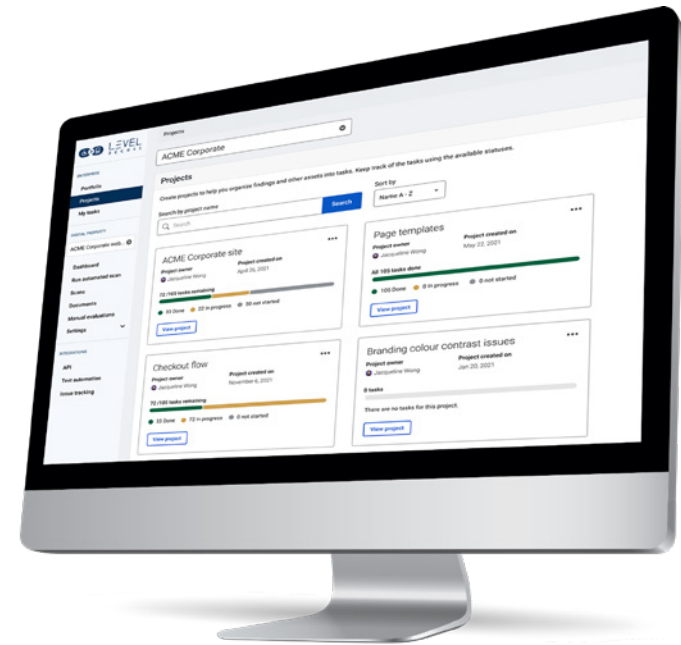
To learn more about the Level Access solution, or to request a demo, visit levelaccess.com

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