



HOW DO I KNOW IF MY WEBSITE IS ADA COMPLIANT?

By Dana H. Hoffman

Did you know that the Americans with Disabilities Act (ADA) applies to websites?

The Act was implemented to protect the rights of individuals with disabilities. Title I of the Act applies to employment. Title II applies to government agencies. Title III applies to places of public accommodation such as restaurants, hotels, doctors' offices, pharmacies and retail stores.

When the ADA became law in 1990, you may have assessed hiring practices to comply with Section I related to employment. You may have hired a general contractor to ensure that your parking lot, elevator and office were accessible to persons with disabilities. Did you notify your website designer and IT department of the Act's mandates to ensure that your website was accessible to persons with disabilities?

In 1990, the World Wide Web as we know it did not exist. As the Internet became more important in our daily lives, the Department of Justice, which is tasked with enforcement of the Act, began to forecast that the Act is applicable to websites as well as physical space.

The Act, as it currently exists, does not discuss websites and provides no guidance for achieving website compliance. Don't wait for a patient to complain or, even worse, for a patient to file a lawsuit to enforce compliance. You could consider the following steps:

- ✓ Ask your IT person/department to run a free, online scan. There are many options available that can help achieve minimal compliance.
- ✓ If your website was designed by an outside vendor, ask the vendor if your site complies with the Web Content Accessibility Guidelines (WCAG) 2.0 A or AA.
- ✓ If your website was designed internally, consider hiring a vendor to review its compliance.



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How Do I Know If My Website Is ADA Compliant? (continued)

- ✓ If you anticipate a delay in assessing your site's compliance, add a telephone number to your homepage so that persons with disabilities can obtain immediate assistance.
- ✓ Implement a training program so that any employee with access to modify the website will know how to make changes that are compliant.
- ✓ Expand your current discrimination policy to reflect an intent and on-going dedication to comply with the physical and digital requirements of the ADA.

Mandatory guidelines for federal agencies, or entities accepting federal funds, were enacted on March 20, 2017 and must be in place by January 18, 2018. Similar mandates for private businesses are expected to follow, although a timetable has not been announced. Until then, the courts are allowing lawsuits, requests for injunctive relief and attorney's fees against businesses that cannot demonstrate compliance. More important, you want to meet the needs of your existing patients and to encourage potential patients to entrust their matters to you. Are you achieving these goals if your website is not accessible to all?

For more information, contact Dana Hoffman directly at 919-861-5082 or dhh@youngmoorelaw.com.