

Website Accessibility

Several dentists in Texas have received letters from attorneys alleging their websites violate the Americans with Disabilities Act (AwDA) because the websites are not accessible to individuals with disabilities such as blindness or hearing impairment. Such letters typically request the payment of some amount of money in order to avoid a lawsuit, and may also insist on prompt compliance with the law.

Such claims appear to be on the increase. If you have a website you may similarly be at risk.¹ While the task of putting your website into full compliance may require some time and expense, there are certain steps that can be taken in the short term.

1. Here are some things you can do now to decrease the risk of a claim:

- a) **Add an “Accessibility Link.”** Add a link (similar to the website’s privacy policy) that links to a page that tells individuals with disabilities what to do if they can’t access something on your website (see sample in Attachment 1). Train your staff to respond effectively to requests for assistance (e.g., reading web content over the phone, providing a transcript of video content, helping people fill out forms).
- b) **Talk to Website Designer.** Ask your website designer if the website is accessible as designed and implemented (for example, your designer may be able to assure you that it complies with a set of standards known as “WCAG 2.0 Levels A and AA”²). In addition, ask what must be done to make accessible the content you add yourself (if you’re unsure, take down added content temporarily).
- c) **Take Down, Evaluate, and/or Replace Website.** If the website is not accessible, or if the designer doesn’t know whether or how to make it accessible, you may wish to:
 - o Temporarily take down the website; and/or
 - o Have the website evaluated by a qualified consultant; and/or
 - o Replace it, at least temporarily, with a very simple website that is less likely to have accessibility barriers; and/or
 - o Work with a qualified website designer to create a new, accessible website that has all of the features your practice wants to have (it’s often more cost effective to just start from scratch).
- d) **Adapt your Contracts.** Make sure any contract for a new website requires the website developer to provide a website that is compliant with accessibility standards such as “WCAG 2.0 Levels A and AA.”³

¹ The American Dental Association has developed the attached white paper, “Website Accessibility: Strategies for Dentists” which provides information that you may find helpful and may wish to share with your attorney.

² See <http://www.w3.org/TR/WCAG20/>.

³ Sample Clause: Accessibility. Designer represents and warrants that all deliverables will be in conformity with all applicable regulatory requirements, including but not limited to conformance with applicable provisions of the World Wide Web Consortium (W3C) Web Content Accessibility Guidelines (WCAG) 2.0 Levels A and AA.

2. What to do if you get a demand letter or are served with a lawsuit

- a) If you get a letter about the accessibility of your website, make sure you understand what the writer is asking for. If it's simply a request for access, have your staff respond as indicated above (see 1(a)). If it's a demand for payment of some amount, or for some action, do not disregard it or fail to treat it seriously. It may contain specific deadlines that you should not ignore.
- b) Ignoring a demand letter or a lawsuit can create substantial risks, but you need to act judiciously in deciding what to do. Before responding, take proactive steps such as those outlined in Section 1, and talk to an attorney⁴ knowledgeable about Title III of the AwDA. Being diligent at the outset can help limit your potential exposure. You and your attorney may find helpful the attached "Website Accessibility: Strategies for Dentists," which offers more detailed legal discussion.

Reproduction of this material by ADA member dentists, ADA constituent and component dental societies, and their staff and legal counsel is permitted for internal use only. Any other use or duplication or distribution by any other party requires the prior written approval of the American Dental Association. This material is for general reference purposes only and does not constitute legal advice. It covers only the Americans with Disabilities Act (AwDA), not other federal or state law. Changes in applicable laws or regulations may require revision. Dentists should contact qualified legal counsel for legal advice, including advice pertaining to AwDA compliance.

© 2017 American Dental Association. All Rights Reserved.

⁴ For guidance on selecting an appropriate attorney see "A Dentist's Guide to Selecting a Lawyer," available on the ADA Center for Professional Success at: <http://success.ada.org/en/regulatory-legal/a-dentists-guide-to-selecting-a-lawyer>.

Attachment 1

Sample Accessibility Statement

We are continuously working to improve the accessibility of content on our website. Below, you'll find a few recommendations to help make your browsing experience more accessible:

If you have trouble seeing web pages, the [US Social Security Administration offers these tips](#) for optimizing your computer and browser to improve your online experience.

- [Use your computer to read web pages out loud](#)
- [Use the keyboard to navigate screens](#)
- [Increase text size](#)
- [Magnify your screen](#)
- [Change background and text colors](#)
- [Make your mouse pointer more visible](#) (Windows only)

If you are looking for mouse and keyboard alternatives, speech recognition software such as [Dragon Naturally Speaking](#) may help you navigate web pages and online services. This software allows the user to move focus around a web page or application screen through voice controls.

If you are deaf or hard of hearing, there are several accessibility features available to you.

Closed Captioning

Closed captioning provides a transcript for the audio track of a video presentation that is synchronized with the video and audio tracks. Captions are generally visually displayed over the video, which benefits people who are deaf and hard of hearing, and anyone who cannot hear the audio due to noisy environments. Most of our video content includes captions. [Learn how to turn captioning on and off in YouTube.](#)

Volume Controls

Your computer, tablet, or mobile device has volume control features. Each video and audio service has its own additional volume controls. Try adjusting both your device's volume controls and your media players' volume controls to optimize your listening experience.

If the recommendations above do not meet your needs, we invite you to contact us at *[insert your phone number, including TTY if available]* for assistance.