

New Requirements on the Accessibility of Web Content, Mobile Apps, and Kiosks

The Department of Health and Human Services (HHS) has issued new requirements to ensure individuals with disabilities have access to web content, mobile apps, and medical kiosks made available by public and private recipients of Federal funding from HHS (recipients). The requirements address health care, child welfare, and social services, and apply to recipients of Federal financial assistance, including doctors, dentists, hospitals, clinics, emergency rooms, and other health care providers; to child welfare agencies and service providers; to medical and nursing schools and other health-related colleges and universities; and to childcare and social service providers. Entities are required to comply with these requirements if they receive Federal financial assistance from the Department, such as when they receive funds from any one of the more than 100 programs that HHS administers, including Medicare, Medicaid, HeadStart, TANF (Temporary Assistance for Needy Families), child welfare programs, and clinical research.

HHS issued these new requirements because many recipients offer their services through websites and mobile applications that are not accessible to persons with disabilities, creating barriers to participation in federally funded programs. Barriers include posting visual information, pictures, or maps that cannot be read or understood by individuals who are blind and who use a screen reader to access web content. Other barriers include information delivered by videos that are not captioned for persons who are deaf or hard of hearing. Accessibility requirements for web and mobile apps will help ensure that people with disabilities have access to a recipient's programs and activities.

HHS has adopted a widely used and recognized technical standard that recipients must follow to meet their obligations under Section 504 of the Rehabilitation Act to ensure accessibility. That standard is WCAG 2.1 Level AA. WCAG, the Web Content Accessibility Guidelines, is a set of guidelines that say what is needed for web and mobile app accessibility such as requirements for captions for videos.

Highlights of the New Requirements

The basic requirement for web content and mobile apps: Subject to certain exceptions, web content and mobile apps that recipients make available must be made accessible to people with disabilities by ensuring conformance with WCAG 2.1 Level AA standards. Recipients with fifteen or more employees – large recipients – must follow this standard by May 11, 2026; recipients with fewer than fifteen employees – small recipients – must do so by May 10, 2027. Recipients must meet this standard unless they can demonstrate that compliance with the standard would result in a fundamental alteration in the nature of the program or activity or in undue financial and administrative burdens.

While HHS provides two years for larger recipients and three years for smaller recipients to understand and come into compliance with WCAG 2.1 Level AA, during this interim period, the Section 504 rule also requires that recipients provide individuals with disabilities with effective communication, reasonable modifications where necessary to avoid discrimination, and an equal opportunity to participate in the recipient's programs and activities, including services offered online and through mobile apps.

Exceptions. In certain limited situations, five types of web content or mobile applications do not have to meet WCAG 2.1 Level AA: archived web content; certain preexisting conventional

electronic documents; certain content posted by a third party; individualized, password-protected conventional electronic documents; and preexisting social media posts.

Archived web content is content that was created before May 11, 2026, for large recipients, and before May 10, 2027, for small recipients; is retained exclusively for reference, research, or record keeping; is not updated after it has been archived; and is stored in a dedicated area identified as being archived. This exception does not apply if the recipient updates or alters the content or if it posts other web content that uses the archived information to notify the public about ongoing requirements.

Preexisting conventional electronic documents available before May 11, 2026, for large recipients and before May 10, 2027, for small recipients need not be made accessible unless those documents are currently used to participate in the recipient's programs or activities. Conventional electronic documents are those in PDF, word processor, presentation, or spreadsheet file formats and may include Adobe PDF files, Microsoft Word files, Apple Keynote or Microsoft PowerPoint files, and Microsoft Excel files.

Content posted by a third party is exempt from accessibility requirements only when recipients allow posting by members of the public or others who are not controlled or acting for the recipient, such as comments on a social media page. This exception does not apply to content that is posted due to contractual, licensing, or other arrangements between the third party and the recipient, such as an online payment processing website to accept payment of fees.

Individualized password-protected conventional electronic documents are word processing, presentation, PDF, or spreadsheet files that are about a specific individual, their property, or their account and are password-protected or otherwise secured. While exempt, the recipient must still ensure that an individual with a disability is able to access the information in documents that pertain to them. For example, recipients could provide medical files in an accessible format to specific individuals with disabilities who request them.

Pre-existing social media posts made available to the public before May 11, 2026, for large recipients and before May 10, 2027, for small recipients need not be made accessible.

These exceptions must be read together with other provisions of the Section 504 rule, including the obligation for effective communication, for providing reasonable modifications where necessary to avoid discrimination, and for ensuring an equal opportunity to participate in the recipient's programs or activities. For example, if a person with a hearing disability requests access to a video that is archived, the recipient could provide effective communication by adding captions to this one video or by finding another way of providing the information to the person.

Minimal impact on access. A recipient that fails to meet full compliance with WCAG 2.1 Level AA will be deemed to be in compliance if it can demonstrate that the noncompliance has such a minimal impact on access that it would not affect the ability of an individual with a disability to use the web content or mobile app in a manner that provides substantially equivalent timeliness, privacy, independence, and ease of use.

Conforming alternate versions provide separate, but parallel web content to an inaccessible website, and may be used only when it is not possible to make web content directly accessible due to technical or legal limitations. A conforming version must have content that is accessible,

up-to-date, and contains the same information and functionality as the inaccessible web content.

Kiosks Recipients shall make their programs accessible when using kiosks. Recipients may do so by having procedures that would allow persons with disabilities who cannot use a kiosk with inaccessible features to access the service without using the kiosk, by, for example, allowing persons with disabilities to go directly to the personnel at a main desk to register for necessary services.

For more information and resources, please visit OCR's Section 504 webpage at <https://www.hhs.gov/civil-rights/for-individuals/disability/section-504-rehabilitation-act-of-1973/index.html>.