



Your Guide to ACA Section 1557 and Digital Accessibility

Healthcare organizations prioritizing digital accessibility enhance their ability to serve a diverse patient population and internal employees, including people with disabilities and limited English proficiency, ensuring equitable access to healthcare services.



What Is Digital Accessibility?

Digital accessibility means that websites, apps, kiosks, and other digital products and services are usable by people with disabilities. Providing accessible digital resources means that people with visual, hearing, physical, and cognitive disabilities can use content and services without encountering barriers to access.



The Importance of Digital Accessibility in Healthcare

Following accessibility standards and best practices when building digital products and services allows people with disabilities to use technology like everyone else successfully.

This is especially important in healthcare, where patients use digital tools more than ever. For example, checking in at a kiosk, filling out forms online, accessing patient portals, or receiving care through telehealth applications such as remote consultations.

Making sure these platforms are accessible is key to providing equitable care. Healthcare organizations that prioritize accessibility serve diverse patient populations and meet legal compliance requirements.

However, with a shift toward using digital tools to provide information and services, a lack of accessibility awareness among teams that commission and build these tools means that many technologies are not designed with accessibility in mind, creating barriers for people with disabilities.

Although legislation and regulations on accessibility have existed for many years, there has been a lack of clarity on exactly how these apply in the healthcare sector and a lack of knowledge in the industry on how best to support digital accessibility efforts. This is where Section 1557 of the Affordable Care Act (ACA) comes into play.

Introducing ACA Section 1557

In May 2024, the Department of Health and Human Services (HHS) strengthened Section 1557 of the ACA by issuing a final rule on nondiscrimination in providing healthcare services. It provides protections against discrimination based on race, color, national origin, sex, age, disability, or proficiency in English in health programs or activities that receive federal financial assistance.

The rule specifies various requirements addressing different aspects of nondiscrimination impacting diverse groups. It addresses areas where potential discrimination can occur, such as insurance coverage and decision-support tools.

Of relevance to people with disabilities are requirements to:

- Provide effective communication
- Ensure buildings and facilities are accessible
- Make reasonable accommodations where needed
- Offer accessible information and communication technology, including telehealth services

From the perspective of digital accessibility, healthcare programs and services provided through websites, mobile apps, self-service kiosks, and telehealth platforms must be designed to be accessible to people with disabilities.

Who Is Covered by Section 1557?

Section 1557 applies to **any health program or activity that receives federal funding**, including insurance companies, hospitals, and healthcare providers. The rule also covers **programs administered by federal agencies**, such as Medicaid and Medicare. This means the rule may cover hospitals, physicians' practices, community health centers, health insurance issuers, and state Medicaid agencies.



Understanding ACA Section 1557 Digital Accessibility Requirements

Section 92.204 of the Section 1557 rule addresses digital accessibility. Covered organizations must ensure that:

1. Health programs and activities provided through information and communication technology are accessible to people with disabilities unless this would result in undue financial and administrative burdens or a fundamental alteration of the health programs or activities.
2. Websites and mobile applications used to provide healthcare services meet the requirements of Section 504 of the Rehabilitation Act.

The digital accessibility requirements of Section 504 of the Rehabilitation Act closely align with requirements of Title II of the Americans with Disabilities Act (ADA). This means that Section 1557's digital accessibility requirements are harmonized with other nondiscrimination legislation, making it easier for technology providers to meet accessibility requirements across different sectors.

These technical accessibility requirements ensure that all websites and mobile apps that provide healthcare programs and services conform with Web Content Accessibility Guidelines (WCAG) 2.1 Level AA. This means:

1. Content must be provided in a way perceivable by people who are blind or have low vision or who are deaf or hard of hearing.
2. Content and functionality must be operable using a range of assistive technologies.
3. Content must be understandable to its target audience, including carefully supporting recovery from input errors.
4. Content and functionality must be designed to be sufficiently robust to be accessed using a range of browsers, platforms, and assistive technologies.

Healthcare providers must ensure the following types of digital resources are accessible to people with disabilities:

- Patient portals, where patients can view test results, make appointments, and communicate with providers.
- Resources that provide health information to help patients make informed decisions.
- Telehealth services, including remote consultations, are provided through video and/or audio.
- Paying medical bills and managing insurance policies.

In addition, to ensure that people with disabilities can use self-service kiosks provided for tasks like check-ins or payments in healthcare facilities, provide accessible input devices like keypads, and provide speech output of content displayed on the screen, preferably privately, by enabling users to plug in headphones.

Related to digital accessibility, for patients with limited English proficiency, digital services must provide multilingual support or offer translation services to ensure they can access healthcare information and services. This includes patient portals and telehealth platforms where patients interact with providers.

Policy and Implementation Requirements

The Section 1557 rule also places obligations on covered organizations to manage the process of implementing the rule, including:

- Establishing a policy for meeting the requirements;
- Appointing a Section 1557 coordinator to oversee efforts;
- Providing a public notice of non-discrimination in physical environments and digital resources;
- Providing appropriate training to staff on their responsibilities;
- Providing accessible communication channels to ensure people with disabilities are aware of available accommodations.

These requirements provide an opportunity to address digital accessibility effectively in policy, strategy, training, and governance.



Key Compliance Deadlines

Most provisions in the rule came into effect on July 5, 2024. There are some extended deadlines, including for:

2024

- Establishing a Section 1557 coordinator within 120 days of July 5, 2024.
- Providing notices of nondiscrimination within 120 days of July 5, 2024.

2025

- Establishing policies and procedures by July 5, 2025.
- Establish a training program once you have set the policies and procedures and complete it by July 5, 2025.

A Guide to Meeting ACA Section 1557's Digital Accessibility Requirements

Healthcare organizations should adopt a strategic and structured approach to make information and communication technology accessible and usable for people with disabilities. They must identify individuals responsible for completing each key step in this process.

The Section 1557 Coordinator will have an important role to play in ensuring digital accessibility requirements are met as part of the broader requirements of the rule.

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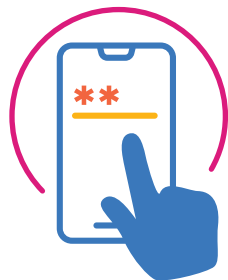
Audit Existing Digital Assets for Accessibility

The first step is to identify all digital assets subject to the requirements of the rule, including websites, mobile apps, kiosks, and digital documents, and establish the level of accessibility of each asset.

When a large number of digital assets need review, it's essential to prioritize them based on factors like frequency of use, criticality to end users, and the expected lifetime of the resource.

Assess each digital asset for WCAG 2.1 Level AA conformance using a combination of automated testing tools such as [ARC Platform](#) and manual testing performed by accessibility specialists.

Complementing technical testing against accessibility standards and usability evaluation with people with disabilities can help to identify the most significant barriers to access that people are likely to encounter.



2

Remediate Existing Resources

Once an audit is complete, the next step is to remediate accessibility barriers present in each resource. Again, this can be approached on a priority basis, considering factors such as the severity of the barrier, frequency of occurrence, and effort to fix it.

Validate that remediation efforts have been successful in reducing or removing barriers. Document efforts made to address accessibility, and while barriers remain unaddressed, provide support for people with disabilities affected by those barriers.

3

Adopt a Digital Accessibility Standard for New Digital Assets

When creating new digital resources, establish a technical accessibility standard. At a minimum, this standard should be WCAG 2,1 Level AA. Include a reference to the presence of an organizational accessibility standard in the organization's policies supporting Section 1557.

Communicate this standard to all teams and individuals responsible for creating and maintaining websites, mobile apps, digital documents, software, kiosks, and other information and communication technology used to provide healthcare programs and services.

4

Build Accessibility Knowledge and Skills Across the Organization

Section 1557 requires training for all people responsible for aspects of the rule's requirements. This should include digital accessibility training for everyone responsible for creating and maintaining digital content.

Training should cover foundational aspects of digital accessibility along with role-based accessibility training, where topics are relevant to specific responsibilities associated with that role.

Provide tools and defined processes to help teams implement accessibility in designing, developing, and testing new resources.

5

Include Accessibility in Digital Asset Procurement Processes

Where an organization purchases third-party digital products and services for providing healthcare services and programs, it includes accessibility in requests for proposals and other specifications.

Review candidate solutions for accessibility; request documentation from vendors and look for third-party reviews of product or service accessibility to indicate accessibility risk associated with the solution.

In the selection process, consider accessibility risks. Be aware of any potential accessibility barriers in the chosen solution and establish an accessibility risk management plan to support users affected by these barriers.

6

Establish an Accessibility Plan with Ongoing Monitoring

Establish a comprehensive accessibility strategy that includes ongoing monitoring for long-term compliance and helps the organization build and sustain capacity to meet its accessibility obligations.

This strategy should include regular audits of existing digital assets, ongoing training, building partnerships with people with disabilities and organizations advocating for people with disabilities, establishing and monitoring channels for gathering feedback on accessibility, and monitoring regulations and standards for any changes to requirements or best practices.

The Section 1557 Coordinator, or a dedicated digital accessibility program manager, can oversee these efforts and update digital products, so they continue to meet standards.

For large healthcare organizations, this ongoing commitment to accessibility is essential, as it allows them to remain responsive to changes in technology and regulations, and ultimately enhances patient care.



ACA Section 1557 Compliance Checklist for Managing Digital Accessibility

1. Assess

Establish your conformance goal – WCAG 2.1 AA to meet current requirements or WCAG 2.2 AA to be more future-proof.

Prioritize your digital assets in terms of importance to assess potential accessibility issues.

Conduct an accessibility scan of each digital asset to identify the conformance level.

Follow up with a manual assessment of each digital asset against your conformance standard.

Assess your team's accessibility awareness, knowledge, and skills.

Start conversations with leadership and other stakeholders to make the case for investment in addressing accessibility issues and building an accessibility program.

2. Strategize

Define and communicate a future state of digital accessibility that your organization will work towards and a high-level plan for achieving that future state.

Communicate accessibility responsibilities to each stakeholder responsible for aspects of digital asset development and content creation.

Create a plan for addressing barriers found in existing digital assets in a prioritized way.

Define accessibility requirements for all new digital assets to be built based on your chosen conformance standard.

Define a strategy for involving people with disabilities in designing and testing digital assets.

Define product accessibility documentation and reporting expectations.

3. Prepare and Support

Provide role-based accessibility training to everyone involved in digital asset creation.

Define accessibility tests to be conducted by team members involved in digital asset design, development, and testing.

Identify and acquire tools to help meet accessibility requirements during design, development, content creation, and testing.

Establish a shared repository of accessibility knowledge that all team members can consult and contribute to.

4. Implement

Work through the process of remediating accessibility barriers in existing products.

Address accessibility requirements as early as possible when creating new digital assets.

Include people with disabilities in digital asset usability evaluation.

Document progress towards addressing accessibility requirements, including producing an accessibility statement for each digital asset you provide to customers.

5. Monitor and Grow

Track accessibility data for each digital asset and address areas where improvement is not happening at the desired rate.

Review and address gaps in knowledge and tools available.

Review, report, and celebrate successes!

Streamline your accessibility efforts with TPGi as a Service (TaaS).

Our fully managed solution integrates seamlessly into your development process, ensuring ongoing compliance and accessibility with every sprint.

With advanced technology, expert guidance, and support, accessibility becomes a continuous, manageable part of your product lifecycle, reducing risk and driving progress. With TaaS, your success is guaranteed!

[Let TaaS help you build better and more accessible products.](#)

ACA Section 1557 Resources

For further guidance on ACA Section 1557, healthcare organizations can refer to resources provided by the [Department of Health and Human Services \(HHS\)](#). Key documents, such as the [final rule](#) and enforcement guidelines, are available on the HHS website.

Other resources include:

- [Section 1557 Fact Sheet](#) (available in 17 languages)
- [Section 1557 Frequently Asked Questions](#)

[Schedule a 15-min free consultation](#)



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