

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.

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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

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.

We will take reasonable steps to provide free-of-charge language assistance services to people who speak languages we are likely to hear in our practice and who don't speak English well enough to talk to us about the dental care we are providing.

Spanish: Tomaremos acciones razonables para proporcionar servicios de asistencia lingüística gratuitos a aquellas personas cuyo lenguaje escuchemos frecuentemente en nuestro consultorio y que no hablen un inglés lo suficientemente bueno como para hablar con nosotros sobre el servicio odontológico que suministramos.

Chinese: 我们将有序地做到提供免费的语言服务使我们能听懂英语不好的人向我们咨询有关牙齿护理

French Creole (Haitian Creole): Nou pral pran mezi rezonab pou bay sèvis asistans lang gratis pou moun ki pale lang nou pagen ide deyo ak ki pa pale angle byen ase pou pale ak nou sou swen dantè nou ap bay.

Gujarati: અમેએવા લોકોને િવના શૂલ્યે ભાષા સહાય સેવા શૂરૂ પાડવા ઉચિત પગલાં લઇશું જો એ ભાષાઓ બોલે છે અમને(તબીબી) પ્રેક્ટિસમાં સાંભળવા મળતી શકતી અને જો અમે દંત શુરૂક્ષા પ્રદાન કરતીએ છીએ તેના િવષેવાત કરવા શૂરૂક્ષા યોગ્ય જાણીશ બોલી શકતા નથી.

French: Nous prendrons les mesures raisonnables pour fournir des services d'assistance linguistique gratuits pour les individus qui parlent des langues que nous sommes susceptibles d'entendre durant nos séances et qui ne parlent pas suffisamment bien l'anglais pour discuter avec nous concernant les soins dentaires que nous fournissons.

Korean: 저희는 적절한 조치를 통하여 언어 지원 서비스를 무료로 제공할 것입니다. 다만, 실제로 저희에게 관심이 있는 언어를 쓰지만 저희 치아 관리 서비스에 대해 의견을 줄 수 있을 만큼 영어로 의사소통이 원활하지 않는 경우로 한정합니다

Italian: Adotteremo le misure ragionevoli per fornire servizi di assistenza linguistica gratuiti a coloro che parlano lingue che sentiamo spesso sul posto di lavoro e che non parlano inglese abbastanza bene da poter discutere della cura dentale che stiamo fornendo.

Vietnamese: Chúng tôi sẽ thực hiện các bước cần thiết để cung cấp dịch vụ hỗ trợ ngôn ngữ miễn phí cho những người giao tiếp bằng những ngôn ngữ mà chúng tôi có thể nghe thấy tại phòng khám của mình và cho những người không có đủ trình độ tiếng Anh để thảo luận về dịch vụ chăm sóc nha khoa mà chúng tôi đang cung cấp.

German: Wir werden angemessene Schritte unternehmen, um denen eine gebührenfreie Sprachunterstützung zu bieten, die Sprachen sprechen, die wir möglicherweise in unserer Praxis hören, die aber kein Englisch sprechen, das gut genug ist, um mit uns über die Zahnpflege zu sprechen, die wir anbieten.

Tagalog: Gagawin namin ang mga makatwirang hakbang para maibigay namin ng walang bayad ang mga tulong na serbisyo sa wika para sa mga taong nagsasalita ng mga wikang karaniwan naming naririnig sa aming pagsasagawa at sa mga hindi bihasa sa pagsasalita ng Ingles na sasangguni sa amin tungkol sa pangangalaga ng ngipin na ibinibigay namin.

Hindi: हम उन व्यक्तियों को, जो एक ऐसी भाषाएं बोलते हैं जो हम अपने अभ्यास में संभावित रूप में सुनना चाहते हैं और जो हमारे द्वारा प्रदान की जाने वाली डाक्टर देखभाल के बारे में हमारे साथ उचित ढंग से अंग्रेजी नहीं बोलते, मुफ्त सेवाएं प्रदान करने के उचित कदम उठाएंगे।

Urdu: مادقا ناھٹیاں گے ہم نا نوگول وک وچ رامی پی پیدرکش نابز ے تلووب ہی لی نیک رگنایزی ہنیں ے تنجاج روامہ ے س ڈی لٹن کی رے کی لی ے تلووب لی ے تاب ے ترک ہی تقم نابز ناد کی دامدا ے کی لی ے لوقم

Arabic: من أخرى لغات تحدثونني نالذ للأشخاص تكلفة بدون أي اللغو المساعدة خدمات ريتوف أجل من معقولة خطوات باتخاذ تقوم سوف أيبرعا تعلق مايف ناإل التحدث من مكنهمى دىج بشكل عيزى الإنجل تحدث تقنونى لانىوالذ ممارستنا خلال هاىإل نستمتع أن المرجح الأسنان نقدمها الستي

Teluga: మేం అందించే దంత సంరక్షణ గురించి మాతో ఇంగ్లీష్ మాటాల్లోనివారికి ఉచితంగా భాషా సహాయ సేవలను అందించడం కోరకు మేం అనుకుంటాం.

Dutch: We zullen redelijke stappen ondernemen om kosteloze taaldiensten te verstrekken aan personen die talen spreken die we doorgaans in onze praktijk horen en die niet goed genoeg Engels spreken om te kunnen praten over de tandheelkundige zorg die we leveren.



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Discrimination is Against the Law

Steven Alban Family Dentistry complies with applicable Federal civil rights laws and does not discriminate or exclude on the basis of race, color, national origin, age, disability, or sex.

Steven Alban Family provides free aids and services to people with disabilities to communicate effectively with us, such as:

- Qualified sign language interpreters
- Written information in other formats (large print, audio, accessible electronic formats)

Steven Alban Family provides free language services to people whose primary language is not English, such as:

- Qualified interpreters
- Information written in other languages

If you are in need of these services, **contact the office manager.**

If you believe that our practice has failed to provide these services or discriminated in another way on the basis of race, color, national origin, age, disability, or sex.

A grievance can be filed with the U.S. Department of Health and Human Services, Office for Civil Rights, electronically through the Office for Civil Rights Complaint Portal, available at <https://ocrportal.hhs.gov/ocr/portal/lobby.jsf>, or by mail or phone at:

U.S. Department of Health and Human Services
200 Independence Avenue, SW
Room 509F, HHH Building
Washington, D.C. 20201

1-800-368-1019, 800-537-7697 (TDD)

Complaint forms are available at <http://www.hhs.gov/ocr/office/file/index.html>.