



Important Notice

Practice Website Compliance with the Americans with Disabilities Act

February 2017

Dental practices may receive notices alleging their websites are not compliant with the federal Americans with Disabilities Act (ADA). The TDA and the American Dental Association are aware that member practices are being targeted. The following information provides steps you can take to protect your practice and explains the issues.

If I receive one of these notices, or a letter, what am I supposed to do?

There might be two types of notices. One type would be from an official government source and should be considered immediately. Treat these notices as you would any other compliance matter.

The other and more likely type might be a notice from a private source, such as an attorney or individual. Such notice might be a “demand” letter. These letters demand an action be taken or stopped, often seek cash payment, and threaten lawsuits as a consequence for not complying with the demand. In this instance, you have a few options:

- 1) **You can ignore the letter, but you run the risk of being sued.** Just because you are sued does not mean you have actually done anything wrong. Each case is unique and there is the possibility that you’ll prevail. Still, it’s expensive to dismiss or win a lawsuit and recover attorney’s fees.
- 2) **You can pay the demand, but doing so might not protect you from future threats of litigation.** Even if the other party signs a release and waives all claims, other parties might repeat the same act.
- 3) **Seek the counsel of an attorney.** The safest route is to contact your attorney or one referred to you by someone with an established attorney-client relationship. Ask basic questions as part of your decision process:
 - Cost of initial consultation
 - Immediate steps to take to protect your practice
 - Applicable law
 - Potential costs of litigation
 - Likelihood of prevailing in the event of litigation

What guidelines are available for websites?

Dentists should consider meeting the **Web Content Accessibility Guidelines (WCAG) 2.0 A or AA**¹ standards for website accessibility. The links to these guidelines are provided, below.

<https://www.w3.org/TR/WCAG20/#guidelines>

<https://www.w3.org/WAI/WCAG20/quickref/>

¹ **PLEASE NOTE:** These guidelines are highly technical and intended for website designers and managers. It is advisable to provide this information to your web manager or legal counsel when determining the best course of action for your website.

Is a dental practice required to comply?

It is not settled whether or when a dental practice website must comply with ADA accessibility requirements. There are several unresolved issues, such as whether you deliver any services through a public website (e.g., scheduling) or if your practice accepts reimbursement through federal programs such as Medicaid and Medicare. The U.S. Department of Justice is responsible for publishing guidelines regarding website accessibility, but this guidance may not be available until 2018.

What is the purpose of the ADA and website guidelines?

The purpose is to make websites accessible to persons with a wide range of disabilities, including sight and hearing impairments. Basically, the website coding should allow the use of assistive technologies to access and use the website. Such technologies are probably not part of your system; rather, they are unique to the end user and include screen readers, text enlargement software, and computer programs that enable people to control the computer with their voice.

The TDA will continue to work with the American Dental Association to address this issue with a more permanent solution. As with any policy matter involving federal law, this will take time; however, the TDA remains committed to protecting dental practices from unwarranted threats and lawsuit abuse.

- TDA February 2017