

Section 504 Final Rule:

Digital Accessibility
Requirements for Healthcare
and Social Services



In May 2024, the U.S. Department of Health and Human Services (HHS) published a new rule under Section 504 of the Rehabilitation Act of 1973.

Section 504 prohibits discrimination against people with disabilities by organizations that receive funding from the U.S. federal government. The updated regulation outlines many protections for people with disabilities in healthcare settings, including specifying digital accessibility requirements for federally funded healthcare and social services organizations.

Unsure whether this rulemaking affects your organization and what's required for compliance? This fact sheet will equip you with the clarity you need to understand your obligations under the new rule.

What types of organizations are impacted?

HHS's revisions to Section 504 apply directly to all healthcare and human services organizations that benefit from U.S. federal government funding, such as:



Hospitals



Healthcare providers participating in Medicare, Medicaid, and the Children's Health Insurance Program (CHIP)



Social service agencies associated with state and local governments



Assisted living facilities

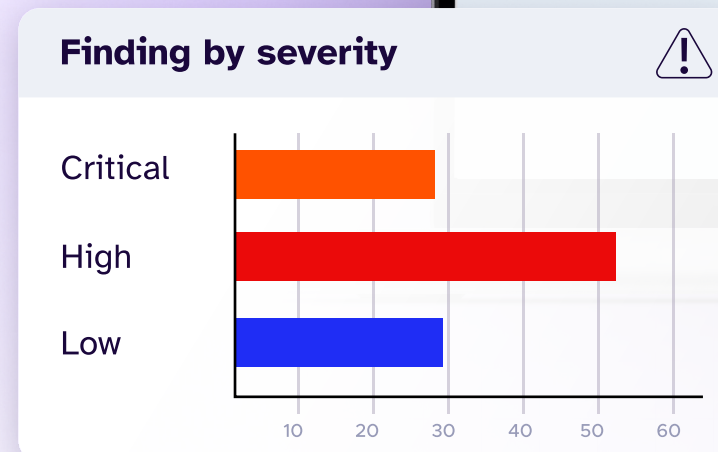
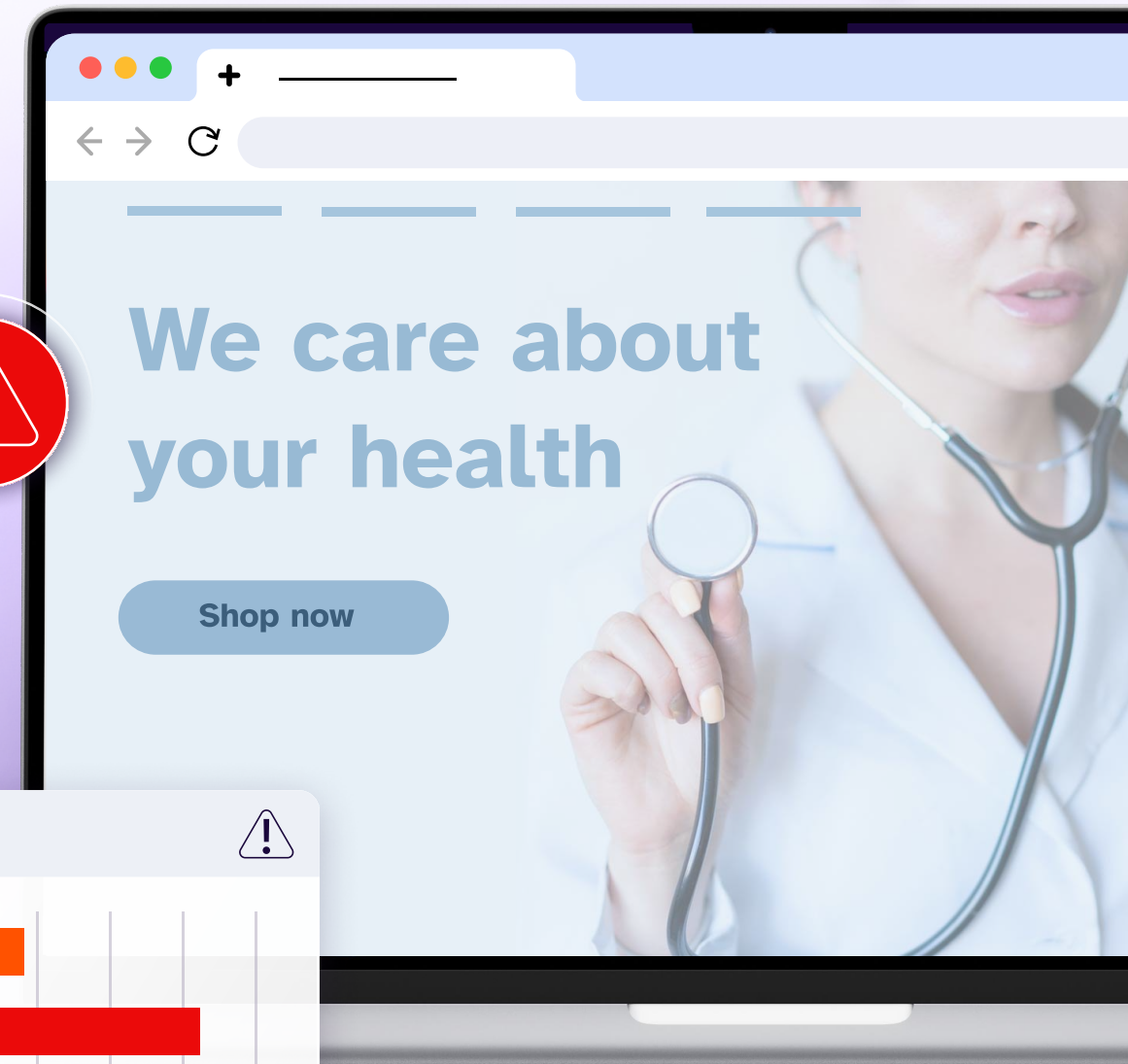
This rulemaking also indirectly impacts third-party vendors that sell digital products to federally funded healthcare and human services organizations: for example, technology companies that provide appointment scheduling or document management software that is used by the public in hospitals.

Because procuring inaccessible technology may jeopardize buyers' compliance, vendors must meet the rule's digital accessibility requirements or risk losing business to more inclusive competitors.

What are the requirements for compliance?

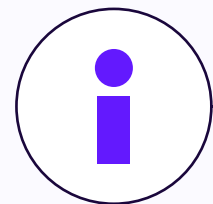
The new rule mandates that a wide range of web, mobile, and other digital experiences associated with healthcare and human services programs are accessible to people with disabilities. More specifically, digital experiences must conform with the **Web Content Accessibility Guidelines (WCAG)** version 2.1 level A and AA criteria.

Notably, this requirement aligns with recent rulemaking from the U.S. Department of Justice (DOJ) under Title II of the Americans with Disabilities Act (ADA): the DOJ's rule establishes WCAG 2.1 A and AA as the Title II compliance standard for web and mobile content associated with state and local government programs and activities.



Digital experiences covered by the HHS's revisions to Section 504 include:

- Patient portals delivering lab results and health records
- Electronic Health Records (EHR) systems, including user interfaces and documents
- Documents used to apply for, gain access to, or participate in programs
- Online forms for registration, appointment scheduling, and other transactions
- Kiosks providing services and information (although technical requirements are not specified)
- Email communication, including attachments
- Patient communication platforms, such as chat and messaging services
- Online payment systems
- Digital brochures, guides, and other educational materials
- Telehealth systems
- New social media posts
- Internal systems used by employees, like human resources portals



Importantly, these experiences must be accessible regardless of whether they are created by a federally funded healthcare or human services organization or procured from a third-party vendor.

What is the deadline?

Organizations with 15 or more employees must meet the rule's accessibility requirements by May of 2026. Organizations with fewer than 15 employees have an additional year to achieve compliance, with a deadline of May 2027.

If that feels like plenty of time, consider the size and complexity of your organization's digital portfolio. Bringing your digital experiences into conformance with accessibility standards won't happen overnight — so, to ensure you meet the compliance deadline, it's wise to get started sooner rather than later.



Are there any exceptions to the rule?

The rule provides a limited number of exceptions for specific types of digital content, such as:

- Archived content
- Pre-existing documents, unless these documents are currently used in programs
- Password-protected documents about a specific individual, their account, or their property
- Pre-existing social media posts
- Content posted by a third party that did not contract, license, or enter into an agreement with a covered organization to post this content

If technical or legal limitations prevent an organization from bringing a particular digital experience into conformance with WCAG 2.1 A and AA, the law allows organizations to provide an accessible conforming alternative version of that experience. The HHS's rule also permits non-conformance when an available alternative experience offers equal, or greater, accessibility. Both allowances mirror those made by the DOJ's new rule under ADA Title II.

Finally, organizations may seek exceptions to the HHS's rule if compliance would result in a fundamental alteration of their program or activity or create an undue financial or administrative burden. In these circumstances, organizations must thoroughly document their reasoning and strive to provide accessible experiences to the maximum extent possible.

How will the rule be enforced?

The new Section 504 regulations will be primarily enforced by the HHS's Office for Civil Rights (OCR), which will conduct compliance reviews and may require organizations to report on their progress toward compliance. Individuals who believe their rights under Section 504 have been violated may file complaints with the OCR, or, alternatively, file a lawsuit in federal court.

What are the consequences of non-compliance?

Organizations that fail to comply with Section 504's digital accessibility requirements may be subject to an investigation by the OCR. Depending on the investigation's findings, organizations may be required to take corrective measures to achieve compliance and face sanctions and penalties, including the loss of federal funding.



Streamline Section 504 compliance with a trusted partner.

Achieving and maintaining compliance with the new Section 504 regulations may take time, particularly if your organization manages a large digital portfolio. But with the right tools and support in place, you can stay on track to meet the law's requirements ahead of the deadline.

With over 25 years of experience, Level Access has empowered thousands of organizations across sectors and industries, including many healthcare providers and government agencies, to bring their digital experiences into compliance with accessibility laws and regulations. Our experts will work alongside your team to ensure your entire portfolio — from intranet systems to digital documents — is accessible for every user. And we'll equip you with the technology and processes you need to keep them that way.





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