



Website Accessibility Lawsuits are on the Rise

In order to avoid litigation, providers should review their websites for compliance

Over the last six months, many health care providers in New York have been sued in the United States District Court, Southern District of New York, for alleged violations of the Americans with Disabilities Act concerning their websites.

Specifically, the lawsuits are brought by New York residents who are blind or have other disabilities, and allege that they went on the provider's public-facing website and had difficulty fully accessing or navigating the website because it is not optimized to be accessible to persons with disabilities. The most typical problem that the lawsuits raise is that the website is not optimized to interface with screen reading technology, which persons who are blind use to access information on websites.

The lawsuits are brought as potential class actions. The individual plaintiff typically seeks to certify a class of all persons with disabilities who have had difficulties fully accessing the provider's website. The lawsuit seeks an injunction to compel the provider to make the changes needed to put the website into compliance, an order requiring the practice to undergo monitoring and training to ensure compliance, compensatory damages, and attorney's fees.

Why you need to act now?

Providers who are sued in these lawsuits potentially face significant liability. And, problematically, the claims are usually not covered by insurance. So, it is imperative that providers take steps before they are sued to learn whether their websites are fully accessible to persons with disabilities, make whatever changes are required, and regularly monitor their websites in the future.

The first step that providers should take is to engage either their IT staff, or outside IT consultants, to perform a disability accessibility audit on their website. There are a number of commercially available software programs that IT staff can use to perform this audit

After this audit is performed, providers should make the required changes in their website to come into full compliance with the WCAG 2.0 AA standard as quickly as they can.

Once the changes are made, a regular, periodic – for example, monthly – audit of the website should be performed to ensure that the website remain in compliance. This is very important, because as new content is added to a website, it can quickly get out of compliance.

For more information about the legislation, please contact:



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