

DATE: March 25, 2008

TO: All Employees, Contractors, and Business Partners

FROM: Kerry Weems /s/
Acting Administrator

SUBJECT: Electronic and Information Technology (EIT) Accessibility Policy Statement

The Centers for Medicare & Medicaid Services (CMS) is committed to making its websites and all of its electronic and information technology (EIT) accessible to the widest possible audience, including individuals with disabilities. In keeping with its mission, CMS has a legal obligation to comply with Section 508 of the Rehabilitation Act of 1973 (29 U.S.C. § 794 (d)), as amended by the Workforce Investment Act of 1998 (P.L. 105-220), August 7, 1998, and to implement the Department of Health & Human Services' *HHS Policy for Section 508 Electronic and Information Technology (EIT)* issued January 2005.

Background:

In 1986, Congress added Section 508 to the Rehabilitation Act of 1973. Section 508 established non-binding guidelines for EIT accessibility. On August 7, 1998, the President signed into law the Workforce Investment Act of 1998, which included amendments to the Rehabilitation Act. These amendments significantly expanded and strengthened the EIT accessibility requirements in Section 508 and made them binding on Federal agencies.

Section 508, as amended, requires that when Federal agencies procure, develop, maintain, or use EIT, they ensure that Federal employees and members of the public with disabilities have access to and use of information and data that is comparable to the access to and use of the information and data that is available to individuals without disabilities. Accessible technology improves an individual's ability to obtain and use information quickly and easily. Section 508 was enacted to eliminate barriers in EIT, to make available new opportunities for people with disabilities, and to encourage development of technologies that will help achieve these goals.

In January 2005, the Secretary of HHS issued the *HHS Policy for Section 508 Electronic and Information Technology (EIT)*, which established guidance for implementing Section 508 throughout the Department of Health and Human Services. In June 2006, CMS issued its own Agency policy for ensuring Section 508 compliance, which is to be implemented by all CMS employees, contractors, and partners performing CMS business. CMS is continuing to update and refine its policy, as well as establishing new responsibilities, procedures and mechanisms for ensuring Section 508 compliance for all of the Agency's EIT products and services procured, developed, maintained or used by CMS. This includes, but is not limited to, all content,

documents, applications, and files authored, owned, developed, maintained, and published on CMS' public-facing websites and the CMS intranet or distributed via broadcast emails.

EIT Accessibility Policy:

It is the policy of CMS to implement and maintain an EIT accessibility program that provides (1) disabled and non-disabled employees with equivalent access to EIT, and (2) disabled and non-disabled members of the public with equivalent access to and use of CMS information and services.

All EIT systems or products that provide direct services to the public or to Federal employees shall be accessible to people with disabilities, unless a formal request for an exemption from an established Section 508 standard is granted as an approved exception in accordance with established CMS procedures.

Responsibilities:

The CMS Chief Information Officer is the senior-level manager within CMS who serves as the designated CMS Section 508 Official responsible for leading the CMS Section 508 Program. The CMS Section 508 Official is responsible for facilitating CMS' implementation and adherence to Federal, HHS, and CMS Section 508 standards, regulations, policies, plans, processes, and procedures.

Every CMS employee has a responsibility to ensure compliance with the mandates of Section 508 to make the Agency's information accessible through EIT to individuals with disabilities. This means that CMS employees must take actions to ensure that all EIT and all new or revised information made available on CMS' public-facing websites, the CMS intranet, or via broadcast emails meet all applicable technical provisions from the Section 508 accessibility standards, unless an exception is granted by the Section 508 Official.

CMS employees must complete appropriate Section 508 training that is commensurate with their job responsibilities as available and required. CMS employees, contractors, and partners performing CMS business must also adhere to Federal, HHS, and CMS Section 508 standards, regulations, policies, plans, processes, and procedures for all relevant work activities. This policy does not apply to a CMS contractor's own internal workplace EIT, but does apply to any final EIT product produced by the contractor for CMS.

For questions regarding this policy and the CMS Section 508 Program, please contact the CMS Section 508 Official in the Office of Information Services, at 410-786-1800. For a complete definition of EIT and details regarding the Section 508 standards, regulations, policies, plans, processes, and procedures, please visit the CMS Section 508 – EIT Accessibility webpage located at http://www.cms.hhs.gov/InfoTechGenInfo/03_Section508.asp#TopOfPage.