

PUBLICATION

Digital Accessibility Rule for: Websites, Kiosks and Apps – May 2026 Deadline Near

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Nearly two years ago, the U.S. Department of Health and Human Services (HHS) finalized a rule requiring recipients of HHS federal financial assistance to make their websites, mobile applications, and any programs delivered through kiosks accessible to individuals with disabilities. Recipients with 15 or more employees must comply in less than two months – by May 11, 2026, while those with fewer than 15 employees have until May 10, 2027. Recipients include a variety of entities, including any health care provider accepting Medicare or Medicaid.

HHS's new standards aim to address barriers faced by individuals with disabilities in accessing digital services. Common issues include visual information that cannot be interpreted by screen readers (e.g., improperly formatted PDFs) and videos lacking captions for those who are deaf or hard of hearing. Remediation activities are arduous, so if work has not begun at your organization, we strongly advise expeditious action in identifying and remediating issues. Class-action cases built on Americans with Disabilities Act (ADA) accessibility claims are already flooding courthouses, and we expect additional enforcement activity and litigation as the compliance deadlines take effect.

Key Provisions

- **Scope and Applicability:** The requirements apply to web content, mobile apps, and kiosks that recipients provide or make available, including through contractual, licensing, or other arrangements. Covered entities include recipients of HHS federal financial assistance, including health care providers, health plans, child welfare, educational providers, and social services.
- **Technical Requirements:**
 - The rule is built on the [Web Content Accessibility Guidelines \(WCAG\)](#), a set of technical criteria for making digital content accessible.
 - Covered web content and mobile apps must meet WCAG 2.1 Level AA criteria and conformance requirements on the applicable compliance dates.
 - The rule separately allows "equivalent facilitation," meaning you may use different designs, methods, or techniques if they deliver substantially equivalent or greater accessibility and usability.
- **Compliance Deadlines:** Large recipients (15 or more employees) must comply by May 11, 2026, and small recipients (fewer than 15 employees) by May 10, 2027.
- **Exceptions:** Five categories of content are exempt from WCAG 2.1 Level AA compliance:
 1. Archived web content created before the compliance deadline and not updated thereafter.
 2. Preexisting conventional electronic documents (e.g., PDFs, Word files) not currently used to apply for, gain access to, or participate in the recipient's programs or activities.

3. Content posted by third parties not acting for the recipient (e.g., public comments on social media). This exception does not apply when posting occurs due to contractual, licensing, or other arrangements with the recipient.
4. Individualized, password-protected conventional electronic documents about a specific individual. Recipients must still ensure the individual can access the information upon request.
5. Pre-existing social media posts made public before the applicable compliance deadline.

- **Minimal Impact Standard:** Noncompliance with WCAG 2.1 Level AA may be excused if the impact on access is minimal and does not affect the ability of individuals with disabilities to use the content with substantially equivalent timeliness, privacy, independence, and ease of use.
- **Kiosk Accessibility:** Kiosks are self-service machines, typically with a screen and a keyboard or touch interface, that people use on their own to check in, provide information, make payments, take vital signs, or complete similar tasks in health and human service settings. Under the rule, recipients must ensure that programs delivered through kiosks are accessible. If a kiosk's features are inaccessible, recipients must provide an alternative, accessible method of accessing the same service (with equal levels of confidentiality and convenience), such as direct assistance from personnel at a service desk.
- **Undue Burden/Fundamental Alteration Process:** If full compliance would fundamentally alter a program or impose undue financial and administrative burdens, the recipient must comply to the extent possible.
 - In this case, the organization's leader (or designee) must make the determination, put the reasons in writing, and, if full compliance isn't possible, take other steps so people with disabilities still receive the benefits or services to the maximum extent possible.

Implications for Organizations

Recipients subject to these requirements should begin assessing their digital platforms and kiosks for compliance with the rule's accessibility standards. They should also review the specific exceptions and ensure that alternative measures are in place to provide access where exemptions apply. To facilitate this process, organizations should consider the following action items:

- **Map what's in scope.** Identify all web content, mobile apps, and any vendor-hosted tools you "provide or make available," including through contractual, licensing, or other arrangements.
- **Identify noncompliance.** After determining what is in scope, survey the organization's compliance with WCAG 2.1 Level AA.
- **Plan to the deadlines.** Build a remediation roadmap to reach applicable standards by May 11, 2026 (15 or more employees) or May 10, 2027 (fewer than 15 employees).
- **Lock in vendor accountability.** Update or negotiate contracts so third-party tools and content meet WCAG 2.1 Level AA.
- **Establish an exceptions-and-requests process.** When an exception applies, ensure you can still provide effective communication or reasonable modifications on request (e.g., accessible copies of individualized documents or captions for an archived video).

- **Leverage equivalent facilitation when appropriate.** Alternative designs or methods are permissible if they deliver substantially equivalent or greater accessibility and usability.
- **Document hardship decisions.** If claiming undue burden or fundamental alteration, issue a written determination and provide alternate access to the maximum extent possible.
- **Document minimal impact.** If there's a WCAG shortfall, assess and document whether the gap truly has only a minimal impact on access across timeliness, privacy, independence, and ease of use.
- **Address kiosks.** If kiosk features are determined to be "inaccessible," ensure an accessible route to the same services (e.g., direct access to personnel) and avoid excluding qualified individuals from kiosk-based programs.

For more information or for questions on this article, please contact [Alisa L. Chestler](#), [Noah Lipshie](#), or any member of Baker Donelson's [Health Law](#) Group.