



Chief Information Officer Office of Information Technology

**Centers for Medicare & Medicaid Services**

**Section 508 Policy and Procedures**

**03/13/25**

**V1.0**

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## Record of Changes

Version	Date	Author/Owner	Description of Change
1.0	03/13/25	OIT	Policy Issued

### Nature of Changes

This CMS Policy for Section 508 Compliance and Digital Accessibility of Information and Communication Technology (ICT) (hereafter referred to as *Policy*) is a new issuance and supersedes the CMS Policy for Section 508 Compliance and Accessibility of ICT issued in July 2020. This document reflects updates to policy, roles and responsibilities, procedures, standards, and guidance. Most notably, the reference to Section 508 has been revised to align with General Services Administration (GSA) guidance to use on digital accessibility. In addition, this *Policy* implements mandatory Section 508 training for all CMS federal and contract employees.

### Purpose

The purpose of this *Policy* is to implement uniformity and conformity of accessibility compliance across CMS and is based on, HHS Policy, Executive Memorandum OMB-24-08 and existing CMS Section 508 Policy, Title 29, United States Code (USC), also referred to as Section 508 of the Rehabilitation Act of 1973, as amended; Part 1194 of Title 36, Code of Federal Regulations (CFR); Subpart 39.2 of the Federal Acquisition Regulation (FAR); and Section 508 standards set by the United States Access Board. See also Section 504 of the Rehabilitation Act of 1973, as amended.

All CMS staff and vendors (i.e., but not limited to, content creators, grantees, employees, and contractors under FAR regulation) conducting business for, and on behalf of, the Agency must ensure all ICT conforms to CMS digital accessibility acceptance standards, and all relevant CMS requirements.

### Background

Section 504 and Section 508 of the Rehabilitation Act of 1973, (sections 29 U.S.C. 794 and 794d), prohibit discrimination on the basis of disability in Federally funded and Federally conducted activities (Section 504), and require that individuals with disabilities have comparable access to and use of the ICT developed, procured, maintained, or used by Federal agencies (Section 508). This means that Federal employees with disabilities and members of the public with disabilities are entitled to access to government information and data through ICT, that is comparable to the access enjoyed by people without disabilities.

This *Policy* specifies CMS roles and responsibilities, procedures, and standards required to ensure CMS is a government leader in digital accessibility.

## Scope

This *Policy* applies to all Agency ICT developed, procured, funded (see Glossary for definition), maintained, or used by CMS on or after June 21, 2001, and requires adherence to the original Section 508 standards. Furthermore, any ICT developed, procured, funded, maintained, or used on or after January 18, 2018, must adhere to the Revised Section 508 Standards (see Appendix B of this *Policy*). This *Policy* applies to all CMS internal content and communications and external content that is available publicly.

This *Policy* sets base requirements that all CMS Components must adhere to upon implementation and approval. They cannot adopt one that is less restrictive, less comprehensive, or less compliant, as deemed by the CMS Digital Accessibility Program Director.

Adherence to this *Policy* is based on measurement of applicable ICT to the CMS digital accessibility standards. When ICT does not or cannot fully meet the CMS digital accessibility standards, then an analysis must be made to determine the impact of the non-conforming standards on the user community. The impact is used to determine the risk, potential for litigation, and/or complaints to the Agency for non-conformance to Section 508 standards as defined by the law.

A federal employee must determine risk-based decisions, although a contractor may provide guidance and advice to the federal employee to inform the decision. Federal digital accessibility staff can delegate actions, but not authorities, to a contractor, and accountability of conformance remains with the Agency. Both the individual delegating and the individual accepting responsibility must agree upon all delegations. Risk-based decisions are all decisions that could impact a person with disabilities' access to government information and data through ICT, that is comparable to the access enjoyed by people without disabilities.

This *Policy* does not supersede any applicable law or policy other than specified in below.

## Authorities

Authorities include:

- Communications Act of 1934, 47 USC § 255 (1996)
- Federal Acquisition Regulation (FAR), Subpart 39.2, Information Communication and Technology, 48 CFR Section 39.2.
- Federal Information Technology Acquisition Reform Act (FITARA), Public Law 113-291, Division A, Title VIII, Subtitle D, 128 Stat. 3292, 3438-50 (2014)
- CMS Acquisition Regulation (CMSAR), Subpart 339.2, Electronic and Information Technology, 48 CFR Section 339.2

- Information and Communication Technology Accessibility Standards and Guidelines, 36 CFR. § 1193 -1194 (2018)
- OMB Memorandum, Improving the Accessibility of Government Information (2010)
- Experience
- OMB Memorandum M-13-13, Open Data Policy-Managing Information as an Asset (2013)
- OMB Strategic Plan for Improving Management of Section 508 of the Rehabilitation Act (2013)
- OMB Memorandum M-16-20, Category Management Policy 16-3: Improving the Acquisition and Management of Common Information Technology: Mobile Devices and Services (2016)
- OMB Memorandum M-23-22, Delivering a Digital-First Public
- Office of Management and Budget (OMB) Memorandum M-17-06, Policies for Federal Agency Public Websites and Digital Services (2017)
- OMB Memorandum M-24-08, Strengthening Digital Accessibility and the Management of Section 508 of the Rehabilitation Act (2023)
- Rehabilitation Act of 1973, 29 U.S.C. § 701 et seq., as amended, Sections 504 and 508, 29 U.S.C. §§ 794, 794(d), as amended.
- Workforce Innovation and Opportunities Act, Public Law 113-128 (2016)

## Policy

All ICT developed, procured, funded, maintained, and used by CMS must be accessible to individuals with disabilities in accordance with Section 504 and Section 508 of the Rehabilitation Act of 1973. Misrepresentation of ICT accessibility or failure to provide ICT products, platforms, or services that meet the specified level of conformance puts the agency at risk of legal action and denies access to those who require comparable accessibility.

CMS personnel with disabilities and members of the public with disabilities seeking information or services from CMS must have the same (or comparable) access to and use of information and data as individuals who do not have disabilities, unless an exception is granted, as detailed in Appendix A of this *Policy*.

Across all organizational levels, conformance standards encompass the Revised Section 508 provisions, including Web Content Accessibility Guidelines (WCAG) 2.1 level A and AA, and may incorporate best practices and higher standards as determined by the CMS Digital Accessibility Executive Steering Committee (AESC) who is responsible for ensuring compliance with the law. CMS will conduct accessibility validation on all ICT developed or procured for CMS usage and will utilize WCAG 2.1 level A and AA standards.

**CMS is providing additional enhanced standards to ensure accessibility for our Agency.**

Business and System Owners are accountable for ensuring all system(s) and ICT associated with the system(s) is fully conformant with CMS digital accessibility standards. Authors of ICT (i.e., documents, eLearning, and content developers) are accountable for ensuring full conformance with CMS digital accessibility standards.

Program Managers are accountable for ensuring all procurements (i.e., platforms, software, hardware, etc.) measure accessibility during market research and alternatives analysis and the most accessible product that meets the business need is selected. The Program Managers must provide evidence of how the CMS digital accessibility standards were measured. If the procurement is a sole source, the Program Manager must include how the CMS digital accessibility standards were used to measure alternatives and provide evidence the most accessible solution that meets the business need was selected. If ownership of ICT belongs to CMS, the Content Owner of that ICT is accountable for ensuring full conformance with CMS digital accessibility standards. Business Owner(s), author(s), Program Manager(s), and Content Owner(s) must consult with their respective CMS Digital Accessibility Program OR Section 508 Program Manager to confirm conformance prior to release, publication, or implementation. If content is determined to be non-conformant, the Business Owner(s), author(s), Program Manager(s), and Content Owner(s) must perform all necessary remediations until the ICT is authorized as conformant as determined by an approved Section 508 program testing team.

Note: All CMS employees and contractors must be aware of the CMS digital accessibility requirements and have adequate training to ensure their ICT is conformant to CMS digital accessibility standards.

CMS will annually inform all agency personnel of their digital accessibility responsibilities in law, regulation, and policy, and provide training specific to the practices and policies of the organization.

Digital Accessibility language must be included in all CMS contracts involving ICT. This includes all items considered as deliverables (reports, electronic invoices, user guides, ETC.)

## Reference Documents

**CMS has supporting policy and procedure documents which are also applicable. This includes the CMS Section 508 Exceptions Policy, the CMS Section 508 Severity and Testing Procedure, the CMS Section 508 Document Remediation Procedure, the CMS Section 508 Complaints Procedure, and the CMS Section 508 System Governance Policy.**

Document Title
Policy: CMS Section 508 Exceptions (DRAFT)
Procedure: CMS Section 508 Severity and Testing
Procedure: CMS Section 508 Document Remediation
Procedure: CMS Section 508 Complaints (DRAFT)
Policy: CMS Section 508 System Governance

## Digital Accessibility Training for Federal Employees

Digital Accessibility training must be provided to all employees:

- At New Employee Orientation
- Annually by December 31st of each calendar year

Incoming Senior Officials entering federal service should also receive training on specific digital accessibility requirements and the importance of ensuring conformance under their immediate control.

## Digital Accessibility Training for Contractors

All contractors who develop or maintain ICT for the government and/or develops or conducts training for CMS employees must complete the CMS Digital Accessibility training within 30 business days before performing any work under their contract. Thereafter the following year, contractors must complete annual CMS digital accessibility training by December 31st of each calendar year throughout the life of the contract. The contractor must also ensure subcontractor compliance with this training requirement. Digital Accessibility Training requirements for Contractors and Subcontractors must be included in all CMS contracts.

## Roles and Responsibilities

The roles and responsibilities for CMS Accessibility are noted below and attachments regarding procedures have been included for all who have a responsibility in ensuring CMS accessibility at CMS and the Departmental level. Stakeholders include but are not limited to HHS, Chief Information Officer (CIO), Contractors & Staff. This is due to the integration activities that are related to system implementation and upgrades, Departmental required training and reporting and budget formulation and execution.

### CMS CIO

The CMS CIO is the delegated CMS leader accountable for ensuring all CMS ICT is conformant with CMS digital accessibility standards under both the Rehabilitation Act of 1973 and FITARA, which enhances the CIO's authority via transparency and risk-based assessment. The CMS CIO is responsible for the following:

- a. Ensure adequate funding and resources for a CMS-level digital accessibility program
- b. Designate the CMS Digital Accessibility Program Manager and communicate selection to the HHS Digital Accessibility Program Director; when a CMS Digital Accessibility Program Manager position becomes vacant, or the CMS CIO cannot fill the position, written notice must be provided to the HHS Digital Accessibility Program Director with a contingency plan on how the listed responsibilities will be maintained and executed
- c. Facilitate digital accessibility risks, issues, concerns, or updates to the appropriate CMS leadership organization
- d. Leverage CIO authorities to ensure digital accessibility is incorporated into all functions, including but not limited to acquisition, policy, Enterprise Performance Life Cycle (EPLC), budget, cybersecurity, communications, FITARA, operations, and CIO performance plans
- e. Accept risk of non-conformance for ICT implemented or published without conformance validation
- f. Inform the CMS Accessibility Executive Steering Committee of potential risks of system, training, and other ICT related issues
- g. Review recommendations for exception applications from Section 508 Program Manager
- h. Review recommendations for exception applications from AESC
- i. Provide final approval or rejection of the exception application as CMS Section 508 Agency Official
- j. Recommend usage or non-usage of ICT deemed as non-compliant and provides risk associated with each determination
- k. Review and approve recommendations by CMS Digital Accessibility Program Director for approved Section 508 testing vendors

### CMS Accessibility Executive Steering Committee (AESC)

The CMS Accessibility Executive Steering Committee consists of Senior Executive Service (SES) Directors/Deputy Directors and chaired by the Deputy Chief Operating Officer (DCOO). The CMS AESC performs the following:

- a. Provides governance and direction on CMS-wide standards, policies, guidelines, and criteria for digital accessibility related activities
- b. Establishes the minimum CMS requirements for ICT to be validated as conformant
- c. Collaborate on best practices and lessons learned from digital accessibility reviews and testing of ICT
- d. Collaborates on CMS Digital Accessibility Program Manager training
- e. Resolves disparities and issues between CMS components regarding Section 508 and digital accessibility policy interpretations
- f. Serves as a liaison between Senior Leadership Councils and the other Agency officials

- g. Serves as a liaison between stakeholder community groups by addressing the needs of current and potential users with disabilities by conducting research and incorporating applicable Section 508 standards in initial design, prototyping, and pilot efforts
- h. Provides coordination between Chief Acquisition Officer, Chief Human Capital Officer, Equal Employment Opportunity Officer, General Counsel, and other relevant agency officials, digital services teams, and program staff to ensure implementation of Section 508 to better support agency-wide accessibility efforts
- i. Maintains the authority to determine usage or non-usage of ICT determined as non-conformant based on CIO's recommendation
- j. Review, provide update recommendations, and uphold this policy

### CMS Digital Accessibility Program Director

The authority appointed by the CMS CIO to direct enterprise digital accessibility initiatives, with the following responsibilities:

- a. Implement agency-wide policies, resources, training, and general guidance
- b. Establish a governance and reporting mechanism to ensure conformance with this policy
- c. Prepare and submit all Agency digital accessibility audits, data collections, and metrics to leadership as appropriate.
- d. Facilitate the CMS Digital AESC in conjunction with the Accessibility Team
- e. Escalate digital accessibility concerns, issues, and risks to the CMS CIO
- f. Brief enterprise governance boards and councils regarding digital accessibility issues, concerns, risks, and enterprise service offerings
- g. Represent the Agency in all federal and interagency activities related to digital accessibility.
- h. Serve as the critical partner (see Glossary for definition) in all Agency-wide enterprise activities including but not limited to acquisition reviews, budget requests, policy development, authority to operate (ATO) authorizations, enterprise IT programs and projects, and enterprise risk assessments
- i. Review and recommend enterprise content for conformance with CMS digital accessibility standards
- j. Conduct enterprise acquisitions review, approval, and consultation
- k. Manage all enterprise digital accessibility program activities such as acquisitions, budget formulation and execution, services, and tool administration
- l. Review and verify CMS digital accessibility policies are not less restrictive than the HHS digital accessibility policy
- m. Complete the CMS Digital Accessibility Program Manager training
- n. Review and adjudicate Section 508 exception requests for enterprise activities, while maintaining the ability to assign this task within the CMS Section 508 Program as necessary

- o. Oversee and manage the resolution of Office of Hearings and Inquiries directed enterprise-relevant accessibility issues and concerns as appropriate to Section 508 ICT directives
- p. Approve digital accessibility contract language and conformant products/platforms for enterprise acquisitions and procurements
- q. Routinely monitor the Section 508 website of the U.S. Access Board and the GSA for updated guidance, training opportunities, and best practices
- r. Provide recommendations to CMS CIO and AESC on ICT that is non-conformant or needs to be granted an exception
- s. Assist with triage and resolution of Section 508 ICT issues with OHI's Accessibility team
- t. Continuously monitor accessibility of ICT solutions after deployment as part of ongoing maintenance and should validate any updates to ICT solutions to ensure they will not negatively impact accessibility
- u. Review and approve recommendations by CMS Section 508 Accessibility Program Manager for approved Section 508 testing vendors and submit recommendations to the CIO

### CMS Section 508 Accessibility Program Manager

The authority appointed by the CMS CIO and AESC to direct CMS digital accessibility initiatives.

- a. Serve as the CMS Digital Accessibility Program Director for a period in which the position is vacant or during a temporary leave of absence
- b. Serve as the CMS representative to governing boards that include digital accessibility
- c. Serve as the CMS critical partner for CMS owned or managed activities including but not limited to acquisition reviews, budget requests, policy development, ATO authorizations, IT programs and projects, and risk assessments
- d. Brief CMS and OS governance boards and councils regarding digital accessibility issues, concerns, risks, and service offerings
- e. Implement, coordinate with the CMS Accessibility Program to provide services and tools to CMS staff
- f. Implement and disseminate CMS-level standards, policies, and guidance
- g. Conduct CMS acquisitions review, approval, and consultation pursuant to CMSAR Subpart 311.70
- h. Establish a governance mechanism to ensure conformance with this policy and any CMS level policy
- i. Authorize and recommend CMS content on behalf of the Accessibility Executive Steering Committee and CIO as conformant with CMS digital accessibility standards
- j. Prepare and submit all OS digital accessibility audits, data collections, and metrics

- k. Escalate digital accessibility concerns, issues, and risks to the CMS Digital Accessibility Program Director, CIO, AIPT, and AESC
- l. Complete the mandatory CMS Digital Accessibility Program Manager training
- m. Manage all OS digital accessibility program management activities such as acquisitions, budget formulation and execution, services, and tool administration
- n. Oversee digital accessibility initiatives within the CMS, delegating tasks to Center Section 508 Clearance Officers or equivalent roles as needed. Maintain overall responsibility for CMS digital accessibility compliance, while supporting localized management of Section 508 compliance efforts
- o. Review and adjudicate Section 508 exception requests and submitting such request to the CIO and AESC for approval
- p. Oversee, manage and coordinate the resolution of CMS-relevant accessibility issues and concerns with the CMS Accessibility Triage Team
- q. Approve and/or recommend digital accessibility contract language and most conformant products/platforms for OS acquisitions and procurements
- r. Routinely monitor the Section 508 website of the U.S. Access Board and the GSA for updated guidance, training opportunities, and best practices
- s. Develop, implement, and maintain Section 508 policy training
- t. Assist in proactively securing validation of training course materials prior to launch in the LMS platform or CMS audience
- u. Implement and manage the CMS Digital Accessibility Program to provide services and tools to CMS components
- v. Support CMS Section 508 Clearance Officers in reviewing completed Voluntary Product Accessibility Templates (VPAT)s; and Approving final ACR submissions to allow the system to proceed with testing
- w. Ensure that Clearance Officers receive appropriate training
- x. Provide technical assistance to stakeholders as needed on Section 508 related matters
- y. Review requests for new approved Section 508 testing vendors and submit recommendation to the CMS Section 508 Accessibility Program Manager

### CMS Acquisition Officials (CO, CS, COR)

Ensure that all ICT acquisitions comply with Section 508 standards.

- a) Actively participate in the acquisition planning and coordination process to identify and address Section 508 requirements
- b) Provide and analyze completed VPATs (considered an ACR) and CMS approved checklist submissions for acquisition and procurement activities. Obtain complete and accurate ACRs for ICT being developed, procured, maintained, or used by the CMS Community and the public

- c) Complete and use the Accessibility Requirements Tool (ART) in the evaluation of procurement
- d) Include appropriate Section 508 contract clauses and provisions in solicitations and contracts
- e) Include mandatory digital accessibility training in all acquisitions and procurements
- f) Coordinate with the CMS Digital Accessibility Program Manager to confirm the accessibility of products and services before acquisition
- g) Maintain awareness of updates and changes to Section 508 standards and requirements
- h) Participate in relevant Section 508 training to stay informed about best practices and guidelines
- i) Provide training to acquisition officials on the Section 508 requirements
- j) Review the Access Board standards and determine which Section 508 Accessibility Standards (36 CFR Part 1194) apply to the specific ICT product or service being procured
- k) Ensure that all applicable technical provisions of the Access Board's standards are included in requirements documents, statements of work, and task orders
- l) Conduct and document market research, in accordance with CMS procedures, to identify what products are available to meet the business requirements and associated technical provisions of the Access Board's standards
- m) Assure the completion of testing by a CMS Section 508 program office approved vendor for any system or product procured into the CMS environment to ensure accessibility prior to launch date
- n) Assure all contract deliverables for any systems, documents, meetings, or training created or procured for the Agency are accessible

### CMS Accessibility Team

- a. Oversee, coordinate and manage the resolution of CMS-relevant accessibility issues and concerns with the CMS Components
- b. Provide technical assistance to stakeholders as needed on accessibility related issues
- c. Provide recommendations to governance bodies as needed to ensure Agency accessibility
- d. Develop, implement, and maintain an Accessibility Training Plan for CMS

### All CMS Staff

To ensure all content, systems, products, or services that are procured, funded, designed, authored, developed, maintained, or used conform to Section 508 standards, all CMS entities or organizations must:

- a. Adhere to federal, Agency-level, and CMS Section 508 standards for all ICT
- b. Complete the CMS Digital Accessibility Training for Federal Employees

- c. Create accessible ICT for any systems, documents, meetings, or training created or procured for the Agency
- d. Ensure accessibility needs are clearly defined in development requirements and contracting documentation
- e. Engage with the CMS Section 508 program team as early as possible in the acquisition, development, or authoring process of any type of ICT
- f. Seek guidance and advice on accessibility principles and standards from a respective CMS Section 508 program team member or component Clearance Officer during any phase of acquisition, authoring, or development
- g. Consult with a respective CMS Section 508 program team to confirm compliance is met for any system, tool, content, product, or service being procured, funded, developed, maintained, or used.
- h. Provide evidence of accessibility conformance when required
- i. Complete training for job specific accessibility roles (e.g. Senior Leadership, Clearance Officer, Acquisition Officials, Section 508, Business and System Owners
- j. Ensure that newly developed or acquired ICT has been tested, and appropriately deemed compliant with Section 508 or that a documented exception for a COTS product has been granted prior to its use in a production environment in accordance with CMS procedures
- k. Assure the completion of testing by a CMS Section 508 program office approved vendor for any system or product procured into the CMS environment to ensure accessibility prior to launch date
- l. Assist in the development and submission of appropriate remediation plans for ICT; and develop and implement appropriate remediation plans for ICT operating in a production environment that is determined to be non-compliant with Section 508
- m. Resubmit applications for retesting after a remediation plan is completed
- n. Support the ICT through the exception process; and document ICT exceptions for compliance with Section 508, as applicable, and forwarding for approval in accordance with CMS procedures
- o. Provide clear documentation of the accessibility features and appropriate uses of their ICT products to maximize accessibility
- p. Ensure electronic content is Section 508 compliant; this includes, but is not limited to, authored, owned, developed, maintained, and/or submitted for publication on CMS' public-facing websites and the CMS intranet, uploaded to SharePoint, or distributed via emails (e.g. broadcast
- q. If an exception has been approved, maintain a copy of the signed exception for the period of usage of the ICT
- r. If ICT is used for a period of one year or more, submit a new exception request for the ICT

## Accessibility Integrated Project Team (AIPT)

CMS has established a cross-component Accessibility Integrated Project Team (AIPT) that collaborates on solving problems, developing training, policy/governance, and coordinating communications to support accessibility needs and knowledge. CMS has also established an Accessibility Executive Steering Committee (ESC) to drive excellence in accessibility at CMS. The ESC includes senior leadership from across the Agency and includes the following components OAGM, OC, OHI, OHC, OIT and OSFLO. The AIPT’s duties include, but are not necessarily limited to, the following:

- a. Work collaboratively to respond to and resolve accessibility issues or concerns in a timely manner arising within the Agency
- b. Employ a central point of contact for all accessibility issues or concerns from CMS employees, ensuring prompt responses, coordinated research, mechanisms to ensure agency legal obligations are satisfied, and accountability to ensure issues are tracked to resolution
- c. Work collaboratively with the Office of Equal Employment and Civil Rights (OEOCR) to address complaints that have been identified to the AIPT.
- d. Develop applications to support tracking issues and concerns
- e. Employ procedures to ensure all CMS trainings are Section 508 tested for compliance and accessibility prior to launch
- f. Facilitate audits to ensure all CMS applications and systems are Section 508 tested for compliance and accessibility
- g. Ensure CMS facilities and amenities are accessible for all CMS employees and members of the public
- h. Educate CMS staff regarding best practices concerning accessibility and compliance for meetings and other engagements, and developing additional training and job aids to strengthen this focus
- i. Create communication plans and media to promote accessibility and compliance at CMS
- j. Embrace design and procurement activities across internal and external workstreams at their inception

Role	Responsibility and Authority
Office of Acquisition and Grants Management (OAGM)	<p>OAGM is responsible for the following activities:</p> <p>Ensuring ICT procurements comply with Federal Acquisition Regulations (FAR) and HHS Acquisition Regulations (HHSAR).</p> <p>Developing, updating, and</p>

Role	Responsibility and Authority
	<p>incorporating applicable Section 508 language in solicitations, contracts, blanket purchase agreements (BPAs), and task orders for all ICT procurements.</p> <p>Maintaining, and ensuring compliance with CMS procedures for conducting market research for all ICT procurements.</p> <p>Ensuring the results from market research, and if applicable, documentation for approved exceptions, are maintained in the contract files for all ICT procurements.</p> <p>Ensuring solicitations issued by CMS and proposal documentation provided are Section 508 compliant.</p> <p>Enforcing contractor compliance with all applicable Section 508 contract provisions.</p>
Office of Communications (OC)	<p>Contributing Editors and Section Editors respectively, enter content into the Web Content Management System (WCMS) and approve the content before it is made public.</p> <p>Because of the nature of CMS’ distributed web management model and WCMS platform, there are several Section 508 compliance activities that are fully delegated to CMS web staff for monitoring and resolution, as described below.</p> <p>CMS Web Staff are responsible for the following activities:</p> <p><b>In coordination with OC:</b></p> <p>Publishing Section 508 compliant content on CMS’ public-facing websites (including but not limited to <a href="http://www.cms.gov">www.cms.gov</a>, <a href="http://www.medicaid.gov">www.medicaid.gov</a>,</p>

Role	Responsibility and Authority
	<p>www.healthcare.gov and www.medicare.gov) and Intranet;</p> <p>Denying non-compliant content published to CMS’ public-facing website and Intranet.</p> <p>Referring the author to the Section 508 Component Clearance Officer; and</p> <p>Reviewing compliance reports distributed by the OC and remediating issues identified in order to meet HHS’ published compliance thresholds.</p> <p><b>Fully delegated:</b></p> <p>Publishing Section 508 compliant content on secure (non-public) CMS public-facing websites, such as the CMS Portal; and Ensuring all files or downloadable documents published by their component to CMS’ public-facing websites, including PDF documents, zip files, and other file types, are reviewed by the Section 508 Component Clearance Officer; and any non-compliant issues identified are remediated before the content is uploaded.</p> <p>Assuring all websites have appropriate accessibility statements providing users with contact information and or methods for which they can submit issues or concerns.</p>
Office of Equal Opportunity and Civil Rights (OEOCR)	<p>OEOCR is responsible for the following activities:</p> <p>Developing, implementing, maintaining procedures for accepting and handling employment-related complaints filed by federal employees and applicants for employment at CMS, alleging a failure to</p>

Role	Responsibility and Authority
	<p>comply with Section 508, which are consistent with the procedures set forth in 29 CFR 1614.</p> <p>Maintaining a system to record and track Section 508 complaints received by CMS.</p> <p>Providing reports and survey data on the number and status of Section 508 complaints received by CMS to the appropriate government and oversight organizations.</p> <p>Ensuring Section 508 employment discrimination complaints are forwarded to the HHS Equal Employment Opportunity Program Group (EEOPG), Office of Human Resources (OHR), Office of the Assistant Secretary for Administration &amp; Management (ASAM), and Office of the Secretary (OS); and,</p> <p>Ensuring non-employment-related complaints from members of the public alleging a failure to comply with Section 508, are forwarded to the HHS Office of Civil Rights (OCR) for investigation.</p>
Office of Human Capital (OHC)	<p>OHC is responsible for the following activities:</p> <p>Advising CMS on human resources policy matters affecting accessibility of ICT for individuals with disabilities within the CMS Community; and</p> <p>Tracking and monitoring CMS compliance with Section 508 requirements as it relates to human resource/employment-related matters.</p>
Office of Information Technology (OIT)	<p>OIT is responsible for the following activities:</p>

Role	Responsibility and Authority
	<p>Reviewing, approving, and tracking licenses for accessibility software provided by the agency</p> <p>Providing Section 508 testing on all ICT (including training materials and COTS products) placed on the CMS IT infrastructure or used to conduct CMS business.</p> <p>Managing the CMS Section 508 Program</p>
<p>Offices of Hearings and Inquiries (OHI)</p>	<p>OHI is responsible for the following activities:</p> <p>Serve as the agency’s focal point for the coordination of documents and publications in an accessible format for external communications across all of CMS’ programs including Medicare, Medicaid, and the Marketplace</p> <p>Lead the CMS Accessibility Integrated Project Team (AIPT) subgroups to ensure accessibility alignment across programs.</p> <p>Transform accessible design into the operational norm, where data, best practices, lessons learned and strategic approaches benefit agency policy making.</p> <p>Resolve issues and concerns as designated by the Accessibility Team</p> <p>Provide communications as appropriate on accessibility matters to business owners.</p>
<p>Office of Security, Facilities and Logistics Operations (OSFLO)</p>	<p>OSFLO is responsible for the following activities:</p> <p>Provide digital mail service within the agency</p>

Role	Responsibility and Authority
	<p>Participate on the AIPT and applicable Accessibility Subgroups to ensure facilities and amenities services are accessible.</p> <p>Resolve issues and concerns as designated by CAT Team)</p> <p>Provide communications as appropriate on accessibility matters to business owners.</p>

## Information and Assistance

The CMS Digital Accessibility Program is responsible for the development and management of this policy. Questions, comments, suggestions, and requests for information about this policy should be directed to [CMS\\_Section508@cms.hhs.gov](mailto:CMS_Section508@cms.hhs.gov)

## Effective Date and Implementation

The effective date of this policy is the date on which the policy is approved. This policy must be reviewed, at a minimum, every three (3) years from the approval date. The CMS CIO has the authority to grant a one (1) year extension of the policy. To archive this policy, approval must be granted, in writing, by the CMS CIO.

## Approval

Signature:

Date of Issuance:

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Patrick Newbold  
Chief Information Officer  
Director, Office of Information Technology

## **Policy Owner's Review Certification**

Signature:

Date of Review:

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Cora Tracy  
Director, IT Capital Planning Group

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## Appendix A: Procedures

*Please note that this appendix is subject to change at any time. The current version of this Policy will always reside in the CMS Policy Library.*

Procedures associated with this Policy include:

1. Conformance verification and validation
2. Application of the CMS digital accessibility conformance standards
3. Complaint Resolution
4. Severity/Impact Procedures
5. Section 508 Exceptions
6. Digital Accessibility Training

### A.1 Conformance Verification and Validation

To ensure all ICT developed, procured, funded, maintained, and used by CMS is accessible to individuals with disabilities in accordance with Section 504 and Section 508 of the Rehabilitation Act of 1973 the CMS Digital Accessibility Program Manager must implement processes and procedures to verify ICT is conformant, at a minimum, to the CMS digital accessibility standards, and validate the process is effective. CMS Digital Accessibility Program Managers **along with the CMS business and system owner must:**

1. Establish and document a process to integrate digital accessibility into ICT governance processes (e.g., milestone reviews, publication/deployment decisions, change control reviews)
2. Indicate how the needs of individuals with disabilities are addressed during assessment of ICT-related business needs or an equivalent acquisition planning process
3. Establish processes or methodologies to ensure that all ICT types and formats are conformant, at a minimum, with CMS digital accessibility standards
4. Continuously measure the effectiveness of the process(es) and adjust to validate the results of the risk of ICT conformance
5. Report program metrics to CMS CIO and other senior leaders as appropriate

The vendor or developer shall complete a Section 508 Voluntary Product Accessibility Template (VPAT). ICT testing must be conducted by a Section 508 program approved testing group prior to release of the ICT into the CMS production environment. This includes, but is not limited to, any new ICT product developed or procured by CMS and existing ICT with major upgrades/releases.

Metrics and measures include those in A.8 Metrics Categories.

All vendors are required to adhere to the Accessibility Supplier Toolkit (in draft form from OIT) with appropriate gates in the product lifecycle. See A.9 Accessibility Supplier Toolkit.

CMS will perform independent verification and validation of VPATs and ACRs, Section 508 testing, and vendor status periodically.

To establish CMS as a Section 508 Center of Excellence above the standards based on HHS policy, CMS will undergo organizational change management to be the best in class. This includes activities such as integrating accessibility as a practice through CMS, and incorporating continuous improvements and innovation, (e.g. one form of which can be using artificial intelligence to analyze Section 508 compliance).

## A.2 Application of the CMS Digital Accessibility Conformance Standards

To ensure CMS personnel with disabilities, or members of the public with disabilities seeking information or services from the Agency have the same (or comparable) access to and use of information and data as CMS personnel or members of the public who do not have disabilities the CMS Digital Accessibility Executive Steering Committee will convene representatives from CMS to review, update, and approve the CMS digital accessibility conformance standards. The standards must include WCAG 2.1 level A and AA, Section 508 specific provisions, and can require best practices and higher conformance standards as determined by the CMS Digital Accessibility Executive Steering Committee.

The approved standards will serve as the baseline for validating ICT accessibility conformance. This meeting and the publication of the final standards are the responsibility of the CMS Digital Accessibility Program Director. Steps to ensure this objective is met are to:

1. Attend collaboration meetings to review the standards
2. Recommend updates to the standards
3. Adjudicate comments and propose the final version(s) of standards to all Accessibility Executive Steering Committee members
4. Vote to implement the standards
5. Publish the standards
6. Implement the approved standards within CMS

Note: these standards serve as a baseline for implementing a consistent level of conformance across CMS. CMS can implement standards that are more restrictive, but not less restrictive based on the needs of our customers.

### *Evaluation and Testing Procedures*

All applications (including Commercial Off the Shelf (COTS) applications) will be evaluated for Section 508 compliance by a Section 508 program approved testing group before release into the CMS environment. Applications will undergo initial evaluation at time of request and will undergo review every 2 years from date of provided initial test results or when a change to the user interface (UI) occurs.

All new systems and applications identified with User Interface (UI) must have a consult with the Section 508 Program Management office.

All systems and applications must adhere to the CMS Section 508 Severity Scheme. CMS validates application based on Web Council Accessibility Guidelines (WCAG) (2.1) level A and AA requirements.

### A.3 Section 508 Exceptions

ICT platform(s), system(s), product(s), content, and/or service(s) that are available to the public or to federal employees must be accessible to people with disabilities, unless a formal request for an exception is submitted and approved. COTS Exceptions will be considered on a case-by-case basis. When exceptions are necessary during the acquisition lifecycle, the decision process must be consistent with the exception processes set forth in FAR 39.204. The U.S. Access Board Section 508 E202 General Exception criteria apply to all exceptions, in and outside of acquisition. Limited scenarios exist for exceptions outside of the acquisition processes. Exceptions only apply to specific features or functions that cannot be made accessible or meet other defined criteria as contained in the FAR and U.S. Access Board rules/issuances. Exceptions are granted in limited instances. The only approved exceptions available are:

- Legacy ICT
- National Security Systems
- ICT Acquired Incidental to a Federal Contract
- Functions Located in Maintenance or Monitoring Spaces
- Undue Burden<sup>1</sup>
- Fundamental Alteration
- Best Meets

Please refer to the CMS Exceptions Policy for applicable requirements and exception types.

Section 508 does not provide exceptions for ICT that is non-compliant due to timing or scheduling issues on the part of the author, creator, or any others involved in the creation and posting of the specific content. Section 508 also does not provide exceptions for ICT that the author or creator intends to review and remediate for Section 508 compliance after publication. This means that if CMS creates ICT, such as a listserv email, digital guidance document, or webinar and publishes the ICT with Section 508 violations, then CMS has not complied with the requirements of Section 508 and could put the Agency at risk of legal action.

Prior to being considered for a Section 508 exception, the system or content owner must determine which exception to claim. In addition, the system or content owner must:

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<sup>1</sup> Undue Burden is an exception that generally applies but is unlikely to be available for Departmental action.

- Provide the name of the system or ATO boundary (product, platform, or content)
- Offer a brief description of the system, product, platform, or content
- Provide an accessibility conformance report (ACR), other agency conformance report, test results, or CMS checklist(s) for products, platforms, or systems
- Indicate the intended audience (e.g., team, internal, public)
- Indicate the estimated number of users
- Deliver a justification statement regarding why the system, product, platform, or content cannot be made conformant, including alternatives considered
- Name and contact information for the system, product, platform, or content owner
- Identify Middleware, Commercial Off The Shelf (COTS), Software as a Service (SaaS), Open source, and other physical data center and cloud dependencies. Identify the specific component(s) that are the source of Section 508 non-compliance. Note: The system and the non-compliant component may be one in the same. For more complex systems, the non-compliant component may be one piece of a much larger system.

The list of items below are examples of additional required information that will assist the CMS Digital Accessibility Program Manager in conducting a risk analysis and determination.

- Version number (where applicable)
- Name of and criteria from the standards warranting the requested exception
- Where applicable, identify which technical standards that cannot be met
- Name and location of the feature(s) or function(s) for which an exception is being requested
- Identify a plan to meet the needs of people with disabilities through alternative means
- Screenshots (where applicable)

The list of items below are examples of additional optional information that will assist the CMS Digital Accessibility Program Manager in conducting a risk analysis and determination.

- VPATs
- ACRs
- Testing reports
- Remediation Plans

An exception request with accompanying documentation must be sent to the CMS Digital Accessibility Program Manager for consideration. Submission of the exception request does not indicate acceptance or denial of an exception. The CMS Digital Accessibility Program Manager will provide a determination following a review of the documentation and performing a risk analysis. Unless an exception has been granted, the CMS digital accessibility standards always apply.

Granted exceptions are subject to periodic review to determine if the exception remains warranted. System and content owners must notify the respective CMS Digital Accessibility Program if there are any modifications or status changes to the exempted feature(s) and/or function(s). Changes to or removal of the exempted portion(s) will initiate a follow-up review and determination.

#### A.4 Issue and Concern Resolution

For general questions or comments regarding digital accessibility pertaining to the Agency or OS, individuals may send an email to the [CMSAccessibility@cms.hhs.gov](mailto:CMSAccessibility@cms.hhs.gov). Note: Do not disclose procurement-sensitive information until a representative has responded to the inquiry.

##### *CMS Accessibility Triage Team (CATT)*

The Offices of Hearings and Inquiries (OHI) is responsible for the issues and concerns process. OHI will maintain a platform for gathering issue information with specific form fields to gather information.

Any individual may file a concern alleging that CMS does not comply with the law in providing access to and use of information and data through ICT that is comparable to the access of information and data that is available to individuals without disabilities.

Concerns regarding an individual's inability to obtain access to CMS' information and data through its ICT shall be made and processed in an orderly and prompt manner in accordance with established CMS procedures.

##### *The Office of Equal Opportunity and Equal Rights (OEOCR)*

OEOCR is the CMS component responsible for adjudicating complaints regarding an individual's inability to obtain access to CMS' information and data through its ICT. Affected parties can contact OEOCR if they wish to file a formal complaint.

In addition to the formal complaint process, OEOCR shall establish alternative processes and procedures to increase communication from appropriate parties while procuring, developing, and deploying ICT.

#### A.5 CMS Digital Accessibility Training

Digital accessibility training is required for the CMS Digital Accessibility Program Director and Section 508 Staff and appropriate CMS Staff in addition to annual training that is required and offered to all CMS Staff. The purpose of this training is to provide all with an overview of responsibilities, resources, enterprise policy guidelines, enterprise services, and tools to assist with ensuring compliance. Steps associated with this *Policy* requirement include:

1. The CMS Digital Accessibility Program Director will develop and propose the training for the CMS Digital Accessibility Program Manager.

2. The CMS Digital Accessibility Program Manager will review and approve the training material.
3. The CMS Digital Accessibility Program Director must publish the training on the enterprise learning management system.
4. The CMS Digital Accessibility Program Managers are only required to take the training when this Policy is updated, and the training deployed.

All employees will take additional training specific to their roles and responsibilities. For example, anyone who modifies SharePoint sites will be required to take SharePoint accessibility training.

## A.6 Documents

Documents posted on CMS internet, and intranet sites, as well as documents posted on contractor websites for CMS business, must be Section 508 compliant.

CMS will ensure that all electronic content that is available to the public, such as web pages, blogs, and social media, will conform to the applicable Section 508 standards.

CMS will ensure that electronic content used for official agency communications will conform to the applicable Section 508 standards. This requirement applies to, but is not limited to, the following types of official agency communications:

- A. an emergency notification
- B. an initial or final decision adjudicating an administrative claim or proceeding
- C. an internal or external program or policy announcement
- D. a notice of benefits, program eligibility, employment opportunity, or personnel action
- E. a formal acknowledgement of receipt
- F. a survey questionnaire
- G. a template or form
- H. educational or training materials
- I. intranet content designed as a web page

Documents containing content such as pictures, complex charts, equations, complex formulas, macros, merged cells, etc., must be reviewed and made as accessible as possible before consideration of providing an alternative before distributing.

## A.7 Market Research

Technical specifications and minimum requirements for ICT must be developed considering the results of market research and CMS needs. This information must be reflected appropriately in subsequent solicitations and contracts/agreements for all ICT procurements. The results from market research must be maintained in the contract or purchase documentation files for all ICT procurements.

Market research shall be performed in accordance with established CMS procedures for each ICT acquisition to determine the availability of products and services that meet the applicable technical provisions. CMS shall use the standards established in 36 CFR Part 1194 and FAR 10.001(a) (3) (vii) to conduct its market research. In determining availability, consideration shall be given to information on vendor websites and the Government's Section 508 website.

An ICT item is commercially available if it meets any one of the following criteria:

- It is for sale in the commercial marketplace.
- It will be on the market in time to satisfy the solicitation.
- With minor modification, the item could be available in time to satisfy the solicitation.

Where no products in the commercial marketplace meet all of the technical provisions, the Access Board's standards require CMS to "procure the product that best meets the standards" (see 36 CFR 1194). This may be the product that meets the most applicable technical provisions but alternatively could be one that meets fewer technical provisions, but which better addresses the accessibility needs of the intended end users.

## A.8 Metrics Categories

In order to assess progress, in addition to yearly reporting per OMB M-24-08, an Accessibility Maturity Model Assessment will be completed yearly based on the [Worldwide Web Consortium Accessibility Maturity Model](#).

All systems and applications must report Section 508 compliance status into the Annual CMS System Census.

Additionally, metrics categories to collect data on include:

- Training
- Procurement
- System Evaluation & Reconciliation
- Issues and Concerns
- Document Remediation

## A.9 Accessibility Supplier Toolkit

In order to assure that contractors incorporate accessibility, The Section 508 team will make available the CMS Supplier Toolkit, which will assist business and system owners during the development process.

The Supplier Toolkit guidance includes:

- Roles and responsibilities

- Milestones and activities/deliverables throughout the product lifecycle
- Suggested plug-ins and toolkits throughout the product lifecycle
- Commitments to incorporate the results of HCD if product/system/platform/etc. is identified and allocated HCD efforts

## Appendix B: Guidance

*Please note that this appendix is subject to change at any time. The current version of this Policy will always reside in the Section 508 Center of Excellence Policy Library.*

### Digital Accessibility Hierarchy and Structure

Below is the digital accessibility hierarchy and structure within CMS.

- CMS Chief Information Officer (CIO) delegated CMS leader accountable for ensuring all CMS ICT is conformant with CMS digital accessibility standards under FITARA
- CMS CIO is a member of the Digital AESC
- CMS Digital Accessibility Executive Steering Committee serves as the governing Board
- CMS CIO appoints the CMS Digital Accessibility Program Manager
- CMS CIO appoints the CMS Digital Accessibility Program Director
- CMS Accessibility Integrated Program Team are members of CMS' Section 508, 504, & 503 and members as noted above.
- The CMS Digital Accessibility Program Director and CMS Digital Accessibility Program Manager are represented on the Accessibility Integrated Program Team
- CMS IT Governance Review Team (GRT) – The CMS IT Governance process is the agency's means of ensuring that our IT Investments are a wise use of CMS resources, meeting business needs at acceptable costs and without duplication, while maintaining technical and other Federal IT standards and requirements.
- The Section 508 Team serves as members of the GRT

## Appendix C: HHS Stakeholders Role and Responsibilities

This appendix outlines CMS' relationship to HHS Section 508 program. As many of the ICT and content may be sent from HHS headquarters and Operating Divisions, it is necessary to understand the relationship.

### HHS Chief Information Officer (CIO)

The HHS CIO is the agency leader accountable for ensuring all ICT is conformant with CMS digital accessibility standards.

- a. Provide adequate funding and resources for an Agency-level digital accessibility program.
- b. Designate the HHS Digital Accessibility Program Director.
- c. Report digital accessibility risks, issues, concerns, or updates to CMS leadership boards and councils.
- d. Leverage CIO authorities to ensure digital accessibility is incorporated into all functions, including but not limited to acquisition, policy, enterprise performance lifecycle (EPLC), budget, cybersecurity, communications, operations, and CIO performance plans.
- e. Accepts risk of non-conformance for ICT implemented or published without conformance validation.

### Office of the Secretary (OS) CIO

The OS CIO is the delegated OS leader accountable for ensuring all OS ICT is conformant with HHS and OS digital accessibility standards.

- a. Represent the HHS CIO's digital accessibility responsibilities for a period in which the position is vacant or during a temporary leave of absence.
- b. Provide adequate funding and resources for an OS-level digital accessibility program.
- c. Designate the OS Digital Accessibility PM and communicate selection to the CMS Digital Accessibility Program Director. When an OS Digital Accessibility PM position becomes vacant, or the OS CIO cannot fill the position, written notice must be provided to the HHS Digital Accessibility Program Director with a contingency plan on how the listed responsibilities will be maintained and executed.
- d. Facilitate digital accessibility risks, issues, concerns, or updates to the appropriate OS leadership organization.
- e. Leverage CIO authorities to ensure digital accessibility is incorporated into all functions, including but not limited to acquisition, policy, EPLC, budget, cybersecurity, communications, operations, and CIO performance plans.
- f. Accepts risk of non-conformance for OS ICT implemented or published without conformance validation.

## HHS Digital Accessibility Governing Board

The HHS Digital Accessibility Governing Board consists of the OpDiv PMs and chaired by the HHS Digital Accessibility Program Director.

- a. Institute HHS-wide standards, policies, guidelines, and criteria for digital accessibility related activities.
- b. Establish the minimum CMS requirements for ICT to be validated as conformant.
- c. Collaborate on best practices and lessons learned from digital accessibility reviews and testing of ICT.
- d. Collaborate on OpDiv Digital Accessibility PM training.
- e. Resolve disparities and issues between OpDivs regarding Section 508 and digital accessibility interpretations.
- f. Review, provide update recommendations, and uphold this policy.

## HHS Digital Accessibility Program Director

The authority appointed by the CMS CIO to direct enterprise digital accessibility initiatives.

- a. Implement agency-wide policies, resources, training, and general guidance.
- b. Establish a governance and reporting mechanism to ensure conformance with this policy.
- c. Prepare and submit all Agency digital accessibility audits, data collections, and metrics.
- d. Facilitate the CMS Digital Accessibility Governing Board.
- e. Escalate digital accessibility concerns, issues, and risks to the CMS CIO.
- f. Brief enterprise governance boards and councils regarding digital accessibility issues, concerns, risks, and enterprise service offerings.
- g. Represent the agency in all federal and interagency activities related to digital accessibility.
- h. Serve as the critical partner (see Glossary for definition) in all Agency-wide enterprise activities including but not limited to acquisition reviews, budget requests, policy development, authority to operate (ATO) authorizations, enterprise IT programs and projects, and enterprise risk assessments.
- i. Authorize enterprise content as conformant with CMS digital accessibility standards.
- j. Conduct enterprise acquisitions review, approval, and consultation.
- k. Manage all enterprise digital accessibility program activities such as acquisitions, budget formulation and execution, services, and tool administration.
- l. Review and verify OpDiv digital accessibility policies are not less restrictive than the enterprise digital accessibility policy.
- m. Publish and complete the CMS Digital Accessibility PM training
- n. Review and adjudicate Section 508 exception requests for enterprise activities, while maintaining the ability to assign this task within the OpDiv as necessary.
- o. Oversee and manage the resolution of enterprise-relevant accessibility complaints.

- p. Approve digital accessibility contract language and most conformant products/platforms for enterprise acquisitions and procurements.
- q. Routinely monitor the Section 508 website of the U.S. Access Board and the GSA for updated guidance, training opportunities, and best practices.

## HHS/OS Digital Accessibility PM

The authority appointed by the OS CIO to direct OS digital accessibility initiatives.

- a. Serve as the CMS Digital Accessibility Program Director for a period in which the position is vacant or during a temporary leave of absence.
- b. Serve as the OS representative to governing boards that include digital accessibility.
- c. Serve as the OS critical partner for OS owned or managed activities including but not limited to acquisition reviews, budget requests, policy development, ATO authorizations, IT programs and projects, and risk assessments.
- d. Brief OS governance boards and councils regarding digital accessibility issues, concerns, risks, and OS service offerings.
- e. Implement and manage the OS Digital Accessibility Program to provide services and tools to StaffDivs.
- f. Implement OS-level standards, policies, and guidance.
- g. Conduct OS acquisitions review, approval, and consultation pursuant to CMSAR Subpart 311.70
- h. Establish a governance mechanism to ensure conformance with this policy and any OS level policy.
- i. Authorize OS content as conformant with CMS and OS digital accessibility standards.
- j. Prepare and submit all OS digital accessibility audits, data collections, and metrics.
- k. Escalate digital accessibility concerns, issues, and risks to the CMS Digital Accessibility Program Director.
- l. Complete the mandatory CMS Digital Accessibility PM training.
- m. Manage all OS digital accessibility program management activities such as acquisitions, budget formulation and execution, services, and tool administration.
- n. Oversee digital accessibility initiatives within the OpDiv, delegating tasks to Center Section 508 PMs or equivalent roles as needed. Maintain overall responsibility for OpDiv digital accessibility compliance, while supporting localized management of Section 508 compliance efforts.
- o. Review and adjudicate Section 508 exception requests, while maintaining the ability to assign this task within the OpDiv as necessary.
- p. Oversee and manage the resolution of OpDiv-relevant accessibility complaints.
- q. Approve digital accessibility contract language and most conformant products/platforms for OS acquisitions and procurements
- r. Routinely monitor the Section 508 website of the U.S. Access Board and the GSA for updated guidance, training opportunities, and best practices.

## HHS OpDiv Digital Accessibility PM

The authority appointed by the OpDiv CIO to direct OpDiv digital accessibility initiatives.

- a. Serve as the OpDiv representative to governing boards that include digital accessibility.
- b. Serve as the OpDiv critical partner for OpDiv owned or managed activities including but not limited to acquisition reviews, budget requests, policy development, ATO authorizations, IT programs and projects, and risk assessments.
- c. Brief OpDiv governance boards and councils regarding digital accessibility issues, concerns, risks, and OpDiv service offerings.
- d. Implement and manage the OpDiv Digital Accessibility Program to provide services and tools to OpDiv components.
- e. Implement OpDiv-level standards, policies, and guidance.
- f. Establish a governance mechanism to ensure conformance with this policy and any OpDiv level policy.
- g. Conduct OpDiv acquisitions review, approval, and consultation pursuant to CMSAR Subpart 311.70
- h. Authorize OpDiv content as conformant with CMS and OpDiv digital accessibility standards.
- i. Prepare and submit all OpDiv digital accessibility audits, data collections, and metrics.
- j. Escalate digital accessibility concerns, issues, and risks to the CMS Digital Accessibility Program Director.
- k. Complete the mandatory CMS Digital Accessibility PM training.
- l. Manage all OpDiv digital accessibility program management activities such as acquisitions, budget formulation and execution, services, and tool administration.
- m. Oversee digital accessibility initiatives within the OpDiv, delegating tasks to Center Section 508 PMs or equivalent roles as needed. Maintain overall responsibility for OpDiv digital accessibility compliance, while supporting localized management of Section 508 compliance efforts.
- n. Review and adjudicate Section 508 exception requests, while maintaining the ability to assign this task within the OpDiv as necessary.
- o. Oversee and manage the resolution of OpDiv-relevant accessibility complaints.
- p. Approve digital accessibility contract language and most conformant products/platforms for OpDiv acquisitions and procurements
- q. Routinely monitor the Section 508 website of the U.S. Access Board and the GSA for updated guidance, training opportunities, and best practices.

## Acquisition Officials

Ensure that all ICT acquisitions comply with Section 508 standards.

- a. Actively participate in the acquisition planning and coordination process to identify and address Section 508 requirements.

- b. Include appropriate Section 508 contract clauses and provisions in solicitations and contracts.
- c. Include mandatory digital accessibility training in all acquisitions and procurements.
- d. Coordinate with the OpDiv Digital Accessibility PM to confirm the accessibility of products and services before acquisition.
- e. Maintain awareness of updates and changes to Section 508 standards and requirements.
- f. Participate in relevant Section 508 training to stay informed about best practices and guidelines.

### All HHS Staff

To ensure all content, systems, products, or services that are procured, funded, designed, authored, developed, maintained, or used conform to Section 508 standards, all HHS entities or organizations must:

- a. Adhere to federal, Agency-level, and OpDiv Section 508 standards for all ICT.
- b. Complete the Digital Accessibility Training for Federal Employees.
- c. Create accessible ICT.
- d. Ensure accessibility needs are clearly defined in development requirements and contracting documentation.
- e. Engage with a respective OpDiv Section 508 program team as early as possible in the acquisition, development, or authoring process of any type of ICT.
- f. Seek guidance and advice on accessibility principles and standards from a respective OpDiv Section 508 program team during any phase of acquisition, authoring, or development.
- g. Consult with a respective OpDiv Section 508 program team to confirm compliance is met for any system, tool, content, product, or service being procured, funded, developed, maintained, or used.
- h. Provide evidence of accessibility conformance when required.

## **Appendix D: Standards**

*Please note that this appendix is subject to change at any time. The current version of this Policy will always reside in the OCIO Policy Library.*

The [U.S. Access Board](#) publishes the minimum standards for ICT conformance. ICT platform(s), system(s), product(s), content, and/or service(s) can pertain to one or more groups of standards. To be considered compliant the ICT must be evaluated under all applicable standards. The evaluation workflow will determine the applicability of an exception and then assess the applicable technical standard(s). See GSA's [Revised Section 508 Standards Applicability Checklist](#) for more information.

## Appendix E: Forms and Templates

*Please note that this appendix is subject to change at any time. The current version of this Policy will always reside in the OCIO Policy Library.*

### Accessibility Conformance Report

Vendors can create an Accessibility Conformance Report (ACR) by completing a Voluntary Product Accessibility Template (VPAT™) to evaluate how accessible their product is in accordance with the digital accessibility standards. This template is used to assist the government in ensuring the most accessible product is procured. Visit GSA’s Section508.gov site to learn more about and download the latest [VPAT](#). Note: this supersedes the “CMS Product Assessment Template” previously used. Other acceptable accessibility reporting includes but is not limited to:

- [CMS Conformance Checklist](#)
- OpDiv specific conformance checklist
- Another Federal agency conformance checklist

## Glossary and Abbreviations

The terms and acronyms listed below pertain to this policy, for digital accessibility related terms and acronyms visit the [Digital Accessibility Terms website](#).

### Glossary:

- **Accessibility Conformance Report (ACR)** – Is a comprehensive document that delineates the alignment of a product or service with recognized accessibility standards such as the Web Content Accessibility Guidelines (WCAG) or Section 508 of the Rehabilitation Act. This report can be generated through various methods, including detailed test result reports, checklists, or the industry-standard template known as the Voluntary Product Accessibility Template (VPAT), among others. The ACR offers an in-depth evaluation of each accessibility feature and identifies areas where the product or service may not fully conform to the standards.
- **Alternative Means** – Providing individuals with disabilities access to the information or data involved by an alternative media, format, or technology that allows the individual to use the information or data.
- **Compliance** – The act or process of conforming, submitting, or adapting (as to a regulation or to another's wishes) as required or requested. The agency must comply with the Section 508 law.
- **Conformance** – The specific degree to which ICT is in accordance with Section 508 standards.
- **Critical Partner** – Functional managers that participate in decisions to ensure compliance with policies.
- **Funded** – All programs, services and activities that receive Federal financial assistance or are conducted by Federal agencies.
- **Information and Communication Technology (ICT)** – “ICT” is an extension of “IT” that stresses the role of unified communications and the integration of telecommunications and computers, as well as necessary enterprise software, middleware, storage, and audiovisual systems. ICT is a broad subject that covers any product that will store, retrieve, manipulate, transmit, or receive information electronically in a digital form including electronic documents, media, and other forms.
- **Information Technology (IT)** – “IT” is defined as any services, equipment, or interconnected system(s) or subsystem(s) of equipment, that are used in the automatic acquisition, storage, analysis, evaluation, manipulation, management, movement, control, display, switching, interchange, transmission, or reception of data or information by the agency.
- **OpDiv Section 508 Program Team** – This team could potentially include roles such as the OpDiv Digital Accessibility PM, acquisition officials, content creators, and other

relevant personnel involved in ensuring Section 508 compliance. However, the specific composition of this team may vary depending on the structure and needs of each OpDiv.

- **Owner** – System and content owners are individuals or an CMS entity who serve as the primary point of contact and are responsible for the information and/or data provided within the ICT.
- **Policy** – A set of principles, rules, and guidelines formulated or adopted by an organization to reach its long-term goals.
- **Voluntary Product Accessibility Template (VPAT™)** – The Voluntary Product Accessibility Template (VPAT) is a document which evaluates how accessible a particular product is according to the Section 508 standards. It is a self-disclosing document produced by the vendor which details each aspect of the Section 508 requirements and how the product supports each criterion. The VPAT is a generic document and not created for a specific solicitation (see ACR, above).

### Abbreviations:

- ACR – Accessibility Conformance Report
- ATO – Authority to Operate
- CFR – Code of Federal Regulations
- CIO – Chief Information Officer
- EPLC – Enterprise Performance Life Cycle
- FAR – Federal Acquisition Regulation
- FITARA – Federal Information Technology Acquisition Reform Act
- GSA – General Services Administration
- HIPAA – Health Insurance Portability and Accountability Act
- CMS – United States Agency of Health and Human Services
- CMSAR – Agency of Health and Human Services Acquisition Regulation
- ICT – Information and Communications Technology
- IT – Information Technology
- OCIO – Office of the Chief Information Officer
- OCR – Office for Civil Rights
- OMB – Office of Management and Budget
- OpDiv – Operating Division
- OS – Office of the Secretary
- StaffDiv – Staff Division
- USC – United States Code
- VPAT – Voluntary Product Accessibility Template
- WCAG – Web Content Accessibility Guidelines