DISABILITY ACCESS PLAN

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I. GENERAL DISABLITY ACCESS POLICY

A. Policy Statement

The Washington Health Benefit Exchange (Exchange or WAHBE) is committed to providing an accessible enrollment experience for all residents, including those with disabilities. The enrollment experience includes: *Washington Healthplanfinder* (web portal); the Exchange Customer Support Center (CSC); and customer assistance functions, such as the Navigator Program.

This policy is based on the principle that the Exchange is responsible for helping ensure effective communications between the Exchange and customers with disabilities, and addressing potential obstacles related to accessibility. This includes taking reasonable steps to effectively inform the public of the availability of free aids and services for customers with disabilities.

B. Purpose

The purpose of this Disability Access Plan (DAP) is to guide the Exchange in setting priorities and objectives that promote access to Exchange programs, websites, and services. It also communicates how customers can request assistance, make suggestions, or report problems related to accessibility.

This DAP was created by an inter-department workgroup with involvement from the Health Equity Technical Advisory Committee (TAC), the joint HCA-Exchange-DSHS Eligibility and Enrollment Workgroup, and other stakeholder groups.

C. Disability Access Standards

The DAP establishes guidelines designed to be consistent with applicable disability access standards set forth in federal and state statutes, regulations, and guidance. These standards, which also drive accessibility best practices in government and other organizations throughout the U.S., include:

- In 2010 and 2016, the Department of Justice issued notices about the Americans with Disabilities Act (ADA), requiring that government-entity websites meet information communication technology (ICT) accessibility standards such as the World Wide Web Consortium's Web Content Accessibility Guidelines (WCAG) 2.0. These standards were recently updated by WCAG to version 2.1.
- Title II of the ADA (42 U.S. Code § 12101) prohibits any discrimination based on physical or mental disability and lays out standards for accessible design. A May 2016 rule from the U.S. Department of Health and Human Services requires state-based marketplaces to meet ADA Title II.
- Section 508 of the Rehabilitation Act of 1973 provides accessibility standards for ICT procured by the U.S. federal government. An April 2016 statement by the U.S. Department of Justice specifically references web accessibility standards under Section 508.
- Section 1557 of the 2010 Affordable Care Act prohibits discrimination based on race, color, national origin, sex, age or disability. The provisions related to disabilities require ICT to be accessible.
- Federal regulations (45 CFR 155.205(c)) require Exchanges to provide information in plain language and in a manner that is accessible and timely to individuals living with disabilities, including accessible websites and the provision of auxiliary aids and services at no cost to the individual in accordance with the ADA and section 504 of the Rehabilitation Act.
- Washington State's Office of the Chief Information Officer provides guidance on web accessibility standards for state agencies.
- Washington's Law Against Discrimination (Chapter 49.60 RCW) also protects the rights of individuals with disabilities.

II.   BACKGROUND

According to the Centers for Disease Control and Prevention (CDC), one in four adults is living with a disability. Approximately 12.9 percent of Washington State's 7.1 million residents report having a disability, according to the U.S. Census Bureau's 2015 American Community Survey. Disability types for Washingtonians include: mobile and physical (26%); communication and cognitive (21%), hearing (16%), and vision (9%).[1] The World Health Organization reports that

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[1] Disability & DVR Statistics Report, Washington State Division of Vocational Rehabilitation (July 2017), available at: https://www.dshs.wa.gov/sites/default/files/JJRA/dvr/pdf/2017%20Disability%20%26%20DVR%20Statistics%20Report.pdf.

people with disabilities have greater unmet healthcare needs, and yet health promotion and prevention activities rarely target people with disabilities. [2] For example, women with disabilities receive less screening for breast and cervical cancer than women without disabilities and adolescents and adults with disabilities are more likely to be excluded from sex education programs.[3] The CDC also reports that people with disabilities face numerous barriers to health. Studies show that individuals with disabilities are more likely than people without disabilities to report having poorer overall health, having less access to adequate health care, and engaging in risky health behaviors.[4] People with disabilities are often more susceptible to preventable health problems and secondary conditions (e.g. pain, fatigue, obesity, and depression) that decrease their overall health and quality of life.[5]

In recognition of the impact disability-related disparities can have on access to insurance coverage and care, the Exchange has engaged with consumers with disabilities, accessibility experts, other state-based marketplaces, WaTech, and accessibility consultants to inform development of accessibility related policies and procedures. In addition to ongoing user testing with consumers with a range of abilities, recent engagement activities include:

- In 2016, the WaTech Usability Lab performed an initial review of *Washington Healthplanfinder* using WCAG 2.0 accessibility standards. WaTech utilized professional ADA testers who used JAWS, WAVE, keyboard testing, and additional relevant testing tools. Findings informed system enhancements.

- In 2017, a comprehensive Information Communication Technology Accessibility Resource Guide was developed in partnership with the University of Washington to inform best practices used by the Exchange related to web site accessibility, policy development, customer services, and engaging stakeholders. The guide was based on:
  - A literature review of nearly two dozen scholarly and popular press databases that yielded more than 100 sources on accessibility practices.
  - Outreach to other insurance exchanges, including all 13 state health exchanges as well as Healthcare.gov.
  - Outreach to experts and advocacy organizations that work directly with disabled users or themselves have a disability.

- In 2018, the Exchange Board adopted a Statement of Equity. In adopting the statement, Board Chair Ron Sims said, "Equity is an important indicator of whether residents have

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[2] https://www.who.int/news-room/fact-sheets/detail/disability-and-health
[3] https://www.who.int/news-room/fact-sheets/detail/disability-and-health
[4] https://www.cdc.gov/ncbddd/disabilityandhealth/hcp.html

[5] https://www.cdc.gov/ncbddd/disabilityandhealth/hcp.html

equal access to care, and that the same level of care is available to everyone." The equity statement is as follows:

Equity is a fundamental pillar to the society we seek to build. The process of advancing toward equity will be disruptive and demands vigilance, dismantling deeply entrenched systems of privilege and oppression. We must focus our efforts on people and places where needs are greatest, especially communities of color, and go beyond remedying a particular inequity to address all determinants of health.

Our goal is that all Washingtonians have full and equal access to opportunities, power, and resources to achieve their full potential.

The Exchange views this statement as a guide to advancing its commitment to connecting all Washington residents with health care coverage, including individuals with disabilities.

- In 2019, the Exchange contracted with AnthroTech to perform an end to end accessibility evaluation of *Washington Healthplanfinder*, which included in-home testing by customers with varied abilities. The findings further informed the development of this DAP and are described in detail below.

III.   WEBSITE DESIGN FOR ACCESSIBILITY

The Exchange has adopted the Web Content Accessibility Guidelines (WCAG)[6] 2.1 AA of the World Wide Web Consortium (W3C) as the standard for meeting accessibility standards in the product design process.   The Exchange relies on WCAG 2.1 AA standards when designing user interfaces for *Washington Healthplanfinder*, as well as web tools and other digital communications. The accessibility standards listed below are adapted from the WCAG 2.1 AA Checklist.

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[6] The Web Accessibility Initiative, created by the World Wide Web Consortium (W3C), defines web accessibility to mean that websites, tools, and technologies are designed and developed so that people with disabilities can use them. More specifically, people can perceive, understand, navigate, interact with the Web, and contribute to the Web. See https://www.w3.org/WAI/fundamentals/accessibility-intro/#what

A.   Text

- All images have appropriate alternative text using alt tags, which offer a written description of the image that is accessible to screen readers as well as being visible when the mouse is placed over the image. Images are not used to present text.
- Screen titles, headings, data tables, and links are descriptive, and repeated elements are labeled consistently.
- Text and link color will have appropriate contrast.
- Field input assistance is provided, including instructions to complete forms and descriptive text to easily fix any errors.

B.   Media

- Audio and video files include a descriptive text transcript, audio description, or synchronized captions.
- Media that plays automatically will have controls to stop, pause, mute, or change the volume.

C.   Navigation

- Headings, lists, and other styles are defined appropriately and the reading and navigation order on screen is logical and intuitive.
- Instructions do not rely upon color, shape, size, or visual location.
- A "skip navigation" link shall be available on all screens.
- Both the mouse and keyboard can be used to navigate all screen elements.
- The user is informed when the session is about to expire, with the option to extend that time limit.

IV.   Website Testing and Evaluation

A.   Independent Assessment of Website Accessibility

A best practice in making software applications accessible is to use external experts to conduct a comprehensive evaluation of the website.

The most recent assessment of *Washington Healthplanfinder* was done in 2019 by Anthrotech, who was hired by the Exchange to:

- **Benchmark Accessibility**: Benchmark *Washington Healthplanfinder*'s alignment with standards for web content accessibility.

- **Conduct Usability Studies**: Observe and study how people with different abilities use *Washington Healthplanfinder* and identify areas that can be improved.
  - Included in-home usability testing sessions, where participants used their preferred assistive technology.

- **Research**:
  - Interview local accessibility experts to hear from them why and how to make accessibility a focus of the website design process.
  - Review articles and case studies pertaining to web accessibility to validate findings and provide additional support and information.

The findings indicate that *Washington Healthplanfinder* is accessible for participants with a range of different abilities and mostly aligned with current standards for accessible web content. Below is the ranking of wahealthplanfinder.org based on Majestic Million (an independent technology solution that provides commercial insight into market trends):

- HPF accessibility ranked in top 25% of all websites

- HPF ranked #4 for Exchange websites

- HPF error rate considered "very good" at well below 5% (2.96%)

The findings also identified several areas for accessibility improvements, which the Exchange has prioritized upcoming *Washington Healthplanfinder* system enhancements to address. These areas are:

- Website Navigation: updates will address navigation challenges due to sematic structure that can result in screen reader skipping some text or buttons; incorporate static text across all static images; ensure required fields are more clearly identified.
- Website Scaling: updates will improve scale for landscape orientation on a mobile device.
- Error Handling: updates will improve the display of errors for individuals who are visually impaired.

The system enhancements to address all of these areas are scheduled to be implemented in Spring 2020.

B. Current Testing Approach

The Exchange uses industry best practices for testing website accessibility. These include:

- Automated scanning of code.
- Human evaluation of each screen using an ADA checklist adapted from the WCAG 2.1 AA checklist.
- Testing of software updates using common assistive technology applications, including screen reader testing of each screen.

C. Usability Testing

Experts in the field of technology accessibility strongly recommend testing by individuals with disabilities, particularly those who use assistive technology devices to access and use *Washington Healthplanfinder*. To improve the quality and accuracy of testing for accessibility, the Exchange contracted with accessibility experts to perform in-home usability testing with users with disabilities and advise the Exchange on best practices to support remote and in-person accessibility testing as a standard element of its testing approach. The Exchange is currently evaluating how to best continue to support inclusive usability testing on an ongoing basis.

D. Accessibility Training and Expertise

Exchange staff involved in design, development, and testing have gained considerable knowledge in accessibility. The Exchange testing team routinely tests accessibility features included in software updates and has developed skills in the use of common assistive technology devices which are used by the team to help evaluate accessibility. The Exchange will continue to invest in staff and training that increase its expertise and efficiency in user accessibility and compliance, subject to available resources.

The Exchange has also created a new position and hired a Digital Accessibility Specialist who will lead efforts to help ensure ongoing accessibility efforts for *Washington Healthplanfinder.*

Additional steps the Exchange will take, subject to available resources, to continue to incorporate accessibility first principles into the design and development workflow include:

- Training in accessibility best practices in agile methodologies.
- Development of user personas and accessible user-center design story examples.
- Enhancement of internal accessibility processes to further integrate accessibility features and technology.

V.   EXCHANGE CUSTOMER SERVICE

In addition to the *Washington Healthplanfinder* website, the Exchange supports the following customer service programs:

- A statewide Customer Support Center located in Spokane, Washington. Customer Support Representatives, including bilingual and multilingual staff, provide telephonic assistance and online chat support.
- In-person assistance available through navigators, brokers, certified application counselors, and tribal assisters in communities around the state, including tribal reservations and full-service enrollment centers.

A.   Physical Accessibility of In-Person Customer Services

Navigators and staff at full-service enrollment centers operated by Exchange contractors provide in-person application and enrollment services in accessible settings. Exchange customers can search for a navigator or enrollment center near them using *Washington Healthplanfinder* customer support features or by calling the Customer Support Center. (See "Communications Access" below and Section VI, Contractor/Vendor Standards and Requirements for more information).

B.   Communications Access

The Exchange performs a plain language review of all website content as well as correspondence and notices generated through *Washington Healthplanfinder*. Email contacts are available for all customer service programs as an alternative to telephone support. To facilitate access to Exchange information and resources through its customer service programs, individuals may request at no cost:

1. Publications, documents, and other types of communications in alternative formats, such as large print and Braille.
2. Relay services, email, or TTY.
3. Qualified interpreters, including a sign language interpreter.

C.   Complaints

Exchange websites provide contact information for submitting complaints or grievances related to Exchange services or discriminatory practices. Individuals can submit complaints or grievances by mail, fax, or email to:

Washington Health Benefit Exchange Legal Department
ATTN: Legal Division Equal Access/Equal Opportunity Coordinator
PO Box 1757
Olympia, WA
98507-1757
1-855-859-2512
Fax: 360-841-7653
appeals@wahbexchange.org

Individuals may also file a civil rights complaint with the U.S. Department of Health and Human Services, Office for Civil Rights, electronically through the Office for Civil Rights complaint portal, available at https://ocrportal.hhs.gov/ocr/portal/lobby.jsf or by mail or telephone at:

U.S. Department of Health and Human Services
200 Independence Avenue SW
Room 509F, HHH Building
Washington, D.C. 20201
1-800-368-1019, 800-537-7697 (TDD)
Complaint forms are available at www.hhs.gov/ocr/office/file/index.html.

VI.   STAKEHOLDERS AND PARTNERS

A.   Health Equity Technical Advisory Committee

The Exchange created the Health Equity Technical Advisory Committee (TAC) in 2013. The committee is comprised of experts representing a variety of areas within the health care industry. The TAC provides the Exchange with guidance on issues including language access, health literacy, cultural sensitivity, and reaching groups at risk for obstacles to access, including individuals with disabilities.

B.   Customer Feedback

The Exchange welcomes feedback on the accessibility of its websites. Customers using Exchange websites who have comments or suggestions are directed to a telephone number or email address from a link on the Home page.

Customers using assistive technology devices (screen reader, voice recognition software, etc.) who have difficulty accessing information on *Washington Healthplanfinder* are directed to contact the Customer Support Center to report the issue. The Customer Support Center will provide or coordinate with the Exchange to provide information the customer is trying to access.

VII. CONTRACTOR/VENDOR STANDARDS AND REQUIREMENTS

During the term of a contract between another entity and the Exchange, the entity must comply with the same federal and state laws and regulations that the Exchange adheres to, including civil rights and nondiscrimination obligations. These include, but are not limited to:

- Title VI of the Civil Rights Act of 1964 (PL 88-352)
- Title IX of the Education Amendments of 1972 (20 U.S.C. §§ 1681-1683 and 1685-1686)
- Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. § 794)
- The Age Discrimination Act of 1975 (42 U.S.C. §§ 6101-6107)
- The Drug Abuse Office and Treatment Act of 1972 (PL 92-255)
- The Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment and Rehabilitation Act of 1970 (PL 91-616),
- §§523 and 527 of the Public Health Service Act of 1912 (42 U.S.C. §§290dd-3 and 290ee-3)
- Title VIII of the Civil Rights Act of 1968 (42 U.S.C. §§3601 et seq.)
- The Americans with Disability Act (42 U.S.C., Section 12101 et seq.)

Contractors are required to comply with all amendments to these laws, and all requirements imposed by the regulations issued pursuant to these laws. These laws provide, in part, that no persons in the United States may, on the grounds of race, color, national origin, sex, age, disability, political beliefs, or religion, be excluded from participation in or denied any service or other benefit provided by Federal or state funding, or otherwise be subjected to discrimination.

Contractor accessibility requirements are outlined in the standard terms and conditions for each contract the Exchange initiates. In addition, certain contracts may have additional requirements related to the delivery of customer services to Exchange users.

The Exchange monitors the work of its contractors for ongoing compliance.

A.   Customer Support Center Contract

As it relates to customer services provided by telephone, Exchange contract provisions require vendors to promptly respond to and resolve any complaint regarding accessibility related to Call Center services. Failure to comply constitutes a material breach of the contract.

The vendor is required to provide a TTY/TDD or equivalent system at the Exchange Call Center that provides full telephone accessibility to people who are deaf, hard of hearing, deaf-blind, late-deafened, or who have a speech impairment. The vendor shall provide training to Call Center staff on the effective use of such system(s).

B.   In-Person Application and Enrollment Assistance Contracts

The Exchange contracts with navigator organizations and enrollment center operators require application and enrollment services to be available in accessible settings. In addition, contracts require that contractors provide auxiliary aids and services and/or communications services needed by individuals with disabilities to enroll in coverage at no cost to them. Contractors must have an approach in place for providing communications access, including sign language interpreter services, if individuals need or request these services.

VIII. KEY EXCHANGE STAFF

- **Digital Accessibility Specialist**
  The Exchange Digital Accessibility Specialist is the primary accessibility technology expert with responsibility for the support, technical direction and assessment of new and existing technologies at the Exchange. This position ensures that Exchange technologies are compliant with state and Federal accessibility requirements, as well as the organization's commitment to access, equity, and universal design. This position also performs a variety of multimedia, design, and audio/visual duties ensuring ADA compliance is used in the planning, creation and animation of health plan advertising, education, explanation, and marketing materials. This role is responsible for testing websites, a mobile application, and all third-party products and services to ensure they are accessible to people with a broad range of abilities. As the organization's expert in universal design and digital accessibility, this position also consults with departmental staff to help them determine how to make their products and services more accessible, supports the software development lifecycle as a subject matter expert and develops and delivers training on digital accessibility to staff.

- **Diversity, Equity and Inclusion Program Director**

The Exchange Diversity, Equity and Inclusion Director manages initiatives, policy development, and strategic planning related to diversity, equity and inclusion. This position provides inter-departmental support and is a key resource on the development of policies and programs that promote accessibility for people with a broad range of abilities.

- **Compliance Officer**
  The Exchange Compliance Officer oversees program compliance with Federal and state laws and rules across Exchange websites, programs, and services. This staff member is responsible for ensuring controls are in place to support compliance.

- **Legal Counsel**
  The Exchange's Legal Counsel serves as the Exchange's Equal Access/Equal Opportunity coordinator. The Legal Counsel works with the Compliance Officer to investigate and responds to complaints submitted to the Exchange related to accessibility or discriminatory practices.

IX. PERFORMANCE MEASUREMENTS AND EVALUATION

At least once every two years the Exchange will reassess and, where appropriate, update this plan to ensure that the scope and nature of accessibility services provided reflect updated information on relevant populations, accessibility needs, and changes in technology.

The Exchange has a process for customers to submit concerns, complaints or issues related to accessibility. Staff review and address feedback and complaints from individuals with disabilities and monitor the effectiveness of accessibility related services. Accessibility related feedback, complaints, and improvements are routinely shared with Exchange leadership.

The Exchange will develop a data strategy to support ongoing evaluation of its programs, services and websites.

APPENDIX A – ACCESSIBILITY RELATED RESOURCES (WASHINGTON STATE AND NATIONAL)

- [Accessible Technology Tools & Resources from the University of Washington](#), a leader in providing accessible technology and developing assistive technologies. These pages pull together technical tools and instructions for every kind of media, along with training resources and informative blogs.
- The related [University of Washington DO-IT Resources on the Internet](#) maintains a current, accessibility-friendly website of resources on various disabilities and accessibility issues. DO-IT's other pages provide copious resources for training and education, as well as tip sheets on accessible design.
- The [U.S. General Service Administration's Section 508.gov toolkit](#) not only covers essential content about Section 508 compliance, but also includes tools to ease finding accessible-compliant vendors and contractors, lists of major advocacy organizations or academic disability centers, as well as a regularly updated news feed on accessibility.
- [Penn State's Website Accessibility resources](#) bring together tools and technical support for making various media accessible, in a clean, simple format.
- [Accessible Technology at the University of Colorado at Boulder](#) brings together technical support, tools and advice, along with information about Universal Design and other academic accessibility-support centers.
- [The National Center on Disability and Journalism's Resources](#) pages include expert lists, guidance on appropriate language and etiquette tips.

National Organizations
Web Accessibility
- [WebAIM](#)

Blind/low vision
- [National Federation of the Blind](#)
- [American Foundation for the Blind](#)

Deaf/hard of hearing
- [National Association of the Deaf](#)
- [Hearing Loss Association of America](#)

Mobility
- [United Cerebral Palsy](#)

Developmental & Cognitive Disabilities
- [Coleman Institute for Cognitive Disabilities](#)

Disabled persons overall
- [American Association of People with Disabilities](#)
- [Easter Seals](#)

The U.S. Access Board also maintains this list of [public and private accessibility-related organizations](#).

Washington State

- [Washington State Developmental Disabilities Council](#)
- [Self-Advocates in Leadership (SAIL)](#)
- [Disability Rights Washington](#)
- [The Lighthouse for the Blind](#)
- [National Federation of the Blind - Washington](#)
- The [Hearing, Speech & Deaf Center](#) (Locations in Seattle, Tacoma & Bellingham)
- [Hearing Loss Association of Washington](#)
- The [Deaf-Blind Service Center](#) (Seattle)
- [Provail](#) (Seattle)
- [Spinal Cord Injury Association of Washington](#)
- [Washington State Independent Living Centers](#)
- [National Alliance on Mental Illness - Washington](#)
- [The Seattle Public Library's Library Equal Access Program](#) [City of Seattle Commission for People with Disabilities](#)
- [People First of Washington](#)
- The University of Washington's DO-IT Center also maintains this list of [regional advocacy organizations for various disabilities](#).