

October 30, 2020

Letter of Reasonable Accessibility for Nebraska Spine Hospital, LLC

No organization can claim that its digital properties are 100% accessible because of the subjective nature and interpretation of absolute accessibility. The best anyone can do is test and resolve for best practices and provide a dedicated outlet to assist users when issues occur.

Nebraska Spine Hospital has taken such steps by retaining the Bureau of Internet Accessibility (“BoIA”) to assist in testing and improving the accessibility of Nebraska Spine Hospital’s website. BoIA is an independent, third-party accessibility consultant that has expertise and knowledge concerning accessible web development, digital accessibility and Web Content Accessibility Guidelines (“WCAG”). Since 2001, BoIA has successfully been working with organizations to improve the accessibility of their websites and digital properties by conducting digital accessibility audits and assisting with remediation.

This letter serves to summarize the results of BoIA’s testing of Nebraska Spine Hospital’s website as well as the steps being taken by Nebraska Spine Hospital to improve accessibility and/or remedy any noted issues. This letter is provided at Nebraska Spine Hospital’s request and is intended for use only by Nebraska Spine Hospital. Third parties are not entitled to rely on the contents of this letter. Likewise, while the contents of this letter reflect BoIA’s professional impressions and opinions, BoIA’s auditors are not attorneys and this letter should not be construed as a legal opinion.

Accessibility

Overview

As used in this letter, “Reasonable Efforts” means, with respect to a given goal or obligation, the efforts that a reasonable person or entity would use to achieve that goal or obligation. Reasonable Efforts shall be interpreted so as not to require Nebraska Spine Hospital to undertake measures that might constitute an undue burden (as defined in Title III of the Americans with Disabilities Act (the “ADA”)), whether due to the cost, difficulty or impact of such measures on Nebraska Spine Hospital’s website or digital-related operations or otherwise, or that might result in a fundamental alteration in the manner in which Nebraska Spine Hospital operates its website or the primary functions related thereto.

As described in greater detail herein, BoIA’s professional opinion is that the Nebraska Spine Hospital’s digital properties tested:

- Use Reasonable Efforts to provide persons with an impairment an equal opportunity to participate in or benefit from the goods, services, facilities, privileges, advantages, and accommodations provided through Nebraska Spine Hospital’s website. 42 U.S.C. § 12182(b)(2)(A)(ii); 28 C.F.R. § 36.202(b); and
- Use Reasonable Efforts to ensure that persons with an impairment are not excluded, denied services, segregated, or otherwise treated differently because of the absence of auxiliary aids and services provided through Nebraska Spine Hospital’s website. 42 U.S.C. § 12182(b)(2)(A)(iii); 28 C.F.R. § 36.303.

BoIA believes that the Nebraska Spine Hospital digital properties tested are reasonably accessible and have made appropriate accommodations for individuals with disabilities, including individuals who are blind or have low vision, individuals who are deaf or hard of hearing, and individuals who have physical disabilities affecting manual dexterity.

Testing Standards

Nebraska Spine Hospital has selected WCAG 2.1 Level A and AA Success Criteria (“WCAG 2.1 A/AA”) as its standard for testing. The Web Accessibility Initiative (“WAI”) of the World Wide Web Consortium (“W3C”) has created recognized international guidelines for digital accessibility. These guidelines, which are set out in the WCAGs, detail how to make websites accessible to all individuals with disabilities. The Department of Justice currently uses WCAG 2.0 Level AA as the accepted standards by which to measure a website’s accessibility. WCAG 2.1 Level AA includes WCAG 2.0 Level AA standards.

The results of BoIA’s testing indicate that Nebraska Spine Hospital’s website prudently conforms to the WCAG 2.1 A/AA standards, such that the website is likely to be reasonably accessible to persons with impairments.

Testing for Diverse Abilities

Testing conducted on the website includes testing for a diversity of abilities, including auditory, cognitive, physical, speech, and visual disabilities.

Visual

Visual disabilities range from mild or moderate vision loss in one or both eyes (“low vision”) to substantial and uncorrectable vision loss in both eyes (“blindness”). Some individuals have reduced or lack of sensitivity to certain colors (“color blindness”), or increased sensitivity to bright colors. These variations in perception of colors and brightness can be independent of visual acuity. Testing for accessibility to those with visual disabilities includes testing of:

- Images, controls, and other structural elements that do not have equivalent text alternatives.
- Text, images, and page layouts that cannot be resized, or that lose information when resized.
- Missing visual and non-visual orientation cues, page structure, and other navigational aids.
- Video content that does not have text or audio alternatives, or an audio-description track.
- Inconsistent, unpredictable, and overly complicated navigation mechanisms and page functions.
- Text and images with insufficient contrast between foreground and background color combinations.
- Websites, web browsers, and authoring tools that do not support the use of custom color combinations.
- Websites, web browsers, and authoring tools that do not provide full keyboard support.

Auditory

Auditory disabilities range from mild or moderate hearing loss in one or both ears (“hard of hearing”) to substantial and uncorrectable hearing loss in both ears (“deafness”). Some individuals with auditory disabilities can hear sounds but are not sufficiently able to understand all speech, especially when there is background noise. This can include people using hearing aids. Testing for accessibility to those with auditory disabilities includes testing of:

- Audio content, such as videos with voices and sounds, without captions or transcripts.

- Media players that do not display captions and that do not provide volume controls.
- Media players that do not provide options to adjust the text size and colors for captions.
- Web-based services, including web applications, that rely on interaction using voice only.
- Lack of sign language to supplement important information and text that is difficult to read.

Cognitive, Learning, and Neurological

Cognitive, learning, and neurological disabilities involve neurodiversity and neurological disorders, as well as behavioral and mental health disorders that are not necessarily neurological. These disorders may affect any part of the nervous system and impact how well people hear, move, see, speak, and understand information. Cognitive, learning, and neurological disabilities do not necessarily affect the intelligence of a person. Testing for accessibility to those with cognitive, learning and neurological disabilities includes testing of:

- Complex navigation mechanisms and page layouts that are difficult to understand and use.
- Complex sentences that are difficult to read and unusual words that are difficult to understand.
- Long passages of text without images, graphs, or other illustrations to highlight the context.
- Moving, blinking, or flickering content, and background audio that cannot be turned off.
- Web browsers and media players that do not provide mechanisms to suppress animations and audio.
- Visual page designs that cannot be adapted using web browser controls or custom style sheets.

Physical

Physical disabilities (sometimes called “motor disabilities”) include weakness and limitations of muscular control (such as involuntary movements and tremors, lack of coordination, and paralysis), limitations of sensation, joint disorders (such as arthritis), pain that impedes movement, and missing limbs. Testing for accessibility to those with physical disabilities includes testing of:

- Websites, web browsers, and authoring tools that do not provide full keyboard support.
- Insufficient time limits to respond or to complete tasks, such as to fill out online forms.

- Controls, including links with images of text, that do not have equivalent text alternatives.
- Missing visual and non-visual orientation cues, page structure, and other navigational aids.
- Inconsistent, unpredictable, and overly complicated navigation mechanisms and page functions.

Speech

Speech disabilities include difficulty producing speech that is recognizable by others or by voice recognition software. For example, the loudness or clarity of someone's voice might be difficult to understand. Testing for accessibility to those with speech disabilities includes testing of:

- Web-based services, including web applications, that rely on interaction using voice only.
- Websites that offer phone numbers as the only way to communicate with the organizations.

About Nebraska Spine Hospital, LLC

Nebraska Spine Hospital is a physician-led facility designed to provide expert diagnosis, treatment, and recovery. The dedicated medical and support staff utilize spinal care best practices. The website provides information about the doctors and procedures offered, educates visitors about spine health and provides a platform for patients to manage their accounts.

Audit conducted by an independent third party

Nebraska Spine Hospital, LLC has partnered with an independent consultant, The Bureau of Internet Accessibility (BoIA), a company with expertise concerning accessible web development and WCAG 2.1 A/AA digital accessibility.

Digital Properties Tested

www.nebraskaspinehospital.com was tested on Desktop.

Testing Conducted on the Digital Properties

Manual Testing

BoIA employs human testers to conduct manual tests on websites and mobile applications. Manual testers with visual disabilities used assistive technology to thoroughly examine the content and accessibility of high-traffic pages and unique templated pages, as well as the functionality of each custom use case. Then, a fully sighted subject matter expert reviewed and validated each outcome, evaluated the accessibility checkpoints that the first-round tester could not assess, such as color contrast or those related to video, and performed a complete second round of manual testing.

Specific use cases were developed to emulate an actual user:

1. Pay a Bill Online and Check Error Messaging

The manual review using both visually impaired testers and sighted subject matter experts was completed in 2/24/2020.

Automated Testing

BoIA programmed its automated A11Y® platform to break down the WCAC 2.1 A/AA guidelines and checkpoints of a website into testable components with specific rules and parameters for each case scenario. The server-scanning technology methodically tests each page against hundreds of rules. All violations are organized into specialized databases by issue theme (Media, Structure, Text, Scripting, CSS and

Forms) and are tied back to specific WCAG 2.1 A/AA checkpoints. The last automated test was conducted during the audit.

Issues Discovered During the Audit

During the audit, specific issues detected by BoIA were reviewed with the Nebraska Spine Hospital team. Some of the most frequently found issues include color contrast ratio, headings not being provided correctly, inaccessible form fields, inability to skip repetitive content, and lack of visible focus.

Plan for Addressing Issues

Nebraska Spine Hospital plans to remediate the issues over time. Nebraska Spine Hospital has opted into BoIA's ongoing support, which includes support time for BoIA to perform retests. Retests are typically done at the client's request when they have remediated the accessibility issues found during the audit. Retests allow for an understanding of what was fixed appropriately and what issues may continue to persist.

3rd Party Content Found on the Nebraska Spine Hospital Digital Properties

The following third-party applications or plug-ins were found on Nebraska Spine Hospital website.

- Facebook
- Twitter
- Instagram
- LinkedIn

In order to improve the accessibility of these third-party applications, and any others that may be found on www.nebraskaspinehospital.com, BoIA has suggested that Nebraska Spine Hospital contact each of the applicable application providers to request that they issue a letter of commitment agreeing to substantially conform to the WCAG 2.1 A/AA standards.

Sitewide Accessibility Issues Accommodations

Nebraska Spine Hospital's website contains an accessibility statement that is clearly disclosed (the "Accessibility Statement"). The Accessibility Statement indicates that Nebraska Spine Hospital is making efforts to maintain and increase the accessibility of its website in order to ensure that persons with disabilities have full and equal enjoyment of the goods, services, facilities, privileges, advantages, and accommodations that Nebraska Spine Hospital provides through its website. The Accessibility Statement also solicits feedback from site visitors on how website accessibility can be improved and offers immediate support for issues relating to accessibility, including by means of an accessible

email address where representatives knowledgeable about the Web Accessibility Policy can be reached. BoIA provided the language for the Accessibility Statement to Nebraska Spine Hospital on 3/2/20 and as of the date of this letter, can confirm that the accessibility statement has been uploaded as a page and is linked to the footer on www.nebraskaspinehospital.com.

Dedicated Accessibility Phone Number

A Federal District Court Judge in California (U.S. District Judge James Otero) stated that telephonic access could be a lawful alternative for people experiencing accessibility issues on a website (Case CV 16-06599 SJO).

A dedicated toll-free number was offered to Nebraska Spine Hospital for use on their website for accessibility issues and is intended to be available to all site visitors. Visitors with disabilities who are experiencing technical difficulties with the website or mobile applications can call for assistance and will have the option to speak with a live representative 24 hours per day, 7 days per week. The live operator uses his or her best efforts to resolve the caller's issue while on the phone. All issues are tracked as tickets. A full transcription of the call with any additional notes is reviewed following the call and, if appropriate, the caller is contacted as needed to follow up on any such issues. As of the date of this letter, the toll-free 24/7 number has not been finalized and is not yet listed on the site.

Dedicated Accessibility Email Address

Nebraska Spine Hospital's website lists a dedicated email address of nebraskaspinehospital@a11y.com for addressing accessibility issues. All issues are tracked as tickets.

In the last three months no email tickets were submitted.

Accessibility Statement Link Location

A direct link from the website's footer that's on the homepage and all other pages directs site visitors to Nebraska Spine Hospital's Accessibility Statement.

Dedicated Accessibility Statement Language

The language of the Accessibility Statement is as follows:

Nebraska Spine Hospital is committed to making its website usable by all people, including those with disabilities by meeting or exceeding the requirements of the

Web Content Accessibility Guidelines 2.1 Level A/AA (WCAG 2.1 A/AA). We strive to make our site an equal experience for everyone.

We continue to monitor our site and make sure that all content provided is accessible to all visitors. In order to help us in this process, we have engaged The Bureau of Internet Accessibility, an accessibility consulting company, to conduct a full accessibility audit consisting of both automated and manual testing of our website using BoIA's A11Y@ platform which provides us with specific recommendations that will assist us in ensuring that our Web presence is in conformance with the WCAG 2.1 A/AA.

Disclaimer

It is important to note that efforts to the website are ongoing as we work to implement the relevant improvements to meet WCAG 2.1 A/AA guidelines over time.

Our Commitment to help

We are dedicated to meeting all of your accessibility needs. Should you have specific questions or concerns about the accessibility of this site or need assistance in using the processes found within this site, we have trained individuals here at Nebraska Spine Hospital to assist you.

Please write to nebraskaspinehospital@a11y.com and be sure to specify the web page so we can look into making that page accessible for you. We greatly value your questions and comments.

Third Party Applications

While you are visiting our site, you will notice that we make use of third-party sites such as Twitter, Instagram, LinkedIn and Facebook to provide information about Nebraska Spine Hospital. Though individuals may have challenges with access to these particular sites, Nebraska Spine Hospital does not control or remedy the way content is portrayed.

Staff training

Nebraska Spine Hospital has been provided annual training on website accessibility for website content personnel. Nebraska Spine Hospital has purchased 3 training licenses from BoIA which are good for the following courses: Accessibility Best Practices, PDF Accessibility, and Mobile Accessibility Best Practices. Currently none of

the organization's personnel has completed any of the training courses. These courses are for individuals who are new to accessibility. The most recommended course, Accessibility Best Practices, covers an overview of the WCAG 2.1 guidelines and breaks them down into easy-to-understand summaries. It also offers instruction using specific, real-life examples, teaching what to watch for when ensuring an online presence is reasonably accessible to everyone.

Accessibility Coordinator

Nebraska Spine Hospital has informed BoIA that it has designated an employee as the web accessibility coordinator.

Web Accessibility Policy

By using the BoIA Accessibility Support option, Nebraska Spine Hospital has adopted and implemented a Web Accessibility Policy. This policy allows Nebraska Spine Hospital to commit to its website visitors to resolve any accessibility issues by offering website users response by email. BoIA will work with the Nebraska Spine Hospital team to identify and fix any issue a website user may experience.