

(3) "UFAS" refers to the Uniform Federal Accessibility Standards as promulgated in 49 FR 31528 (Aug. 7, 1984).

§92.104 Accessibility of information and communication technology.

(a) Entities required to comply with §92.2, unless otherwise exempted by this part, shall ensure that their health programs or activities provided through information and communication technology are accessible to individuals with disabilities, unless doing so would result in undue financial and administrative burdens or a fundamental alteration in the nature of the health programs or activities. When undue financial and administrative burdens exist, the covered entity shall provide information in a format other than an electronic format that would not result in such undue financial and administrative burdens or a fundamental alteration, but would ensure, to the maximum extent possible, that individuals with disabilities receive the benefits or services of the health program or activity that are provided through information and communication technology.

(b) A recipient or State Exchange shall ensure that its health programs or activities provided through websites comply with the requirements of Title II of the Americans with Disabilities Act (42 U.S.C. 12131 through 12165).

(c) For purposes of this part, "information and communication technology" (ICT) means information technology and other equipment, systems, technologies, or processes, for which the principal function is the creation, manipulation, storage, display, receipt, or transmission of electronic data and information, as well as any associated content. Examples of ICT include computers and peripheral equipment; information kiosks and transaction machines; telecommunications equipment; customer premises equipment; multifunction office machines; software; applications; websites; videos; and, electronic documents.

§92.105 Requirement to make reasonable modifications.

Any entity to which section 1557 applies (as defined in §92.3 of this part) shall make reasonable modifications to

its policies, practices, or procedures when such modifications are necessary to avoid discrimination on the basis of disability, unless the covered entity can demonstrate that making the modifications would fundamentally alter the nature of the health program or activity. For the purposes of this section, the term "reasonable modifications" shall be interpreted in a manner consistent with the term as set forth in the regulation promulgated under Title II of the Americans with Disabilities Act, at 28 CFR 35.130(b)(7).

PART 93—NEW RESTRICTIONS ON LOBBYING

Subpart A—General

- Sec.
93.100 Conditions on use of funds.
93.105 Definitions.
93.110 Certification and disclosure.

Subpart B—Activities by Own Employees

- 93.200 Agency and legislative liaison.
93.205 Professional and technical services.
93.210 Reporting.

Subpart C—Activities by Other than Own Employees

- 93.300 Professional and technical services.

Subpart D—Penalties and Enforcement

- 93.400 Penalties.
93.405 Penalty procedures.
93.410 Enforcement.

Subpart E—Exemptions

- 93.500 Secretary of Defense.

Subpart F—Agency Reports

- 93.600 Semi-annual compilation.
93.605 Inspector General report.

APPENDIX A TO PART 93—CERTIFICATION REGARDING LOBBYING

APPENDIX B TO PART 93—DISCLOSURE FORM TO REPORT LOBBYING

AUTHORITY: Section 319, Public Law 101-121 (31 U.S.C. 1352); (5 U.S.C. 301).

SOURCE: 55 FR 6754, Feb. 26, 1990, unless otherwise noted.

CROSS REFERENCE: See also Office of Management and Budget notice published at 54 FR 52306, December 20, 1989.