

July 17, 2015

**Via First-Class Mail and E-mail ([Christopher.Miller@dha.mil](mailto:Christopher.Miller@dha.mil))**

Christopher A. Miller  
Program Executive Officer,  
Defense Healthcare Management Systems  
1700 N. Moore Street, Suite 2300  
Arlington, VA 22209

Re: Accessibility of Department of Defense Healthcare Management Systems  
Modernization Program

Dear Mr. Miller:

I write on behalf of the National Federation of the Blind (“NFB”), the oldest and largest national organization of blind persons. The NFB is widely recognized as the collective and representative voice of blind Americans and their families.

The NFB recently learned that the Department of Defense (“DOD”) Healthcare Management Systems has issued a Request for Proposals (“RFP”) for its Modernization Program and that the winning bidder has not yet been selected. We understand that the winning bidder will be designing and implementing an electronic health records program for both the DOD and the Department of Veterans Affairs (“VA”). The NFB has a strong interest in ensuring that the selected vendor creates an electronic health records (“EHR”) system that is accessible both to blind patients and to blind DOD and VA employees whose job duties include entering health data. This means ensuring that the system be designed for compatibility with screen-access software that allows blind individuals to access visually-presented information by having that information read aloud through a screen-reader or transmitted to the user’s refreshable Braille display.

Unfortunately, many of the leading companies in the EHR sector routinely design inaccessible software for their systems. Because programming for accessibility from the start is much easier and less costly than attempting to retrofit inaccessible software to be accessible, we want to ensure that whichever system the DOD and VA adopts is designed to be accessible to blind patients and employees from the very beginning. As you know, Sections 504 and 508 of the Rehabilitation Act require the DOD and VA to procure and develop only accessible technology in their programs and activities and Section 501 of the Act prohibits these agencies from using EHR software that locks out and thus discriminates against blind employees. Beyond the DOD and VA’s legal obligations, however, we hope that both agencies will use this procurement as an opportunity to take a leadership role in ensuring that the blind Americans the DOD and VA serve and employ are not left behind in this major information upgrade and are able to benefit from and provide the high quality healthcare that service members, their families, and veterans deserve.

BROWN, GOLDSTEIN & LEVY, LLP

Mr. Christopher A. Miller

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I would welcome the opportunity to meet with you to discuss the NFB's concerns further. Please note that the NFB holds no financial interest in the outcome of this RFP and does not plan to discuss the details of particular bids. Instead, we would like to discuss why accessibility should be a priority for the DOD and VA in overseeing the selection and design of the new electronic health records system. Please let us know your availability for a meeting by contacting me at (410) 962-1030 or by e-mail at [dfg@browngold.com](mailto:dfg@browngold.com). Thank you and I look forward to talking with you about this important issue.

Sincerely,



Daniel F. Goldstein



August 14, 2015

VIA EMAIL

Captain John Windom  
Program Manager  
Department of Defense  
Healthcare Management System Modernization Program  
1700 North Moore Street, Suite 2300  
Arlington, VA 22209  
[john.h.windom.mil@mail.mil](mailto:john.h.windom.mil@mail.mil)

Re: Accessibility of Department of Defense Healthcare Management Systems Modernization Program

Dear Captain Windom:

I write on behalf of the National Federation of the Blind (“NFB”) to follow up on Christopher A. Miller’s letter to Daniel Goldstein regarding the accessibility of the new electronic health record (“EHR”) system that the Department of Defense (“DOD”) will soon deploy through its Healthcare Management System Modernization Program. I understand that the Request for Proposals required compliance with Section 508, but in the NFB’s experience, it is critical that government agencies dig deeper to ensure that newly acquired technology is truly accessible in practice. In this case, the need for evidence of accessibility is particularly strong given that the NFB has received complaints from blind healthcare workers about the inaccessibility of Cerner’s EHR systems in health care facilities throughout the country. Because of Cerner’s poor track record, the NFB is very concerned that blind DOD employees will not be able to perform their jobs and effectively serve the country’s service members and their families with the newly acquired EHR system.

To ensure that the new EHR system will be accessible for blind employees, the NFB requests the following information:

1. The Voluntary Product Accessibility Template (“VPAT”) for the winning bid;
2. Information about the contract performance monitoring and testing protocol DOD intends to follow to test the accessibility of the newly selected EHR system, from both the patient and employee ends; and
3. Any other documentation related to the accessibility of the newly selected EHR system.

The NFB has also filed a FOIA request for this information, but will withdraw the request if you are able to provide us with the requested information in a timely manner.

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Finally, I would like the opportunity to meet with you and others on your team who are involved in Section 508 compliance to discuss the need for evidence of accessibility further and to see how the NFB could be of assistance to the DOD in assessing and ensuring the accessibility of the DOD's newly acquired EHR system. Specifically, it would be very helpful for us to understand how DOD is monitoring compliance through the existing Quality Assurance Surveillance Plan and what, if any, assistance the NFB could provide to test accessibility at the pilot facilities in the Puget Sound region. Please respond to Mehgan Sidhu, Esq., General Counsel to the National Federation of the Blind, at 410-659-9314, extension 2314, or [msidhu@nfb.org](mailto:msidhu@nfb.org), to inform us if you are amenable to such a meeting.

Sincerely,



Mark A. Riccobono, President  
National Federation of the Blind

MAR/ms

cc: The Honorable John McCain, Chairman, Committee on Armed Services, United States Senate, [john\\_mccain@mccain.senate.gov](mailto:john_mccain@mccain.senate.gov)

The Honorable Jack Reed, Ranking Member, Committee on Armed Services, United States Senate, [jack@reed.senate.gov](mailto:jack@reed.senate.gov)

The Honorable Kelly Ayotte, Chairwoman, Subcommittee on Readiness and Management Support, Committee on Armed Services, United States Senate, [senator@ayotte.senate.gov](mailto:senator@ayotte.senate.gov)

The Honorable Tim Kaine, Ranking Member, Subcommittee on Readiness and Management Support, Committee on Armed Services, United States Senate, [senator@kaine.senate.gov](mailto:senator@kaine.senate.gov)

The Honorable Lindsey Graham, Chairman, Subcommittee on Personnel, Committee on Armed Services, United States Senate, [senator@lgraham.senate.gov](mailto:senator@lgraham.senate.gov)

The Honorable Kirsten Gillibrand, Ranking Member, Subcommittee on Personnel, Committee on Armed Services, United States Senate, [senator@gillibrand.senate.gov](mailto:senator@gillibrand.senate.gov)

Ms. Jocelyn Samuels, Director, Office for Civil Rights, United States Department of Health and Human Services, [jocelyn.samuels@hhs.gov](mailto:jocelyn.samuels@hhs.gov)

Mr. Zane Burke, President, Cerner Corporation, [zane.burke@cerner.com](mailto:zane.burke@cerner.com)

**National Federation of the Blind**