

CMS (& Federal) Website Requirements and Guidelines

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CMS
CENTERS FOR MEDICARE & MEDICAID SERVICES

Background

- Federal websites are governed by numerous laws, regulations, and requirements (defined in Office of Management and Budget [OMB] memos and elsewhere).
- Compliance with these laws, regulations, and requirements is critical to ensure the public's confidence in our information and systems and protect the Agency from legal risk. Failure to comply may result in a website being pulled offline.
 - Most recently, the 21st Century Integrated Digital Experience Act (IDEA) established significant and recurring reporting requirements for all Federal agencies to OMB on compliance. This annual reporting is coordinated through HHS up to OMB on an annual basis. (More information at <https://www.hhs.gov/web/governance/21st-century-idea.html>)
- CMS has established a repository of web standards that can be used by any team in the Agency building a website or web-based system. (See “CMS Resources” on slide 17)
- This presentation highlights some of the key compliance areas to be aware of when building or maintaining a web-based system.
- Note that this presentation is **not** a comprehensive inventory of every requirement, only an overview. Please consult the resources included at the end of the deck for a full listing.

Latest Guidance: OMB M-23-22

- On September 22, 2023, OMB issued Memorandum M-23-22, “Delivering a Digital-First Public Experience”
 - <https://www.whitehouse.gov/wp-content/uploads/2023/09/M-23-22-Delivering-a-Digital-First-Public-Experience.pdf>
- This memo supersedes prior website and digital services guidance, including Memorandum M-17-06, “Policies for Federal Agency Public Websites and Digital Services”
- CMS is closely aligned with this new guidance, which is good news. However, we are reviewing it in greater detail, and we await forthcoming information from both OMB and HHS on implementation details and timelines. We will share updates across CMS if additional changes are necessary to align with the latest OMB guidance.

CMS Web Management

- At CMS, public websites are coordinated through the Office of Communications (OC), Web & Emerging Technologies Group (WETG).
- While management of websites may be distributed, coordination with HHS & OMB on website reporting and approvals is centrally coordinated through the OC/WETG team.
- For questions on existing or new web projects, CMS staff and contractors can contact the Web Help Desk at <https://jira.cms.gov/service desk/customer/whsd> and CMSWebHelpDesk@cms.hhs.gov or email WETG leadership at WETG_Director@cms.hhs.gov

Best Practices

- In general, the best way to reach CMS' core external audiences is leveraging one of our existing primary web properties to reach your intended audience, instead of standing up a new website or sub-site. CMS' public websites are among the highest trafficked in the Federal government and rank very high in search engine placement.
- CMS.gov
 - Medical professional, providers, policymakers, media, researchers, advocates
- Medicare.gov
 - People with Medicare, caregivers
- HealthCare.gov
 - Private insurance consumers, Medicaid-eligible consumers
- Medicaid.gov and InsureKidsNow.gov (Medicaid and CHIP program resources)
- Throughout these materials, the websites above are referred to as “CMS' primary public websites”

Best Practices (continued)

- Using CMS' existing websites provides the following additional benefits:
 - Inherited security approvals
 - Approved privacy policy and built-in privacy controls
 - Accessible templates
 - Accessibility scanning tools
 - Search and mobile optimization
 - Search engine placement
 - Integrated website search capability
 - Website analytics
 - Email delivery services
 - Automatic archiving of content/records management

Domain Names

- Federal websites **must** be hosted in the .gov domain space. We may not use other domains like .com, .net, or .org for government-managed websites.
- There are 2 noted exceptions to this:
 - Government presence on third-party websites (e.g., Facebook, Twitter)
 - Contractor websites that are not overseen by the government (NOTE: there are very few sites that fall into this category; please discuss with our team if you think you have a site meeting this criteria. Example: Medicare Administrative Contractor (MAC) websites support CMS business but are not **managed** by CMS.)
- New top-level .gov domains (e.g., CMS.gov, Medicare.gov) are **very** rarely approved and require signoff by CMS, HHS, **and** OMB.
- Use of subdomains of existing approved CMS domains (e.g., **localhelp**.healthcare.gov) is **very strongly** encouraged as these are approved at the CMS level.

Domain Names (continued)

- CMS owns and manages the following domains:
 - CMS.gov
 - Medicare.gov
 - HealthCare.gov
 - Medicaid.gov
 - InsureKidsNow.gov
 - HC.gov (redirect to HealthCare.gov)
- We can establish subdomains on any of the above domains. A subdomain is **example**.cms.gov. A subdomain should be used for a site that has a specific purpose or audience, e.g., an online transactional system. Information for a broad audience should be posted to the primary domain, e.g., [www.](#).
- New subdomain requests should be submitted through the Web Help Desk at <https://jira.cms.gov/servicedesk/customer/whsd> or via email at cmswebhelpdesk@cms.hhs.gov. All requests will be reviewed by OC for approval.

Third-Party Tools

- Third-party tools include not only social media platforms (e.g., Facebook, Twitter, YouTube) but also other tools used to support data sharing, communication, analytics, marketing, and other functions. Examples of the latter include Adobe Analytics and GitHub).
- Use of any third-party tools for Federal communications are subject to two key requirements:
 - A Third-Party Websites and Applications (TPWA) Privacy Impact Assessment (PIA) must be created, approved, and published. The PIA defines the rules used in interacting with the third-party tool, such as data sharing and retention. CMS' existing PIAs are published at <https://www.hhs.gov/pia/index.html>.
 - A Terms of Service (ToS) agreement compliant with Federal laws & regulations. A common example is that many third-party tools require arbitration, but Federal agencies are prohibited from engaging in arbitration. Approved ToS agreements for HHS can be found at <https://www.hhs.gov/web/policies-and-standards/terms-of-service-agreements/index.html>. These can also be individually negotiated by the license holder.
- Related HHS guidance: <https://www.hhs.gov/web/social-media/policies/index.html>

Privacy

- All websites and web-based tools must include a privacy policy. If the website does not include its own privacy policy, it must link to the CMS.gov privacy policy. In this scenario, the website owner **must** confirm that the site aligns with the CMS.gov policy as written.
 - The privacy policy must include or link to a list of all third-party tools used on the website, including links to the published Privacy Impact Assessment (PIA) statements for each tool.
- A recommended best practice for CMS websites is to implement privacy management tools that allow users to opt out of data collection. CMS' primary public websites all use Tealium's Privacy Manager to implement this functionality. More info: <https://docs.tealium.com/iq-tag-management/consent-management/about/>.

Security

- All discrete websites or web-based systems owned and maintained by CMS will require an Authority to Operate (ATO). Details on CMS' security process is defined at: <https://security.cms.gov/>.
- Third-party tools may be governed by CMS' Software-as-a-Service Governance (SaaS-G) framework: <https://security.cms.gov/learn/saas-governance-saasg>.
- Some third-party tool vendors may have achieved Federal Risk and Authorization Management Program (FedRAMP) accreditation. FedRAMP streamlines, but does not eliminate, the CMS security process. Details on the FedRAMP program are available at: <https://www.fedramp.gov/program-basics/>.

Consumer Requirements

- Content directed at consumers in CMS' public healthcare programs should live on the following websites:
 - People with Medicare: Medicare.gov
 - Private insurance consumers and Medicaid-eligible consumers: HealthCare.gov
 - Children's Health Insurance Program (CHIP)-eligible consumers: InsureKidsNow.gov
- In addition to the requirements outlined elsewhere in these materials, consumer-targeted content should be:
 - Translated in Spanish
 - Written in plain language (See: <https://www.cms.gov/outreach-and-education/outreach/writing-guidelines> and <https://www.cms.gov/files/document/writing-web.pdf>)
 - Accessible
 - Mobile-optimized

Content Review & Approval

- Content posted to CMS websites must be approved by CMS staff. Contractors may assist with posting to CMS.gov, but a workflow will include CMS staff approval before the content is made live.
- Medicare.gov and HealthCare.gov, as consumer-facing websites, have additional editorial processes in place to ensure plain language content and alignment with other customer service channels. Content approval and posting to both of those websites is coordinated through OC staff.

Paperwork Reduction Act (PRA)

- Data collection on any website must be supported by an OMB-approved Paperwork Reduction Act (PRA) information collection request (also known as a PRA package).
- Forms collecting data should display a valid OMB control number and expiration date*.
 - **Unless there is an OMB-approved reason for not displaying this information.*
- General website feedback is collected under existing approved PRA vehicles. CMS uses a platform called Qualtrics for this collection.
 - Note that Medicare.gov and HealthCare.gov are designated as OMB High-Impact Service Programs (HISPs). Because of this designation, there are mandated/structured website feedback collection requirements in place for those 2 websites to support standardized reporting on Performance.gov.

Records Management/Archiving

- Any system collecting and storing identifiable information should have a published System of Records Notice (SORN) documenting the maintenance and disclosure of those data as Federal records. CMS' existing SORNs are published at: <https://www.hhs.gov/foia/privacy/sorns/cms-sorns.html>.
- Web records are defined by NARA retention schedule through the following resources:
 - <https://www.archives.gov/records-mgmt/policy/managing-web-records-index.html>
 - <https://www.archives.gov/records-mgmt/initiatives/web-tech.html>
- In most cases, policy documents published online are considered “copies” rather than records.
- CMS archives all of our primary websites to preserve copies of the websites and the documents posted on them over time. CMS.gov, Medicare.gov, and HealthCare.gov all have an “Archive” link available in the footer allowing visitors to access these archived materials.

Analytics

- Websites should include analytics collection to understand usage.
- CMS' primary public websites use the Adobe Analytics platform for analytics collection and reporting. Metrics include pageviews, sessions, and unique visitors, among others.
- All public Federal websites are also required to use GSA's Digital Analytics Program (DAP). This is a centralized instance of Google Analytics that powers the government-wide analytics.usa.gov website.
- Note that Personally Identifiable Information (PII) and Personal Health Information (PHI) should **never** be sent to third-party analytics tools unless the TPWA PIA permits such collection. Such unapproved data transmission is considered a security incident.
 - CMS' TPWA PIAs are available at: <https://www.hhs.gov/pia/index.html#Third-Party>

Branding

- CMS websites must align with CMS' brand guidelines, available at: <https://www.cms.gov/about-cms/agency-information/cms-brand-identity>
- Logo requests must be reviewed and approved by the Office of Communications Creative Services Group. Contact logos@cms.hhs.gov
- CMS websites should use the CMS Design System for visual consistency, accessibility, and mobile optimization: <https://design.cms.gov/>
 - If a website does **not** use the CMS Design System, it should use the U.S. Web Design System (USWDS): <https://designsystem.digital.gov/>

Accessibility

- All Federal IT, including Federal websites, must be accessible and compliant with the requirements defined under Section 508 of the Rehabilitation Act.
- Details on the Section 508 web requirements and the Web Content Accessibility Guidelines (WCAG) are available at:
 - <https://www.access-board.gov/ict/>
 - <https://www.w3.org/TR/WCAG20/>
- CMS' public websites are routinely scanned for accessibility issues using SiteImprove (<https://www.siteimprove.com/>). CMS staff and contractors can request access to this tool (through the Web Help Desk at <https://jira.cms.gov/servicedesk/customer/whsd> or via email at cmswebhelpdesk@cms.hhs.gov) so that they can monitor the compliance of their pages and address any identified issues.

CMS Resources

- CMS Web Standards:
 - <https://confluence.cms.gov/display/DGP/Web+standards>
 - Design:
 - » Includes reusable components, guided by clear standards, that can be assembled together to build any number of applications.
 - Publishing:
 - » Information includes insights on coding and testing, formatting content for the web, and working through the proper approach to a CMS website.
 - Security & Operations
 - » Contains operational requirements, security documentation, and information about decommissioning and disposal.
 - Editorial:
 - » Includes information about how we write for the web, translations, sentence structure, and how to write headings.
- Web Help Desk:
 - <https://jira.cms.gov/servicedesk/customer/whsd>
 - cmswebhelpdesk@cms.hhs.gov

Federal Resources

- HHS Policies & Standards:
 - <https://www.hhs.gov/web/policies-and-standards/index.html>
- Checklist of Requirements for Federal Websites and Digital Services:
 - <https://digital.gov/resources/checklist-of-requirements-for-federal-digital-services/>
- OMB Memorandum M-23-22, “Delivering a Digital-First Public Experience”
 - <https://www.whitehouse.gov/wp-content/uploads/2023/09/M-23-22-Delivering-a-Digital-First-Public-Experience.pdf>
 - Rescinds: M-17-06, “OMB Policies for Federal Agency Public Websites and Digital Services”:
 - https://www.whitehouse.gov/wp-content/uploads/legacy_drupal_files/omb/memoranda/2017/m-17-06.pdf
- GSA operates <https://digital.gov/> as a clearinghouse for information on managing Federal websites and services

Contacts & Resources

Topic	Support Resource
Domain Names	https://jira.cms.gov/servicedesk/customer/portal/1 or CMSWebHelpDesk@cms.hhs.gov
Third-Party Tools	https://security.cms.gov/learn/saas-governance-saasg
Privacy	https://security.cms.gov/learn/privacy-impact-assessment-pia
Security	https://security.cms.gov/
Consumer Requirements	https://confluence.cms.gov/x/kY_8G
PRA	https://www.cms.gov/regulations-and-guidance/legislation/paperworkreductionactof1995
Content Review & Approval	https://confluence.cms.gov/x/kY_8G
Records Management/Archiving	https://www.cms.gov/regulations-and-guidance/guidance/cmsrecordsschedule
Analytics	https://jira.cms.gov/servicedesk/customer/portal/1 or CMSWebHelpDesk@cms.hhs.gov
Branding	https://www.cms.gov/about-cms/agency-information/cms-brand-identity
Accessibility	https://www.cms.gov/about-cms/agency-information/aboutwebsite/policiesforaccessibility