

Memo

Date: October 17, 2006

To: Fran

From: John

Re: [REDACTED]

We were asked whether this two-story building fits within the elevator exemption in the MHRA, 5 MRSA § 4594-F(3)(C), and our regulations, § 7.25(d), which make the exemption unavailable for the “professional offices of a health care provider.” Given that physical therapists will be working there, I think that the ground floor gym will be considered a “professional office of a health care provider.” Our regulations state that “Professional office of a health care provider means a location where a person or entity regulated by the State to provide professional services related to the physical or mental health of an individual makes such services available to the public.” § 7.25(d)(1)(i). Physical therapists provide professional services related to physical health and are regulated by the State. *See* 5 MRSA § 3111 et. seq. Nevertheless, assuming (as Mr. [REDACTED] states) that the second floor will be administrative offices and storage only and not “designed or intended for use by at least one health care provider,” § 7.25(d)(1)(i), and that the gym is on the ground floor, which is accessible from the parking area, the [REDACTED] would not be required to install an elevator.