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## 42 C.F.R. § 423.2266

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### Activities with healthcare providers or in the healthcare setting.

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(a) *Where marketing is prohibited.* The requirements in paragraphs (c) through (e) of this section apply to activities in the health care setting. Marketing activities and materials are not permitted in areas where care is being administered, including but not limited to the following:

- (1) Exam rooms.
- (2) Hospital patient rooms.
- (3) Treatment areas where patients interact with a provider and his/her clinical team and receive treatment (including such areas in dialysis treatment facilities).
- (4) Pharmacy counter areas.

(b) *Where marketing is permitted.* Marketing activities and materials are permitted in common areas within the health care setting, including the following:

- (1) Common entryways.
- (2) Vestibules.
- (3) Waiting rooms.
- (4) Hospital or nursing home cafeterias.
- (5) Community, recreational, or conference rooms.

(c) *Provider-initiated activities.* Provider-initiated activities are activities conducted by a provider at the request of the patient, or as a matter of a course of treatment, and occur when meeting with the patient as part of the professional relationship between the provider and patient. Provider-initiated activities do not include activities conducted at the request of the Part D sponsor or pursuant to the network participation agreement between the Part D sponsor and the provider. Provider-initiated activities that meet this definition in this paragraph (c) fall outside of the definition of marketing in § 423.2260. Permissible provider-initiated activities include:

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