

Mark A. Cunningham

Shareholder



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I've worked at Chambliss my entire career and have seen our health care practice grow exponentially because of our team's dedication to understanding our clients and their industries. This allows us to get to the heart of a matter quickly and provide candid advice.

Mark Cunningham's national health care practice serves industry leaders in the revenue cycle management, physician services, and mergers and acquisitions markets. While his capabilities touch on just about every area of health care, he primarily focuses on strategic and regulatory issues. He often serves as outside general counsel, advising on matters important to day-to-day operations as well as "bet the company" transactions. He has played a key role in counseling clients through industry consolidation and its aftermath. He advises clients on physician practice restructuring, practice acquisitions, physician/hospital joint ventures, payor audits and disputes, physician employment issues, and professional service agreements. Mark provides counsel on Stark and Anti-Kickback compliance issues and comparable state laws affecting providers and suppliers. Additionally, he guides clients on co-management agreements, medical director agreements, EMR agreements, non-compete and non-solicitation agreements, HIPAA and patient privacy laws, and physician recruitment agreements. Mark takes a personal approach to navigating clients through the extensive range of laws and regulations, speaking the language of his clients and serving as a trusted advisor. As counsel for local, regional, and national health care participants, Mark works closely with hospital-based providers in the radiology, anesthesiology, and pathology markets. He advises medical practice management companies, billing companies, physician practices, and outpatient diagnostic centers. He also provides counsel for ambulatory surgical centers, dentists, optometrists, home health agencies, hospices, and assisted care living facilities. In addition, Mark provides services to other businesses on general corporate issues. Before tailoring his advice, it's important to Mark to understand his client's personality and what the business needs at an operational level. With very niche experience, he often shares his insights before professional groups at regional and national conferences. Mark also currently serves as the firm's president and managing shareholder. He works closely with the executive director to oversee the professional services and overall operations at Chambliss and to ensure that exceptional client service remains the top objective of the firm.

Services

- Audit Counsel: PPP Loans and Other Investigations
- Business
- Commercial Contracts
- Corporate Governance and Risk Management
- General Counsel
- Health Care
- Mergers and Acquisitions
- Physician Practices
- Revenue Cycle Management
- eHealth, Data Privacy, and Security

Industries

- Health Care
- Manufacturing
- Transportation and Logistics

Admissions

- Tennessee

Education

- J.D., Tulane University Law School, magna cum laude, 1997
- B.A., The University of North Carolina at Chapel Hill, with honors, 1993

Experience

Outside counsel for multiple national and regional billing and practice management companies

Restructuring of complex physician governance and compensation documents

Development of physician joint ventures with hospital partners in leading physician specialties

Outside health care counsel in a multi-million dollar acquisition of billing and information technology company, which entailed intensive review of billing and coding issues, HIPAA and related compliance matters.

Representation of health care clients in health care audits and reviews with private and federal payors

Reorganization and preparation of health care compliance documents for leading health care participants in the Tennessee and Georgia regions

Frequent negotiation of professional service agreements between hospitals and hospital-based physicians

Successfully represented radiology practice in obtaining favorable advisory opinion from Office of the Inspector General regarding joint venture with hospital

Representation of national health care company in its acquisitions of physician practices

Representation of various regional physician, dental and other medical businesses in complex health care transactions including acquisitions, co-management arrangements, real estate investments, accountable care organizations and multi-stage joint ventures

Associations

Professional

- Meritas, Health Law Section, past Co-Chair
- American Health Law Association

Bar Associations

- Tennessee Health Law Section, Past Chair, Executive Council (2013-current)
- Chattanooga Bar Association

- Tennessee Bar Association
- American Bar Association

Noteworthy

- Listed Recognized Practitioner in *Chambers USA: America's Leading Business Lawyers* for Health Care, 2017-2018
- *Best Lawyers in America*, Corporate Law, Health Care Law, Mergers and Acquisitions Law
- *Mid-South Super Lawyers*, Health Care, 2016-2024
- Leading Lawyer Award for Health Care Transactions, *The Ambulatory M&A Advisor*, 2015
- *Mid-South Super Lawyers*, Mid-South Rising Stars, Health Care, 2011
- Martindale-Hubbell® AV® Preeminent™ Peer Review Rated
- Avvo 9.9 Rating
- *Who's Who in American Law*
- Leadership Chattanooga, 2003 Class
- CALI Award in Commercial Law-Secured Transactions
- Stone Container Corporation Scholarship Recipient

Community

- Greater Chattanooga Colon Cancer Foundation, Board Member
- Chattanooga Carolina Club, past President
- Southern Lit Alliance, past Board Member
- Re:Start - The Center for Adult Education, past Vice President
- Big Brothers/Big Sisters of Greater Chattanooga, past Board Member

Sidebar

Mark's inability to accept the fact that he is no longer a teenager occasionally leads him to engage in sports and outdoor activities that his family – especially, his mother - thinks generally unwise. In particular, his mom frequently questions why he is trying to climb big rocks around Chattanooga. And fun fact: he can still make a pretty good mix-tape, some of which have been added value to his clients!