



Andrea R. Cunha

Partner

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OVERVIEW

Andrea Cunha is a partner in the Austin office and a member of the firm's health care and FDA practice Group. She concentrates her practice on health care transactions and regulatory compliance counseling, advising both buyers and sellers of physician practices, dental practices, hospitals, home health and hospice agencies, laboratories, telemedicine providers, skilled nursing facilities, long-term care facilities, and other ancillary health care providers. As an experienced restructuring attorney, Andrea represents clients looking to purchase or sell distressed assets, both through out-of-court workouts and formal bankruptcy proceedings.

Andrea also acts as outside general counsel to clients and collaborates with attorneys throughout the firm to address clients' needs, both domestically and internationally. Given her varied background in corporate restructuring and commercial litigation and through serving as in-house General Counsel to a regional health care system and a technology startup, Andrea is well-suited to understand the various issues companies face day-to-day and help them develop creative solutions.

PROFESSIONAL BACKGROUND

Prior to joining the firm, Andrea served as a partner at the Austin office of a United States law firm, where she focused her practice on healthcare, corporate and transactional matters. Andrea assisted companies in acquisitions and dispositions, corporate restructuring, business disputes, and healthcare regulatory compliance and licensing. Andrea has extensive healthcare experience from serving as general counsel for a regional healthcare system where she counseled on matters including mergers and acquisitions, joint ventures, contract negotiations and management, regulatory compliance, corporate restructuring, and corporate finance.

ACHIEVEMENTS

- The Best Lawyers in America, Health Care Law 2021-2022
- Super Lawyers Rising Star, 2011-2014
- Daily Business Review, Most Effective Lawyers Finalist, 2013

PROFESSIONAL / CIVIC ACTIVITIES

- Member, American Health Law Association
- Former Member, Advisory Board, Beam f/k/a Women@Austin
- Member, Travis County and American Bar Associations
- Member, Health Law Section of the American Bar Association

SPEAKING ENGAGEMENTS

- Texas Health Law Conference

EDUCATION

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• ADMISSIONS

- Bar of Florida
- Bar of Texas
- United States Court of Appeals for the Eleventh Circuit
- United States District Court for the Southern District of Florida
- United States District Court for the Southern District of Texas

• THOUGHT LEADERSHIP POWERED BY HUB

- 17 August 2021, Key Considerations for Officers and Directors of Distressed Companies (*Podcast*)
- 22 July 2021, Key Considerations for Officers and Directors of Distressed Companies (*Alerts/Updates*)

• OTHER PUBLICATIONS

- American Bankruptcy Institute, Planning Cash Flow in Health Care Bankruptcies

- **NEWS & EVENTS**

- 19 August 2021, Nearly 300 K&L Gates Lawyers Named Among 2022 Best Lawyers in America, Ones to Watch (*Rankings & Recognitions*)
- 26 April 2021, K&L Gates Further Bolsters Health Care Practice with Austin Partner Addition (*Press Release, Practice & Regional News*)

- **AREAS OF FOCUS**

- Health Care and FDA
- Mergers and Acquisitions
- Restructuring and Insolvency

- **REPRESENTATIVE EXPERIENCE**

- Represented debtor in sale of nine healthcare facilities in Chapter 11 proceedings
- Oversaw all legal operations for healthcare system that operated five rural hospitals, over forty physician practices, two ambulatory surgery centers, two clinical laboratories, and three diagnostic imaging centers. Advised company on all employment, contractual, regulatory and compliance matters. Negotiated and structures acquisitions of three additional hospitals, over twenty physician practices, two joint ventures, and two clinical laboratories. Oversaw OCR HIPAA investigation that was closed with no further action taken. As general counsel, represented company in all litigation matters. Led company in filing eight entities in Chapter 11 restructuring, negotiating terms with secured lender and creditors, and managed outside counsel and restructuring team
- Represented company in acquiring orthopedic and pain practices
- Represented company in acquiring hospices in Texas
- Provide outside general counsel services for rural hospital and manufacturing companies
- Represented company in negotiating its repurchase of shares from all shareholders other than shares owned by the CEO
- Represented company in out-of-court workout and successful dissolution of company
- Represented buyer in acquisition of acute care hospital
- Represented buyer in acquisition of assets from CBD company in Chapter 7
- Represented buyer in acquisition of ambulatory surgery centers
- Represented Chapter 11 debtor in sale of acute care hospital
- Oversaw all legal operations for technology startup leading it through Series A and B financings

- Represented Chapter 11 debtor in sale of all assets of consumer product goods company
- Represented Chapter 11 debtor in sale of commercial real estate