

**Testimony of Mark Judge  
Patient Advocate  
Pittsburgh, PA**

Chairman Toomey, Ranking Member Stabenow and Members of the Senate Finance Committee, thank you for the opportunity to discuss the medical device excise tax's negative impact on patients who are suffering from cancer.

My name is Mark Judge, I'm from Pittsburgh PA, and I have stage 4 terminal colon cancer.

I was first diagnosed with colon cancer in January 2013. I had limited signs or issues as it related to cancer but I had gone in to be pre-tested for rotator cuff surgery. My primary care doctor noted that the iron level in my blood was unusually low. Since I had no family history of cancer, and up to that point I had never been sick, she suggested I get a colonoscopy. I was 46 at the time and colonoscopies aren't usually done until you're at least 50. Thankfully, we agreed to the test and they found a tumor in my colon that was defined as stage 3b.

I immediately began six weeks of chemotherapy and six weeks of radiation. During this time I was admitted to the hospital on two occasions with complications. One of these times I was put on a fentanyl patch. After completing the six weeks of chemo/radiation I had resection surgery to remove the tumor in my colon. When I awoke from surgery, I was surprised to see that my intestines were sticking out of my gut. I was to have a colostomy bag. I had the bag for approximately three months then I had reversal surgery in August of 2013. The recovery from that is still ongoing. They call it a new normal, meaning you're no longer able to go to the bathroom the way you used to go. There were times that I would have to go 60 - 70 times a day. Basically I was a prisoner of my bathroom for many months. During this time I was deemed NED ("no evidence of disease"). I was scanned every three months and on the second scan, the doctors discovered some nodules in my lungs. After two biopsies it was discovered that my cancer had metastasized to my lungs. The reality was I probably had stage 4 all along. The cancer was always there. I fall into the 20% of cases where doctors cannot see the cancer in my blood. This was March 2014 and the average life expectancy I was given is three years.

In April 2014, after another lung surgery, I embarked on six months of intense chemotherapy. I was on three different chemo drugs. I had surgery to place a port in my upper chest so that they can administer the chemo and take blood easier. In December of 2014 I had my sixth surgery to remove the upper right lobe of my lung and to remove two other nodules. In January of 2015, I again went on the three chemo regimen. I have my seventh surgery scheduled this coming Monday to remove two more nodules from my left lung. Obviously, I'm aware that every time they go into my lungs they take more and more of my lungs out and at some point I'll need oxygen to breath. I'll probably be on chemo the rest of my life.

I've accepted my situation for what it is. I'm very thankful for the scans that have prolonged my life to this point. If not for them I wouldn't be here today. I am a success story from that standpoint. Unfortunately, many of my friends on the cancer forums and advocacy groups have not been as lucky. Many of them haven't had access to scans and for others it was too late.

I'm going to continue to fight for my life. I have an 11 year old daughter Elly. who is my co pilot in this journey and I will not let her down. I need to see her grow up. I need to see her graduate

and go on to college. I need to see her become a woman. These are not things that she or any child deserves to do alone.

The imaging devices that found this disease cost millions of dollars to develop. The additional taxation on these devices could prevent many health care providers from purchasing them. It also reduces the incentive for companies to invest in improving them so cancer is detected earlier. The trickle-down effect is that this stops the innovation of new technologies. I can only ask the question: What new technologies are there — that could save my life and the lives of millions of others — that are not being produced because of this tax?

That is why I am here today. I cannot see the rationale for imposing a tax that will reduce investment in the very life-saving technologies that I, and millions of others, rely upon, and hope to see in the future. With that, I respectfully ask the Senate to pass S.149 , the Medical Device Access and Innovation Protection Act, authored by Senators Hatch and Klobuchar. Thank You.