



Written by [Dave Bohon](#) on June 7, 2013

Judge Overrules HHS' Sebelius in Favor of Girl Needing Life-Saving Transplant

The future of healthcare under a federal bureaucracy was on display in Pennsylvania June 4 as a federal judge sidestepped the refusal of Kathleen Sebelius, head of the Department of Health and Human Services (HHS), to intervene on behalf of a ten-year-old girl in need of a life-saving transplant.

As reported by [TheBlaze.com](#), Sebelius had refused to intervene to ease the federal rules that blocked Sarah Murnaghan from being placed on a donor list for an adult lung. The girl suffers from cystic fibrosis and has only a few weeks to live without the surgery. But pediatric lungs are rare, and a federal rule prohibits her from being considered for an adult donor lung until she reaches the age of twelve.



In response to a lawsuit filed by the girl's parents, Janet and Fran Murnaghan, Judge Michael Baylson granted a ten-day temporary restraining order against HHS, allowing Sarah to be placed on a list for an adult lung.

Hours before the ruling, during a House hearing on behalf of the little girl, U.S. Representative Lou Barletta (R-Penn.) had pleaded for Sebelius to intervene. "Please, suspend the rules until we look at this policy," Barletta asked Sebelius, who had the authority to overrule the ban and place the girl on the list.

Instead the federal bureaucrat offered excuses as to why she could not help. "I would suggest, sir, that ... this is an incredibly agonizing situation where someone lives and someone dies," Sebelius told Barletta. "The medical evidence and the transplant doctors who are making the rule — and have had the rule in place since 2005 making a delineation between pediatric and adult lungs, because lungs are different than other organs — that it's based on the survivability [chances]."

Barletta pointed out that medical professionals have said Murnaghan could survive an adult lung transplant, and, even if the surgery is risky, without it she only has three to five weeks to live.

While the intervention by Judge Baylson does not mean that Sarah Murnaghan will ultimately receive a new lung, it does put her at a much higher level of perceived need and means her chance for a transplant — and survival — will increase dramatically. In a statement, Sarah's parents said that the judge's ruling "means that for the next ten days, Sarah's placement in the queue for adult lungs will be based on the severity of her illness, and she will not be penalized for her age. We are experiencing many emotions: relief, happiness, gratitude and — for the first time in months — hope."

As Sarah Murnaghan's situation became known, conservative commentators sounded off about the Obama Administration's reluctance to step up to the plate for the little girl. Writing in the [Washington Times](#), Eric Golub chided Obama for his — and Sebelius' — studied inaction in the case, noting that, as



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he has demonstrated in times past, “Obama could have issued an executive order. He could have granted a waiver, as he did with his union cronies unwilling to suffer under Obamacare. He is a liberal, and every liberal knows how to piously bend, if not break, laws as long as ‘it’s for the children.’”

Writing on her Facebook page, [Sarah Palin](#) challenged that the government “will bend the rules left and right to harass targeted taxpayers, conservative patriots, selected journalists, etc., but it will strictly exercise inconsistent and subjective rules to deny a child a shot at life.”

Palin also noted that Sarah Murnaghan’s case raises the specter of the “death panels” she and other lawmakers warned would come with Obamacare. “[T]hey called us liars when we spoke of ‘death panels’ — faceless bureaucrats coming between you and your doctor to make life and death decisions about a loved one’s survival,” she wrote. “It doesn’t sound so far fetched anymore, does it?”

And on [Breitbart.com](#), a columnist calling himself “Ace of Spades” predicted that with full-blown socialized healthcare in the process of implementation, it is only a matter of time before pleading, hat in hand, to the government for a favor will become the norm for an increasing number of Americans. “Our nation is no longer one of rights or ownership,” he warned, but is increasingly becoming one “in which we merely plead to the courtiers of government for favors....”



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