

## Utah cosmetic surgeon has faced multiple malpractice lawsuits from patients

Taylor Stevens | August 26, 2024



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LEHI, Utah — When Roiann Marrelli made the decision to go under the knife for a breast lift and augmentation in 2021, she hoped the surgery would improve her self-esteem.

The mother of three says her body was never the same after having kids. But pictures on social media — and conversations she had with others who’d had cosmetic surgeries — seemed to promise she could turn back the clock.

“Everything’s photoshopped,” she said in a recent interview from her home in Lehi. “But you know, you don’t realize that. You just want to see, ‘This girl has just got this beautiful body and she looks so great.’ ... Why not look into it, right?”

But if Marrelli went in with a “little bit of a self-esteem issue,” she says she came out feeling even worse about herself, after the surgery led to an infection that opened gaping wounds in her chest and turned her breasts black from necrosis.

“I just cried all the time, because it was the most excruciating pain I’ve ever felt in my life,” she said, noting that her wounds were open for about six months.

All surgeries pose risk. But in a lawsuit Marrelli filed last year, she alleged that the infection was caused by malpractice on the part of Christopher Kelly, the surgeon who performed her original procedure.

That lawsuit was settled out of court recently — after her interview with FOX 13 News — for an undisclosed amount and with no admission of malpractice or liability.

Marrelli alleged in her complaint that she was taken into the surgical room on the morning of her operation in her street clothes rather than in a sterile hospital gown, which she believed created higher risk for infection. A copy of her post-operative instructions, which were reviewed by FOX 13 News, also gave little information about how to care for her wounds.

About a year after her procedure, Marrelli had corrective surgery with a different physician, who found that the implants initially put in her body were not the size or type she had consented to. She alleged that those larger, heavier implants — the difference between the C cup bra size she wanted and the DDD cup she says she got — also contributed to the risk of her incisions opening up.

“I went in there to try and feel better about myself,” she said of her original procedure. “I mean, that’s what you do with plastic surgery. And I was just... I came out not feeling that way at all.”

Marrelli is one of five former patients who has filed suit over the last two years against Kelly — a Utah surgeon who she later discovered is not board-certified to perform plastic surgery and has faced actions against his license in Utah and two other states.

The allegations in the lawsuits bear some similarities:

- Like Marrelli, one of the women alleges that the breast implants she received were not the shape or type she had consented to — something she says she also discovered after a lingering infection led her to undergo reconstructive surgery with a different doctor. Her lawsuit is ongoing.
- Another plaintiff claims he received inadequate wound care instructions after Kelly performed a neck lift that resulted in an infection. Like Marrelli, he said he also believed Kelly was a board-certified plastic surgeon but later discovered that wasn’t the case. His lawsuit, which is ongoing, alleges that he has had and will need several more corrective surgeries and will likely suffer “from permanent disfigurement.”
- A third patient also raised concerns about Kelly’s sterilization practices, alleging that she was improperly draped during surgery and that the staff who attended the procedure weren’t wearing sterile clothes. Her lawsuit, which recently settled, also alleged that she received a breast lift she hadn’t consented to. Complications from that surgery required five reconstructive procedures with another physician and had “severely” reduced her chances of breastfeeding, she claimed.
- A fourth woman contends Kelly burned her “from the inside out” with a laser during a fat removal procedure on her abdomen, back and stomach. Her lawsuit, which is ongoing, alleges that she now has to take blood pressure medication “to compensate for the extra pressure on her circulatory system from the excess swelling” from the internal burns.

Marrelli was unaware of the other lawsuits against Kelly prior to her interview with FOX 13 News and said learning of their allegations made her “sick to my stomach.”

“I feel for every one of them that they have had to endure some of the same pain that I have,” she said through tears. “Because it’s not fun. It’s terrible.”

In court filings, Kelly denied claims of wrongdoing raised in the lawsuits.

Through his attorney, Kelly declined a request for an on-camera interview with FOX 13 News and also did not respond to a detailed list of questions about the allegations raised in the lawsuits and actions taken against his license.

“Dr. Christopher Kelly places the care and well-being of his patients at the forefront of everything he does in his medical practice,” Kirk Gibbs, Kelly’s lawyer, said in a statement. “Dr. Kelly’s medical license in Utah is in good standing and he intends to rigorously defend his reputation as the litigation matters proceed through the courts.”

### **‘THE PUBLIC’S CONFUSED’**

Plastic surgery has become more popular nationwide in recent years, and experts say Utah is one of the top states in the country for these procedures — with more plastic surgeons per capita here than in Los Angeles, by some counts.

That rising popularity has led some providers to enter the field without specialized training or board certification, according to **Steven Williams**, a board-certified plastic surgeon and the president of the American Society of Plastic Surgeons.

“Because there’s profit in plastic surgery — and sometimes more profit than in general surgery — people want to take shortcuts,” he said in a recent Zoom interview. “If a general surgeon wants to become a plastic surgeon, they should. They should go back and do a fellowship or do additional training and get certified, because that’s the safest thing for the patient. But most people won’t.”

While some people think their doctor has to be board-certified to do plastic surgery, Williams said that isn’t the case.

In Utah, cosmetic surgeries could be performed by providers trained as gynecologists, general surgeons or family practitioners — so long as they had some form of general surgery or plastic surgery rotation in their training, according to the state Division of Professional Licensing.

“Board certification is not required to perform any medical procedure, but competency is required,” the division’s director, Mark Steinagel, noted in an email. He also stressed that a bad surgical outcome “does not necessarily demonstrate incompetence.”

Still, most experts recommend patients choose a doctor who’s been certified by the American Board of Plastic Surgery — a stamp of approval that means they’ve received a minimum of three years’ training in the field. Certified physicians also agree to complete ongoing continuing education requirements and to follow the board’s code of ethics.

But Williams said it can sometimes be difficult for patients to determine whether someone is board-certified or not — and the vague language some providers use to refer to their credentials doesn’t help.

“In some ways, it’s not surprising that the public’s confused,” he said. “Because some of that confusion is generated by people looking to profit based on that confusion.”

Marrelli alleged in her lawsuit that Kelly communicated with her in a way that made her believe he was a board-certified plastic surgeon, which is one of the reasons she said she trusted him with her procedure.

“You just think that a board-certified surgeon is top-notch, in my head,” she said. “And so that gives you comfort.”

While reporting this story, FOX 13 News found a search result for Kelly’s online profile with Belle Medical — the clinic he works in now — that identified him as a “board-certified plastic surgeon.”

Kelly’s attorney said in a statement that “Belle Medical has determined the ‘Google ad’ Fox 13 has used to question Dr. Kelly’s credentials was erroneously produced by Google and is being corrected.” Kelly also denied allegations raised in Marrelli’s and another lawsuit that he misrepresented his credentials.

Kelly’s application for licensure in Utah shows he does have a background in plastic and cosmetic surgery, according to a copy of the document FOX 13 News obtained through an open records request.

He attended medical school at Wayne State University in Detroit, Michigan, then completed a year-long research fellowship in plastic surgery. After a three-year residency in general surgery at Virginia Mason Medical Center in Washington state, he did a two-year residency in plastic surgery, followed by a six-month cosmetic and reconstructive surgery research fellowship in private practice.

Kelly’s application for licensure states that he took the written test for board certification with the American Board of Plastic Surgery in 2010. A representative from the board said she could not release confidential exam results or confirm why someone did not ultimately become certified.

### **‘DOUBLE CHECK EVERYTHING’**

When patients are choosing their plastic surgeon, Williams said he recommends they consider not only board certification and the volume of medical malpractice complaints against a physician but also whether the provider has faced any state licensing actions.

“If someone has multiple disciplinary actions against their license in multiple states, that is a huge, huge red flag,” he said.

FOX 13 News found Kelly has had actions taken against his license in three states, including Utah. Those date back to 2007, when Kelly was completing a residency in general surgery at Virginia Mason Medical Center in Seattle.

Disciplinary documents show Kelly attempted to form a romantic relationship with a patient after he performed her abdominal surgery. He asked the patient to move with him and his wife to Michigan, telling her that she had a respiratory illness “that he indicated was likely to result in his wife’s death in three to five years.” If his wife died, Kelly said, he and the patient could begin a romantic relationship, the documents state.

The patient also alleged that Kelly touched her inappropriately during a rectal exam, which he said he did to address complaints of bleeding. The state noted in its complaint that there was “no rectal examination documented” in the patient’s chart.

The state of Washington ultimately found Kelly had committed unprofessional and sexual misconduct and required him to pay a \$5,000 fine and complete a workshop on medical ethics and boundaries.

After a separate incident in 2011, the state of Michigan fined Kelly \$2,500 related to a facelift procedure planned on a patient who had a history of cardiac problems. After Kelly administered an anesthetic, records say the patient complained of a “severe headache and chest pains.” Documents say Kelly offered to call an ambulance for her, but she refused.

A friend took the patient to the hospital instead, where she underwent heart surgery the next day. Afterward, investigators said in their complaint that Kelly should have insisted on calling an ambulance, “given her past medical history.” They also alleged that documentation in the case had been “incomplete and substandard,” with a canned statement in the patient’s file describing surgery she’d never had.

Most recently, the state of Utah issued a citation against Kelly in 2018, fining him \$500 for distributing bottles of a prescription treatment to grow eyelashes. The citation said he was fined under a state law that prevents someone from “practicing or engaging in” an occupation or profession that the person is “not licensed to do.”

As with Kelly’s lack of board certification, Marrelli said she also wasn’t aware of the actions taken against his license until after her surgery.

She now hopes others seeking to go under the knife “will do their research up and down and back and forth and double check everything before they go in to have anything like this done.”

With one reconstructive surgery complete and another still on the horizon, Marrelli said she’s finally starting to feel like herself again.

But sometimes, she can’t help but think about all that her surgery has cost her over the last three years — including thousands of dollars in surgeries, her job as a nail tech and a further blow to her self-esteem.

Still, Marrelli says the procedure has taught her one important lesson.

“It just makes you realize that you need to love yourself and not try to change yourself,” she said. “It’s definitely taught me a lesson to just be me.”

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