

**STATE OF FLORIDA  
AGENCY FOR HEALTH CARE ADMINISTRATION**

AGENCY FOR HEALTH CARE  
ADMINISTRATION,

Petitioner,

vs.

CASE NUMBER: 93-03755

MORRIS GUSS,

Respondent.

---

**ADMINISTRATIVE COMPLAINT**

COMES NOW, the Petitioner, Agency for Health Care Administration, hereinafter referred to as "Petitioner", represented in this matter by the Department of Business and Professional Regulation, and files this Administrative Complaint before the Board of Clinical Social Work, Marriage and Family Therapy, and Mental Health Counseling, against Morris Guss, hereinafter referred to as "Respondent", and alleges:

1. Petitioner is the state agency charged with regulating the practice of Clinical Social Work pursuant to Chapter 455, Florida Statutes, Chapter 491, Florida Statutes, and Section 20.42, Florida Statutes.

2. Respondent is, and has been at all times material hereto, a licensed Clinical Social Worker, license number 0000395, whose address of record is 6809 Navin Street, Tampa, Florida 33604.

**COUNT ONE**

3. In approximately June, 1989, L.S.H. was an employee at the Hillsborough County Crisis Center located in Tampa, Florida. The Respondent was employed as a consultant to the Crisis Center.

L.S.H. attended staff meetings which the Respondent also attended.

4. The Respondent asked L.S.H. and others at the Crisis Center if he could hypnotize them because "he needed the experience". L.S.H. agreed to undergo hypnosis to assist her to cease smoking.

5. During or around June, 1989, the Respondent began hypnotizing patient L.S.H. using regression therapy. Treatment ended during or around September, 1992.

6. Respondent failed to fully inform L.S.H. of the ramifications of regression hypnosis.

7. Regression therapy is not commonly used to treat someone with a nicotine addiction.

8. Based on the foregoing, the Respondent is in violation of Section 491.009 (2) (s), Florida Statutes, by failing to meet the minimum standards of performance in professional activities when measured against generally prevailing peer performance.

**COUNT TWO**

9. Petitioner realleges and incorporates as if fully stated herein, the allegations contained in paragraphs two through seven.

10. Approximately twelve sessions into treatment, the Respondent discovered that L.S.H. had Multiple Personality Disorder (MPD).

11. Respondent then began treating L.S.H. for MPD.

12. While treating L.S.H. for MPD, the Respondent would allow L.S.H.'s alters to sit on his lap, would give them back rubs, and tell them that he "loved them".

13. Approximately one year into treatment, the Respondent

would allow L.S.H.'s child alters to call him "daddy". Further, L.S.H.'s adult alters would tell Respondent that they loved him.

14. The Respondent failed to properly handle or recognize issues of L.S.H.'s transference and counter-transference.

15. The Respondent did not consult with any other mental health professional about treating L.S.H.'s MPD.

16. L.S.H.'s mental state worsened while under the Respondent's care.

17. Based on the foregoing, the Respondent is in violation of Section 491.009 (2) (s), Florida Statutes, by failing to meet the minimum standards of performance in professional activities when measured against generally prevailing peer performance, including the undertaking of activities for which the licensee or certificate holder is not qualified by training or experience.

### COUNT THREE

18. The Petitioner realleges and incorporates as if fully stated herein, the allegations contained in paragraphs two through seven and ten through sixteen.

19. The Respondent failed to properly refer L.S.H. to another treatment professional when he terminated treatment of her. The Respondent unilaterally told L.S.H. that she needed to see another counselor. The Respondent did not recommend names of treatment professionals to L.S.H., nor did he assist L.S.H. in locating another treatment professional. Further, the Respondent did not discuss termination of treatment with L.S.H., and failed to effect appropriate closure with her.

20. Based on the foregoing, the Respondent is in violation of

Section 491.009 (2) (s), Florida Statutes, by failing to meet the minimum standards of performance in professional activities when measured against generally prevailing peer performance.

COUNT FOUR

21. Petitioner realleges and incorporates as if fully stated herein, the allegations contained in paragraphs two and three.

22. The Respondent did not maintain adequate patient records regarding his treatment of L.S.H..

23. The Respondent has no records indicating when he first started regressive hypnosis with L.S.H., or any records of his sessions with L.S.H..

24. L.S.H. wrote her own summaries of her sessions with the Respondent. Respondent would subsequently review the summaries and keep them as his patient records.

25. Section 491.0148, Florida Statutes, states the following:

**Each psychotherapist who provides services as defined in this chapter shall maintain records. The board may adopt rules defining the minimum requirements for records and reports, including content, length of time records shall be maintained, and transfer of either the records or a report of such records to a subsequent treating practitioner or other individual with written consent of the client or clients.**

26. Section 59P-9.002, Florida Administrative Code, states the following:

**(2) Record. Psychotherapy records are chronicles of psychotherapy and other relevant and known services rendered to a service user by the psychotherapist and other health professionals. At a minimum, psychotherapy records shall include clear statements summarizing the service user's presenting symptoms, what transpired in any therapy provided, what the service user indicated concerning sensitive matter such as threats against other persons, what progress, if any, was made by the service user, and results obtained. At a minimum, each service user's psychotherapy records shall also contain basic information about the service user such as name, address, and telephone number; a history including**

medical history, if relevant; dates of services; types of services; significant actions taken by either the psychotherapist or the service user; progress notes; previous and present data from tests of a psychological nature; and outcome at termination of psychotherapy service. In addition, psychotherapy records shall include notes or documentation concerning the service user's informed consent to all aspects of treatment, including diagnostic tests and therapy; copies of all correspondence in the psychotherapist's possession from, with, or about the service user; and notes concerning the psychotherapist's conversations with significant persons in the service user's life, such as parents, spouses, or employees. Finally, psychotherapy records shall also contain information relating to financial transactions between the psychotherapist and the service user, including fees assessed and collected.

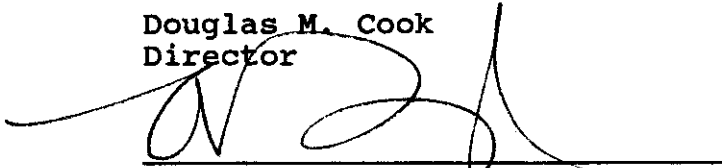
27. Based on the foregoing, the Respondent is in violation of Section 491.009 (2) (g), Florida Statutes, by violating provisions of this chapter, or of chapter 455, or any rules adopted pursuant thereto.

WHEREFORE, Petitioner respectfully requests the Board of Clinical Social Work, Marriage and Family Therapy, and Mental Health Counseling enter an order imposing one or more of the following penalties: revocation or suspension of the Respondent's license, restriction of the Respondent's practice, imposition of an

administrative fine, issuance of a reprimand, placement of the Respondent on probation, and/or any other relief that the Board deems appropriate.

SIGNED this 1st day of May, 1996.

Douglas M. Cook  
Director



Nancy M. Snurkowski  
Chief Attorney  
Office of the General Counsel  
MQA Allied Health

COUNSEL FOR PETITIONER:

Lisa M. Bassett  
Senior Attorney  
Agency for Health Care Administration  
1940 North Monroe Street, Suite 60  
Tallahassee, FL 32399-0792  
(904) 488-0062

LMB

PCP: 4-18-96

E. King

D. Connor

**FILED**

AGENCY FOR  
HEALTH CARE ADMINISTRATION  
DEPUTY CLERK

CLERK

DATE

*Stephanie G. Dixon*  
5-2-96

STATE OF FLORIDA  
AGENCY FOR HEALTH CARE ADMINISTRATION  
BOARD OF CLINICAL SOCIAL WORK, MARRIAGE AND FAMILY THERAPY  
AND MENTAL HEALTH COUNSELING

IN RE: MORRIS GUSS CASE NUMBER: 93-03755

LICENSE NO: SW 0000395

VOLUNTARY RELINQUISHMENT OF LICENSE

COMES NOW, the above named licensee and voluntarily relinquishes his/her license as a Clinical Social Worker, license number SW 0000395. Said relinquishment shall be for all time. Further, the licensee agrees never again to apply for licensure in any of the professions licensed under Chapter 491, Florida Statutes. This relinquishment is executed by the above-named licensee in response to the licensee's notification that charges have been or may be, filed alleging that the licensee has violated a provision(s) of Section 491.009, Florida Statutes that the said charges will be, or are being, investigated by the Agency, and that said charges may result, or have resulted, in the filing of an Administrative Complaint upon a finding of probable cause by the Probable Cause Panel of the Board of Clinical Social Work, Marriage & Family Therapy and Mental Health Counseling (herein after referred to as the Board).

The licensee understands that this document will be considered a petition to voluntarily relinquish his/her Clinical Social Work license which will not become effective until presented to, and accepted by, the Board at a regularly scheduled meeting. The licensee hereby waives notice and opportunity to be heard in regards to acceptance of this relinquishment.

96 JUN -5 AM 11:10

STATE OF FLORIDA  
AGENCY FOR HEALTH CARE ADMINISTRATION  
BOARD OF CLINICAL SOCIAL WORK, MARRIAGE AND FAMILY THERAPY  
AND MENTAL HEALTH COUNSELING

The licensee understands that upon acceptance of this relinquishment, the licensee must cease the practice of Clinical Social Work for the above stated period of time. No reinstatement of the license may be granted by a future board.

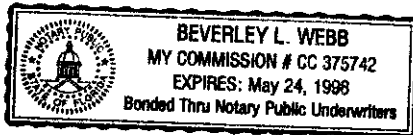
DATED this 3 day of JUNE, 1996.

MORRIS Guss  
Licensee (Please Print)

Sworn to and subscribed  
to me this 3<sup>rd</sup> day of  
June, 1996.

[Signature]  
Licensee (Signature)

NOTARY Beverly L. Webb



/sp



STATE OF FLORIDA  
BOARD OF CLINICAL SOCIAL WORK, MARRIAGE AND  
FAMILY THERAPY AND MENTAL HEALTH COUNSELING

PL04

**FILED**

AGENCY FOR  
HEALTHCARE ADMINISTRATION  
- DEPUTY CLERK

AGENCY FOR HEALTH CARE  
ADMINISTRATION,

CLERK *Stephanie...*  
DATE 9-4-96

Petitioner,

vs.

Case No. 93-03755

Morris Guss,

Respondent.

RECEIVED - LEGAL  
96 SEP - 9 AM 11:47

ORDER

Respondent, Morris Guss, holds Florida license number SW 0000395, as a licensed clinical social worker, submitted a voluntary relinquishment of license which was considered by the Board at a duly convened meeting on August 24, 1996, in Tampa, Florida. Based on consideration of this document, it is ORDERED AND ADJUDGED that:

The Board accepts the voluntary relinquishment of license of Morris Guss on the terms and conditions set forth in the document.

DONE AND ORDERED this 3<sup>rd</sup> day of September, 1996.

*Mary Jo Monahan, LCSW*

MARY JO MONAHAN  
Chairperson  
BOARD OF CLINICAL SOCIAL WORK,  
MARRIAGE AND FAMILY THERAPY  
AND MENTAL HEALTH COUNSELING